

COUNTRY ASSESSMENT: ROMANIA

April 2000

Country Information and Policy Unit

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I. INTRODUCTION

A. Scope of the Document:

1.1 This assessment has been produced by the Country Information & Policy Unit, Immigration & Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a 6-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 The assessment will be placed at <http://www.homeoffice.gov.uk/ind/cipu1.htm> on the Internet. An electronic copy of the assessment has been made available to the following organisations:

Amnesty International UK
Immigration Advisory Service
Immigration Appellate Authority
Immigration Law Practitioners' Association
Joint Council for the Welfare of Immigrants
JUSTICE
Medical Foundation for the Care of Victims of Torture
Refugee Council
Refugee Legal Centre
UN High Commissioner for Refugees

II. GEOGRAPHY

A. Location of Romania:

2.1 Romania (formerly the Socialist Republic of Romania) lies in south-eastern Europe, bounded to the north and east by Ukraine, to the north-east by Moldova, to the north-west by Hungary, to the south-west by Yugoslavia (Serbia) and to the south by Bulgaria. The south-east coast is washed by the Black Sea. Romania's population was estimated at 22.5 million in 1997. The capital city is Bucharest, which is situated in the south of the country close to the border with Bulgaria. The city of Bucharest has a population of over two million, and is much larger than Romania's other cities. Constanța on the east coast is the next largest city with an estimated population of 345,000. Romania's official

language is Romanian, although minority groups speak Hungarian (Magyar), German and other languages. [2]

III. HISTORY

A. Recent Political History:

3.1 Formerly part of Turkey's Ottoman Empire, Romania became an independent kingdom in 1881. During the dictatorship of the fascist 'Iron Guard' movement, Romania entered the Second World War as an ally of Nazi Germany. Soviet forces entered Romania in 1944, however, when the pro-German regime was overthrown. Under Soviet pressure, King Michael accepted the appointment of a communist-led coalition Government in March 1945. At elections in November 1946 a communist-dominated bloc claimed 89% of the votes cast, but the results were widely believed to have been fraudulent. In 1947 the small Romanian Communist party (RCP), led by Gheorghe Gheorghiu-Dej, merged with the Social Democratic Party to become the Romanian Workers' Party (RWP). King Michael was forced to abdicate on 30 December 1947, when the Romanian People's Republic was proclaimed. [2]

3.2 In 1948 the Republic's first Constitution was adopted, and in the same year the nationalisation of the main industrial and financial institutions was begun. In 1949 private landholdings were expropriated and amalgamated into state and collective farms. The implementation of Soviet-style economic policies was accompanied by numerous arrests of non-communists and the establishment of full political control by the RWP. [2]

3.3 Gheorghiu-Dej died in 1965; he was succeeded as First Secretary of the RWP by Nicolae Ceauşescu, a Secretary of the RWP Central Committee since 1954. In June 1965 the RWP again became the RCP, while Ceauşescu's post of First Secretary was restyled General Secretary. A new Constitution, adopted in August of that year, changed the country's name to the Socialist Republic of Romania. [2]

3.4 Ceauşescu continued his predecessor's relatively independent foreign policy, criticising the invasion of Czechoslovakia by troops of the Warsaw Pact (the former defence grouping of the Soviet bloc) in 1968, and establishing links with Western states and institutions. However, the use of foreign loans for investment in industry and infrastructure led to serious indebtedness, and by the early 1980s the country was experiencing severe economic problems. In order to strengthen his own position as the economic situation deteriorated. Ceauşescu (who had become President of the Republic in 1974) implemented frequent personnel changes in the RCP leadership and the Government. In March 1980 the President's wife, Elena Ceauşescu, became a First Deputy Chairman of the Council of Ministers, and numerous other family members held government and party posts. [2]

3.5 Shortages of fuel and power led to strict energy rationing in early 1987. The situation was exacerbated by adverse weather conditions, and public discontent became evident. Anti-Government leaflets were reported to be in circulation, and a number of strikes, to protest against food shortages and delays in the payment of wages, were organised in provincial factories. In March certain vital factories and mines were reportedly placed under military supervision to forestall the threat of further labour unrest. In November

thousands of people marched through the city of Braşov and stormed the local RCP headquarters, protesting against the decline in living standards and in working conditions. Hundreds of arrests were made when the demonstration was broken up by the authorities. There were reports of similar protests in Timişoara and other cities in December. [2]

3.6 President Ceauşescu announced improvements in food supplies and increases in wages but continued to oppose any reform of the system. To mark his 70th birthday in January 1988, Ceauşescu granted an amnesty for certain prisoners. In March he announced details of a rural urbanisation programme, to entail the demolition of some 8,000 villages, located mainly in Transylvania, and the resettlement of their residents (mostly ethnic Hungarians) in multi-storey housing complexes, which were to form part of new 'agro-industrial centres' The plan attracted much domestic and international criticism, but Ceauşescu rejected accusations that the policy involved the systematic destruction of a traditional way of life, maintaining that the programme would raise living standards and ensure social equality. [2]

3.7 In December 1989 there was unrest in Timişoara as supporters of a Protestant clergyman (an ethnic Hungarian who had repeatedly criticised the Government's policies) marched through the town to demonstrate their opposition to his eviction from his church. A further protest, at which considerable criticism of the regime was expressed, was attended by thousands of local residents. Security forces opened fire on the crowd, reportedly killing several hundred people. There were reports of protests in other towns, and the country's borders were closed. [2]

3.8 On 21 December 1989 President Ceauşescu attended a mass rally in Bucharest, intended to demonstrate popular support for the President. Anti-Government demonstrations followed later in the day, leading to clashes between protesters and members of the Securitate (the secret police force), during which many civilians were killed. The disturbances quickly spread to other parts of the country, and on the following day Ceauşescu declared a state of emergency. However, soldiers of the regular army declared their support for the protesters. Nicolae and Elena Ceauşescu escaped by helicopter but were captured near Târgoviste, and on 25 December, after a summary trial, were executed by firing squad. Fighting continued in Bucharest and elsewhere for several days, mainly between Securitate forces and regular soldiers. [2]

3.9 Meanwhile, a revolutionary, 145-member National Salvation Front (NSF) was formed, and a provisional Government, comprising liberal communists, intellectuals and members of the armed forces, was established. Ion Iliescu, a former Secretary of the RCP Central Committee, became interim president, while Petre Roman, an academic, was appointed Prime Minister. The new Government immediately decreed an end to the RCP's constitutional monopoly of power and cancelled the rural urbanisation programme. The RCP was banned. It was announced that free elections would be held in 1990, and the designation of Socialist Republic was abandoned. By early January 1990 the army had restored order, and the Securitate was abolished. According to official figures, 689 people were killed during the revolution. [2]

3.10 Special military tribunals were established to try Ceauşescu's former associates. In February 1990 four senior RCP officials were found guilty of responsibility for the shootings in Timişoara and Bucharest and were sentenced to life imprisonment. In July

1999, two Romanian army generals were sentenced to 15 years in prison for their role in trying to suppress the 1989 revolution. [14(f)]

3.11 At the presidential and legislative elections, held on 20 May 1990, the NSF achieved an overwhelming victory. Allegations of irregularities were, however, confirmed by international observers. According to official figures, Iliescu won 85.7% of the valid votes cast in the presidential poll. In the elections to the bicameral legislature, the NSF won 65% of the votes cast, securing 263 of the 387 seats in the Chamber of Deputies and 91 of the 119 seats in the Senate. [2]

3.12 Unrest continued after the elections, and in mid-June 1990, after seven weeks of occupation, the anti-communist protest in University Square was forcibly broken up by police. The brutal treatment of the demonstrators provoked renewed clashes, in which the armed forces opened fire on rioters. Following an appeal for support by Iliescu, some 7,000 miners and other workers from the Jiu Valley were transported to the capital, where they swiftly seized control of the streets, attacking suspected opponents of the Government. The disturbances resulted in several deaths and hundreds of injuries, and more than 1,000 people were detained. Following President Iliescu's inauguration, in late June, Roman was re-appointed Prime Minister, and a new Council of Ministers was formed, in which nearly all the members of the interim administration were replaced. [2]

3.13 The mass rally in Timișoara's Opera Square on 11 March 1990, was one of the most important demonstrations since the revolution. The "**Timișoara Proclamation**", an important statement through which the whole nation was informed of both the sacrifices of the revolution and the hopes of those who carried it out in Timișoara, was read to more than 15,000 participants. The Proclamation demonstrated a political maturity, and commitment to democratic values. In the run-up to the elections it became a rallying-point for Romanians dissatisfied with the conduct of the National Salvation Front, and attracted millions of signatures. [30]

3.14 In September 1991 miners in the Jiu Valley, by now opposed to President Iliescu, began a strike in support of demands for pay increases, a 'freeze' on prices and the resignation of the Government. Thousands of miners travelled to Bucharest, where violent clashes with security forces ensued. The miners attacked government offices and ransacked the parliament building. Four people were killed and hundreds injured during the violence, as a result of which Roman and the Council of Ministers were obliged to resign. The outgoing Prime Minister was replaced by Theodor Stolojan, a former Minister of Finance. In October Stolojan formed a coalition Government, comprising members of the NSF, the NLP, the Agrarian Democratic Party of Romania (ADPR) and the Romanian Ecological Movement. [2]

3.15 A new Constitution, enshrining a multi-party system, a free market economy and guarantees of the respect of human rights, was approved by the legislature in November 1991 and was endorsed by some 77.3% of voters in a referendum in December. [2]

3.16 Presidential and parliamentary elections in November 1996 resulted in a victory for the Democratic Convention under Emil Constantinescu, who replaced Ion Iliescu as President. The new Prime Minister, Victor Ciorbea, was from the Christian Democratic Party (the successor to the NSF). He assembled a coalition government comprising the

Democratic Convention (PNT-CD), Social Democratic Union (USD) and the Union of Democratic Hungarians in Romania (UDMR). **[5(p)]**

3.17 In early January 1997 a National Council for Action against Corruption and Organised Crime, headed by Constantinescu, was established; a number of leading bankers were subsequently arrested, principally on charges of fraud, and several senior members of the security forces were dismissed. The arrest of Miron Cozma, the leader of the miners' demonstrations in Bucharest in June 1990 and September 1991, prompted angry protests from miners and their trade union leaders; Cozma was subsequently charged with undermining state authority. **[2]**

3.18 In early July 1998, Cozma received a hero's welcome in his Jiu Valley coalfield, after being released from a Bucharest jail where he had spent 18 months after his conviction for his part in the 1991 riots which toppled Romania's first post-communist government. **[6(l)]**

3.19 Despite protests from opposition parties, the Government restored citizenship to former King Michael (who had been forced to abdicate in 1947); he visited Romania in late February 1997, before embarking on a tour of NATO member countries to appeal for Romania's early inclusion into the organisation. **[2]**

3.20 On 29 December 1997, Michael spoke to the media about his activities over the last year which aimed at advancing Romania into the European economic and security structures. He announced that his family wanted to live in their country and contribute to its welfare. **[24(f)]** On 30 December 1997, the then Prime Minister Victor Ciorbea stated that the former king's nationality, citizenship and his right to take up residence in Romania, provided that he observed the Constitution, could not be denied. **[19(c)]** President Constantinescu declared that he would not, however, accept any attempt to put the former king back on the throne. **[19(d)]**

3.21 On 30 March 1998, Victor Ciorbea resigned as Prime Minister after a statement by Ion Diaconescu, the leader of Ciorbea's party, the Christian Democratic National Peasants' Party of Romania (CDNPP), that the party would accept his resignation if offered. Garvil Dejeu, the Minister of the Interior, was immediately appointed as caretaker Prime Minister by Emil Constantinescu pending the announcement of a replacement. Ciorbea's resignation followed several months of disagreement within the ruling coalition. This had begun with the Social Democratic Union (USD) criticising the pace of reform undertaken by the Ciorbea Government and had led to the withdrawal of USD minister from the Cabinet in January 1998. Ciorbea's position had been further weakened in February, when the National Liberation party (NLP) also withdrew. A new political party, the National Romanian Party (PNR) was formed in March 1998 from a merger of the Agrarian Democratic Party and the New Romania Party. **[15(b)]**

3.22 The Chamber of Deputies confirmed economist Radu Vasile as the new Prime Minister on 15 April 1998 and subsequently approved both the new Cabinet proposed by Vasile and the new Government's programme. **[15(c)]**

3.23 On 4 September 1998, President Emil Constantinescu urged politicians in the coalition government to find common ground to advance market reforms and prevent a

new outbreak of rifts, like those which paralysed the government earlier in 1998. Prime Minister Radu Vasile, whose Christian Democrats lead the coalition, appeared to give ground before the talks got under way by reversing a pledge not to raise taxes. [6(o)] In late September the Union of Democratic Magyars (UDMR) threatened to withdraw from the coalition government in protest against the Government's refusal to establish a Hungarian-language university. [27(b)]

3.24 In January 1999 thousands of striking miners, led by Miron Cozma, marched from the Jiu valley in protest against closing mines and falling standards of living. There were violent clashes with police and the army was deployed. A deal was agreed on 22 January following a personal meeting between the President and Cozma. [14(c)] [14(d)]

3.25 Two thousand miners marched on Bucharest after Cozma was sentenced in absentia on 15 February 1999 for leading a violent miners' protest in 1991. Cozma was arrested by the authorities on 17 February, prompting violent clashes with riot police in Stoneşti, 90 miles from the capital. Three hundred and fifty miners were arrested. [14(d)]

3.26 On 4 March 1999, Cozma, already serving an 18 year jail term for instigating the 1991 riots, was given a concurrent 22-month jail sentence on charges linked to a bar room brawl and the beating of a journalist. [6(q)]

3.27 In December 1999 President Constantinescu dismissed Radu Vasile, and nominated Mugur Isarescu, the governor of the National Bank of Romania (the central bank) as the new Prime Minister. The legislature approved the appointment of Isarescu and his Cabinet. The majority of the previous Cabinet retained their positions in the new government. Isarescu stated that his priority would be economic reform, and he targeted economic growth of 1.3% in 2000, inflation of 25-30%, and a fiscal deficit of 3%. [15(e)]

B. Economic History:

3.28 Following the overthrow of President Ceauşescu in 1989, a complete restructuring of Romania's economy was planned with emphasis on the role of market forces and private ownership. In late 1991 a unified exchange rate was introduced. Internal convertibility being established; foreign businesses were, however, initially reluctant to invest in the country. [2]

3.29 In early 1993, the then government announced a four-year economic reform programme, supported by the International Monetary Fund (IMF), which included the progressive elimination of price subsidies for staple goods and services, the removal of controls on interest and exchange rates, trade liberalisation, accelerated privatisation and a reduced inflation. [2]

3.30 By late 1995 Romania's economic situation appeared to have improved, although austerity measures had led to widespread unrest. In 1996, economic performance deteriorated, with a considerable increase in the rate of inflation and the current account deficit and rising expenditure on imports as a result of devaluation of the leu. [2]

3.31 During the first half of 1997 the Ciorbea Government, supported by the IMF and the World Bank, achieved some success in implementing a programme of radical economic

reform, with a reduction in the current-account deficit and the liberalisation of most state-controlled prices. [2]

3.32 From mid 1997, however, increasing prices and plans for closure of unprofitable state owned enterprises provoked social and labour unrest. Disputes within the ruling coalition contributed to a slowing in the pace of reform, and by the end of the year inflation had increased dramatically and GDP had declined by some 6.6%. Escalating political instability in early 1998 stalled economic reform and delayed the adoption of the 1998 budget. In April the new Government of Radu Vasile promised to adopt measures to encourage foreign investment, and to accelerate economic restructuring and privatisation. [2]

3.33 On 10 July 1998, President Constantinescu promulgated a law on the re-organisation of the country's Reform Council. The law provides for the transformation of the council into a central public administration body subordinated to the government and aims to correlate and monitor the government's reform policies and economic and social development policies. [24(j)]

3.34 Sorin Dimitriu resigned as Privatisation Minister and Head of the State Ownership Fund in October 1998. He had often been the subject of criticism from Prime Minister Vasile who complained that the privatisation process had been moving too slowly. [15(d)]

3.35 After talks with IMF and World Bank officials in early October 1998, Prime Minister Vasile urged the government to carry out delayed reforms to avoid the danger of becoming a "bad debtor". The IMF had reportedly warned the Government that its fiscal and monetary policies were unsustainable and that it needed to bring the state budget under control whilst accelerating the pace of privatisation and the collection of taxes. [15(d)] On 12 August 1999 Romania received the first instalment of an IMF loan. The remainder is subject to Romania complying with the terms of the loan which, among others, do not permit the government to make any rate and tax cuts, without first consulting the IMF and only after the application beforehand of measures to compensate the budget losses. [24(l)]

3.36 On 19 October 1998 World Bank officials promised financial assistance to Romania after meeting with Petre Roman, the president of the Senate (the upper chamber of the bicameral legislature). The officials said that the assistance would support programmes aimed at reconstructing the financial and agricultural sectors in an effort to speed up reforms. [15(d)]

3.37 It was reported in October 1998 that the economy was in freefall. President Constantinescu announced on television that Romania was facing an extremely serious economic crisis. Inflation was expected to be 60%, down from 1997's 155%, but still the highest by far in Eastern Europe. In June 1999 unemployment was recorded as 11.3%. [6(s)]

3.38 In November 1998 the European Commission reported that Romania could not be considered as a functioning market economy, and that it was not able to cope with

competitive pressure and market forces within the European Union in the medium term. [37(b)]

3.39 The war in Kosovo in the spring of 1999 has had a negative effect on Romania's economy, causing the port of Constanța to lose 50,000 dollars per day in revenues due to the closure of the Danube, a consequence of destroyed bridges. It was estimated that Romania would be likely to suffer a 0.4% decline in GDP during 1999 from Kosovo. In particular lost foreign exchange inflows from lost exports and lost or delayed foreign investment will place additional pressure on a government desperately needing to borrow to finance debt repayment and a large balance of payments deficit. The Kosovo crisis may also set back the process of structural reform in Romania. The additions to productivity and GDP which foreign direct investment bring may be reduced. Similarly, foreign investors may prove reluctant to compete for enterprises being privatised, thus negatively affecting their potential sales price, which in turn may dampen government enthusiasm for privatisation. [6(t)][5(v)]

IV. INSTRUMENTS OF THE STATE:

A. Political Affairs:

4.1 Following President Ceaușescu's downfall in December 1989, numerous political parties were formed or re-established in preparation for the holding of free elections. By the time of the November 1996 general election there were some 90 registered political parties: the financing of political parties from abroad is not permitted. [2]

4.2 Under the 1991 Constitution (drafted to replace that of 1965) legislative power is vested in a bicameral Parliament, comprising the 343-seat Chamber of Deputies (lower house) and the 143-seat Senate (upper house). Parliament is elected by universal adult suffrage on the basis of proportional representation for a term of four years. [2]

4.3 Executive power is vested in the President of the Republic, who may serve a maximum of two four-year terms and who is directly elected by universal adult suffrage. The President appoints the Prime Minister, who in turn appoints the Government approved by Parliament. For administrative purposes, Romania comprises 41 administrative divisions (counties) and the municipality of Bucharest. [2]

4.4. A list of the current Government is at Annex D.

B. The 1996 Elections:

4.5 Presidential and Parliamentary elections were held on 3 and 17 November 1996. International observers from the Council of Europe and the Organisation for Security and Co-operation in Europe (OSCE) considered these elections to have been conducted freely and reasonably fairly [4(a)] "but with transparency still needing improvement." [22(b)] The CDR secured 53 Senate seats (30.7%) and 123 seats in the Chamber of Deputies (30.17%). [4(a)]

4.6 The CDR candidate, Emil Constantinescu, was elected President after gaining 28.21% of the vote in the first round of the Presidential elections on 3 November 1996, (Ion Iliescu secured 32.23%), and 54.4% of the vote in the second round of voting on 17 November. The leaders of both the Democratic Party and the Democratic Union of Hungarians in Romania threw their support behind Constantinescu in a bid to remove Iliescu. On 29 November 1996 Emil Constantinescu was sworn in as President before a joint session of the two chambers of Parliament. **[4(a)]**

4.7 The CDR is an alliance of several political parties and non-governmental organisations and was the largest opposition bloc in parliament until the November 1996 elections, when it won more seats than any other party. The main parties of the CDR include the Christian Democratic National Peasants Party (PNT-CD), the Civic Alliance Party (PAC), the National Liberal Party (PNL) and the Romanian Ecologist Party (MER). **[4(a)]**

4.8 The governing coalition which came into being following the election was an uneasy alliance of, among others, the CDR, the Democratic Party (formerly the National Salvation Front) (PD (NSF)) and the Democratic Union of Hungarians in Romania (UDMR). Internal disagreements led to the withdrawal of Democratic Party ministers from the government in January 1998 which in turn led to the resignation of the Prime Minister Ciorbea at the end of March 1998. A new coalition government under Radu Vasile, Secretary General of the Christian Democratic National Peasants Party (PNT-CD), brought Democratic Party ministers back into the fold. The government announced its intention to drive through necessary, though politically difficult, economic reforms. **[5(l)]** In April 1999, the main party in the centrist coalition government, the Christian Democrat Party, split with former Prime Minister, Victor Ciorbea, announcing that he was forming a rival Christian Democrat Alliance after becoming disillusioned with government policy and the lack of progress on reforms. **[6(u)]**

4.9 President Constantinescu dismissed Radu Vasile on 13 December 1999, and nominated Mugur Isarescu, the governor of the National Bank of Romania (the central bank) as the new Prime Minister. He claims allegiance to no political party. On 21 December the legislature approved the appointment of Isarescu and his Cabinet. **[15(f)]**

C. The Right of Citizens to change their Government:

4.10 The Constitution provides citizens with the right to change their government through periodic and free elections held on the basis of universal suffrage. **[4(c)]**

4.11 There are no legal restrictions on the participation of women in government or politics, but societal attitudes constitute a significant impediment. Women hold only 5.9% of the seats in Parliament and one ministerial position. **[4(c)]**

D. The Romanian Constitution:

4.12 Following its assumption of power in December 1989, the National Salvation Front decreed radical changes to the Romanian Constitution of 1965. The name of the country was changed from the "Socialist Republic of Romania" to "Romania". The leading role

of a single political party was abolished and a democratic and pluralist system of government was established. A new Constitution was drafted which was approved in a national referendum on 8 December 1991. [2]

4.13 Under the 1991 Constitution, political power in Romania belongs to the people and is exercised according to the principles of democracy, freedom and human dignity, of inviolability and inalienability of basic human rights. [2]

E. Security Services:

4.14 Several different security forces are responsible for preserving law and order and protecting against external threats. The laws that established these organisations are somewhat vague, and their security responsibilities overlap. All security and intelligence organisations operate under the authority of civilian leadership. The Ministry of Internal Affairs supervises the national police, which have primary responsibility for security, and the border guards. [4(c)]

4.15 Romania's former intelligence and security apparatus consists of the Securitate and its external arm, the Directorate of External Intelligence (DIE). After December 1989 the intelligence apparatus was deliberately split up to end the all-pervading power of the Securitate. [5(g)] Set up under Decree No.181 of 26 March 1990, the Securitate's successors received a statutory function in Law No. 14 of 1992. [23] Nine services emerged, the two main ones being the SRI (internal service) and the SIE (foreign intelligence). Other services include military intelligence, military counter-intelligence, and the Intelligence Unit of the Ministry of the Interior (UMO215). [5(g)]

4.16 From its inception in March 1990, the SRI has been tainted by links to its predecessor, the Securitate. One of the reasons for this has been that the SRI employed several thousand members of the Securitate, although the precise figure remains unclear. In September 1993, the agency's then director, Virgil Margureanu, put the number at about 6,000. The law on SRI, which came into effect in February 1992, prohibits the hiring of most members of the former Securitate, although it remains unclear whether those currently working for the SRI have been employed in contravention of this law. [7]

4.17 A number of ex-Securitate officers were dismissed in the re-organisation (some reports claim as many as 80%) but a corps of professional intelligence officers (mainly from the DIE) was retained. [5(g)] It is estimated that up to a quarter of the 5,000 staff then employed were removed. [20(a)] The SRI and SIE claim that they have recruited and trained a significant number of new entrants. [5(g)]

4.18 In 1994, reports indicated that the government took some measures to investigate reports of continuing abuses of privacy by the SRI. In September 1994 the prosecutor's office brought to trial the former head of the SRI in Maramureş county, who was accused of illegally tapping wires for the PUNR in the 1992 local elections. He was dismissed from the SRI immediately following the alleged incident. [5(g)] In 1999 there were no reported instances of interference with individual citizens' right to privacy. [4(d)]

4.19 On 7 February 1996, the Senate debated and approved a draft reading of the Law Regarding the Protection of State and Professional Secrets. Several articles of the draft

bill gave powers to the SRI which the Romania Helsinki Committee felt were outside its stated mandate. [22(b)] The present government are committed to seeking greater democratic control over the intelligence services and to cut down duplication of activities, in-fighting between services, and the use of the services as a tool in domestic politics. Since the November 1996 elections, there have been new appointments to head the SRI, the UMO215 and the Presidential Guard and Protection Service (SPP). Virgil Magureanu, former Director of the SRI, was replaced by the little-known Costin Georgescu at the end of May 1996. [5(g)] Georgescu was Constantinescu's chief fundraiser in the presidential election that brought him to power in November 1996, and the main political strategist in the 1992 campaign in which Constantinescu finished a distant second. [6(a)]

4.20 The Directors of the SRI and SIE have ministerial rank and report to the President. According to legislation passed in March 1992, the SRI's structure and operational regulations are approved by the Supreme Defence Council. [5(g)] Elected civilian authorities exercise full control over the security forces, many of whose senior officials were replaced by the government in 1997. [4(b)] Funding for its activities are stipulated in the state budget and it is accountable to a parliamentary commission first set up in 1993. A draft law on the SIE, which would bring the service under parliamentary supervision, was started by the previous government and has been continued by the new government. In February 1996, it was announced that a new body, including members of the parliamentary Defence, Public Order and National Security Committees, would be set up to oversee SIE activities. The SIE does not, however, present annual activity reports to parliament as the SRI does, but rather forward its reports to the Supreme Defence Council. [5(g)]

4.21 The SRI is tasked to gather intelligence within Romania's borders on threats to Romania's national security. It gathers intelligence on terrorists, those involved in organised crime and hostile intelligence services. It is responsible for protecting the country's economic well-being and has a leading role in the President's campaign against corruption. There is limited SRI/SIE co-operation, in areas such as anti-terrorism and organised crime. Both services co-operate with the police division fighting organised crime (BCCO), providing intelligence on drugs trafficking and illegal immigration. [5(g)]

4.22 Since December 1996, with the consent of advisers, the President asked the ex-directors of the SRI and the SIE to file reports about the involvement of his advisers in activities of the Securitate. According to those reports the advisers had no link with the political police. [25(a)] On 25 June 1998, President Vasile stated that all members of the cabinet had submitted declarations that they were not informers or collaborators of the Securitate except for Crin Antonescu, Minister for Youth and Sports, and Constantin Dudu Ionescu, State Secretary in the Ministry of National Defence. [19(b)] On 1 July 1998, President Constantinescu told Mediafax that none of the employees of the Presidency had collaborated with the Securitate. [25(a)]

4.23 On 25 June 1998, the Senate passed a Bill on public access to former Securitate secret police files. The files may be read immediately after the law comes into force. [24(d)] However, the SRI Director, Mircea Ghiordunescu, claimed that chances of finding files relating to the informers, former members the Communist Party, are rather

slim as when an informer whose file had been classified in the archive received Communist Party membership all the evidence was destroyed. [24(c)]

4.24 On 6 July 1998, at an extraordinary meeting of the Government, the envelopes with the ministers' statements of their own account as to whether they were informers of the Securitate were opened by the Prime Minister. The statements will be verified when the law on access to the Securitate files is passed. [24(a)] Also on 6 July, the President stated, after a sitting of the Supreme Defence Council (CSAT) that none of this body's members had links with the former Securitate political police. [24(b)]

i) Police and Human Rights:

4.25 Between 1993 and 1995 the Romanian Committee for Human Rights and Humanitarian Law, a body set up within the Ministry of the Interior's Inspectorate-General of Police, organized a number of activities to enable police personnel to become more familiar with the system for protection of human rights. These activities were intended to give police officers a clear picture of the main international and domestic human rights norms, and, in particular, of the provisions contained in the Universal Declaration of Human Rights, the European Convention on Human Rights and the International Covenant on Civil and Political Rights. With the same aim in mind, the Inspectorate-General of Police pursued training activities in collaboration with the various non-governmental organisations (NGOs) active in the field of human rights protection, organising seminars and round-table conferences in various towns in Romania, which were attended by police from all units. [17]

4.26 Similar activities also took place in the context of the programmes of advisory services and technical co-operation set up by the Romanian Government and the Centre for Human Rights for the period 1991-1994. Training courses on such topics as "The Administration of Criminal Justice", "Human Rights in the Administration of Justice" and "Human Rights and State Organs" were held between 1992 and 1994, and participants included international experts, members of the national police force, representatives of Romanian prison and military establishments and education officers from the police schools, the Police Academy and the Military Academy. [17] [5(t)]

ii) Complaints and Police abuses:

4.27 Judicial cases involving military personnel and the police are tried in a military court system, although this is not without criticism by local and international human rights groups. [4(c)]

4.28 During 1995 the military courts passed prison sentences on eight former policemen and police officers found guilty of misconduct towards persons they had arrested in the course of their duties. Twenty-six other policemen and police officers accused of engaging in irregular interrogation procedures and ill-treating persons detained or arrested are currently undergoing trial. [17] In 1997 military prosecutors indicted 48 law enforcement officials for the offence of "abusive conduct", 17 for "abusive investigations" and two for torture. In the first six months of 1998, 21 officers were indicted for "abusive conduct" and two for "abusive investigations". [8(c)]

4.29 In criminal matters, the case law of certain courts of general jurisdiction is also relevant to application of the provisions of article 7 of the International Covenant on Civil and Political Rights. For instance, in proceedings brought for the summary offence of insulting an official, in which two policemen brought criminal indemnification proceedings, the court of first instance decided to acquit the accused, on the grounds that the policemen had exceeded their powers, thereby provoking the accused's violent reaction. The decision of the court exercising primary jurisdiction was upheld by the courts that heard the appeal and the application for remedy brought by the Prosecution Service. [17]

4.30 The efforts being made to apply the provisions of article 7 of the Covenant and of national legislation will be continued until such time as all violations reported are seriously investigated as a matter of course, the acts are accorded a legal characterisation commensurate with their gravity, and victims receive appropriate compensation. [17]

4.31 In their March 1997 report, Amnesty International expressed concern regarding the provisions of the Romanian Law on the Organisation and Functioning of the Police which regulates the use of firearms. [26(b)] The Special Rapporteur concurred with this view in a December 1997 report, and was concerned about the cases of misuse of firearms by law enforcement officials, when several persons were allegedly killed at the time of their arrest. He recommended that the Government should amend Article 19(d) of Act No.26/1994 to bring it into line with the United Nations Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. [29] [4(c)]

4.32 In 1998 the Romanian Helsinki Committee (RHC) received and investigated numerous reports from individuals who claimed to have been tortured or abused by the police. The RHC also reports numerous instances of the unlawful use of firearms by police. The military prosecutor has jurisdiction over such complaints, but was reluctant to indict police officers for such abuses. Romanian law provides no other remedy for victims of police abuse. The Human Rights Watch Annual Report 1999 stated that Roma were disproportionately the victims of police misconduct. Conditions in detention facilities continued fall well below international standards. [27(b)]

4.33 In response to the 1997 report by the UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Romanian Government promised to amend the criminal code and related regulations but had not done so by the end of 1998. [39b]

See also Roma: para 5.130

4.34 In its 1999 Annual Report, Amnesty International recorded numerous reports of torture and ill-treatment. Shootings by police officers in disputed circumstances resulted in at least one death. Information received from the General Prosecutor indicated that a significant number of officers had been brought to justice for ill-treatment of detainees in their custody. Investigations into complaints of ill-treatment continued to be prolonged, often lasting two or more years. Prompt investigations were an exception and victims included Roma. A man (of Roma ethnic origin) was shot whilst running away from the police after stealing a car radio. Investigation into similar incidents, reported in 1995-97 had been suspended on the grounds that Law No.26/1994 permits the use of firearms "to

apprehend an offender caught in the act who is attempting to escape and does not obey orders to stop". The officer responsible for the killing of a Roma man, referred to in Amnesty International's Report 1997, however, had been discharged from the police force and indicted for murder. **[8(b)]** The report questioned the use of firearms by police against unarmed petty criminal suspects in 11 incidents between 1995 and 1997. Fatalities resulted in three cases, and only two police officers were indicted. **[4(c)]** In February 1999 Amnesty International wrote to the then Prime Minister expressing concern about investigations into allegations of police torture and ill treatment, noting what appeared to be a pattern of evasive responses by the authorities to communications from Amnesty International. **[8(c)]** The Romanian Helsinki Committee also received and investigated numerous reports from individuals who claimed to have been tortured or abused by the police. The RHC also reports numerous instances of the unlawful use of firearms by the police. The military prosecutor has jurisdiction over such complaints but was reluctant to indict police officers for such abuse. **[27(b)]**

4.35 In February 1999, the Romanian Government authorised the publication of the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment in its visits to places of detention in Romania in September and October 1995. The Committee found that "persons detained on suspicion of committing a crime, at the time of arrest and /or in the course of interrogation, faced a not inconsiderable risk of being subjected by the police to ill-treatment, which was sometimes severe ill-treatment, even torture". Although the Romanian Government responded that steps would be taken to incorporate the recommendations into law, they had failed to revise the Law Concerning the Executions of Sanctions by the end of 1998. **[8(c)]**

4.36 Investigations into reports of ill-treatment and torture appear not to have been carried out promptly and impartially. In one incident, three officers suspected of torture, which was well-documented, were still on duty several weeks after the alleged incident took place. In another, involving the shooting by the police of a young man in May 1998, the results of the obligatory official investigation had not been made public by the end of the year. **[8(c)]**

4.37 The Constitution provides for protection against the search of a residence without a warrant, but this protection is subordinate to "national security or public order." The 1992 National Security Law defines national security very broadly and lists as threats not only crimes such as terrorism, treason, espionage, assassination, and armed insurrection, but also totalitarian, racist, and anti-Semitic actions, or attempts to change the existing national borders. Security officials may enter residences without proper authorisation from a prosecutor if they deem a threat to national security "imminent." **[4(c)]**

4.38 The Constitution also states that the privacy of legal means of communication is inviolable; thus, the Romanian Intelligence Service (SRI) is legally prohibited from engaging in political acts (for example, wiretapping on behalf of the government for political reasons). However, the law allows security services to engage in such monitoring on national security grounds after obtaining authorisation. Similarly, although the law requires the SRI to obtain a warrant from a prosecutor to carry out intelligence activities involving "threats to national security", it may engage in a wide variety of

operations, including "technical operations", to determine if a situation meets the legal definition of a threat to national security. [4(c)]

4.39 In 1998 there were no confirmed instances of interference with individual citizens' right to privacy by the authorities. [4(c)]

iii) Employment of Police Officers:

4.40 On graduation from the Police Academy, policemen sign a 9-year contract. During that period they can resign from the force, but this must be approved and they must pay back money to cover (some) training costs. Policemen take an oath, as specified in Law 26/1994, on the Organisation of the Romanian Police. It is possible to serve part of one's conscription in the police force rather than in the army. Policemen are tried in the Military Court rather than a civil one. [5(h)]

4.41 The rules about a policeman leaving the country are set out in the internal regulations of the Ministry of Interior. An officer has to get approval in order to travel abroad. The severity of any jail sentence for not doing so is not fixed but rather depends on the individual case. Law 26/1994 states that "Policemen cannot be members of a political party or group." [5(h)]

iv) Corpul Gardienilor Publici (CGP):

4.42 The CGP was set up in or around 1995. It is a legally constituted body subordinated to local authorities which provides protection services. It is a civil body and therefore not the same as the Romanian police. The police are responsible for supervising and controlling the activities of the CGP and staff must be approved by the police. Guardians have individual work contracts with the CGP, normally for two or three years. They may resign at any time but must pay compensation if they do so in their first two years of service. This compensation (for training and equipment costs) could amount to as much as £100. [5(i)]

F. The Judiciary:

4.43 Romania has established a legislative framework to ensure effective judicial remedies for any person whose rights and freedoms recognised by the International Covenant on Civil and Political Rights have been violated, including cases in which the violation was committed by persons in an official capacity. The large number of petitions to the courts or, where appropriate, to the administrative or other authorities empowered to deal with these matters shows that individuals are familiar with their rights and resolved to exercise them, if necessary by means of an effective remedy. [17]

4.44 The Administrative Litigation Act (Act No. 929/1990) was a response to the need to guarantee access to justice for any person whose rights recognised by the law have been violated by an administrative authority or by persons acting in an official capacity. Over the five years of application of this Act a substantial volume of case law has accumulated, including judicial proceedings brought against decisions and orders by the Prefects, who represent the Government at the level of the country's 40 departments, and

the municipality of Bucharest. Unlawful administrative acts have been annulled by the judicial bodies, thereby restoring the rights of the persons concerned. [17]

4.45 The practice of the Administrative Litigation Division of the Supreme Court has confirmed most of the decisions delivered by the courts (since 1991) and by the courts of appeal (since 1993), both as regards the annulment of certain administrative acts and as regards the irrevocability of certain administrative acts executed. [17]

4.46 The Administrative Litigation Act has also made it possible to carry out a judicial review of orders to suspend some mayors from their duties. In cases where the complaints by the mayors have proved well-founded, the bodies exercising primary jurisdiction have ordered the annulment of the suspension orders, and their decisions have been confirmed by the Supreme Court. Conversely, in cases where the mayor's complaint has proved ill-founded, the bodies exercising primary jurisdiction and the courts of appeal have upheld the suspension ordered by the Prefect. [17]

4.47 Application of the provisions of the two Acts modifying the Code of Civil Procedure and the Code of Criminal Procedure respectively led to a considerable increase in activities during 1993 and 1994, calling for special efforts on the part of judges to ensure that decisions were taken within a reasonable period of time. [17]

4.48 Constitutional provisions guarantee all persons the right to life and prohibit the death penalty. Judicial practice bears witness to judges' concern to achieve a correct legal characterisation of criminal acts that have resulted in a loss of human life, so as to ensure that the penalty is commensurate with the seriousness of the acts and the evidence concerning the intent of the person who has committed the criminal act. [17]

4.49 In the period following the publication of a decree-law in December 1989 decriminalising illicit abortion, judicial practice recorded cases of acquittal on appeal (of persons convicted before the publication of the decree-law), in which no account was taken of the fact that the abortion, performed in back-street conditions, had caused the woman's death. The Supreme Court found that the decriminalisation of illicit abortion might justify the acquittal of the accused on that count alone, but not on the count of homicide - albeit unintentional - of the woman, not even the most rudimentary measures having been taken to prevent infection. Consequently, the Supreme Court changed the legal characterisation to one of unintentional homicide, and the accused was sentenced to imprisonment and obliged to pay compensation to the victim's family. [17]

4.50 The Organisation of Justice Act (Act No. 92/1992) re-established a four-tier system, including appellate courts, which had ceased to exist under Communist rule. Defendants have final recourse to the Supreme Court, or for constitutional matters, to the Constitutional Court. [4(c)] This law was amended in 1998 to define the size of judge panels which has resulted in the acceleration of procedures. [37(b)]

4.51 The US State Department report concluded that there were increasing signs of judicial independence during 1999. [4(d)]

4.52 **Supreme Court:** The Supreme Court of Justice, which was re-organised under Law 56 of 9 July 1993, exercises control over the judicial activity of all courts. It ensures the

correct and uniform application of the law. The members of the Supreme Court are appointed by the President of Romania at the proposal of the Superior Council of Magistrates. [2]

4.53 County Courts and Local Courts: The judicial organisation of courts at the county **and local** levels was established by Law 92 of 4 August 1992. In each of the 40 counties of Romania there is a county court and between 3 and 6 local courts. The county courts also form 15 circuits of appeal courts, where appeals against sentences passed by local courts are heard, which are generally considered courts of first instance. [2]

4.54 Military Courts: Military Courts were re-organised through Law 54 of 9 July 1993. Generally they judge contravention of the law by service personnel at one of the two military courts in the country, i.e. the Territorial Military Court, with a right of appeal to the Appeal Military Court. There is also a military department within the Supreme Court which judges appeals in some cases. The judges are professional lawyers and career officers. [2]

4.55 Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups criticise this system, claiming that the military prosecutor's investigations are unnecessarily lengthy and often purposefully inconclusive and that the military courts sometimes block proper investigation of alleged police abuses. [4(c)]

4.56 The demilitarisation and reorganisation of the police has been announced, but so far without a clear timetable for action. Once implemented, it will allow for the independent examination of cases based on direct access of the investigating judges to the police administration. This should contribute to the improved functioning of the judiciary in general. At the same time, it would remove responsibility from the military courts for cases of police abuse and ill-treatment in detention locations. [37(b)]

4.57 A series of measures has been taken since July 1997 to strengthen the working of the judiciary. These include:

- ◆ amendment of the Law for the Organisation of the Judiciary in spring 1998 to define the size of judge panels at all levels of jurisdiction. This resulted in a perceptible acceleration of procedures.

- ◆ the creation of the National Institute of Magistrates as the specialised institution charged with the training of judges and prosecutors. This has contributed to the clarification of institutional responsibilities and provides the basis for further human and material resource development within the judicial system.

- ◆ a review of the organisational structure of the Public Ministry (ie the General Prosecutor's Office) combined with personnel changes of strategic importance. These aim at a more effective delivery of services, in particular in relation to serious cases of smuggling and organised crime.

- ◆ removal of unsuitable judges. In June 1998, mandates for 17 of the 37 judges on the Constitutional Court were not reconfirmed, due to their repeated infringements of

existing legislation on property. In the last 10 years there has been a considerable change in the age structure of judges. About 76% of judges are now under 30 years of age. However, little structural change took place at the level of appeal courts.

◆ the creation of the institution of the People's Advocate, provided for by the Romanian Constitution to fulfil the functions of an ombudsman. The staff of this institution comprises 70 people.

4.58 Despite these measures, the European Commission reported in November 1998 that there remains considerable scope for improving the operation of the judicial system. [37(b)]

4.59 **General Prosecuting Magistracy:** The General Prosecution Magistracy also functions under Law 92 of 4 August 1992. There are prosecuting magistracies operating through each court, under the Minister of Justice. [2]

4.60 **Judges:** The Constitution provides for the irremovability of judges appointed by the President of Romania. The specific conditions to be fulfilled by judges in order to acquire the status of irremovability are set forth in the Organisation of Justice Act:

"Judges shall be irremovable from the moment of their appointment by the President of Romania"

Judges of the departmental courts and courts of first instance shall be appointed within two years of the publication of this Act ..." (art. 129). [17]

4.61 The Supreme Court Act provides that judges of the Supreme Court of Justice, who under the terms of the Constitution are appointed for a period of six years and may be re-appointed, shall be "dignitaries of the State and irremovable during the period of their mandate" (art. 17). The Act also provides that they may not be prosecuted for a criminal or minor offence or committed for trial without the authorisation of the President of Romania (art. 59). The power to authorise the prosecution of assistant judges at the Supreme Court of Justice for a criminal or minor offence or their committal for trial lies with the President of the Court (art. 60). [17]

4.62 All judges of the courts of appeal and most judges of the departmental courts are irremovable. As for judges of the courts of first instance, the Higher Council of the Magistracy has considered it necessary to defer proposals for nominations for irremovability because of the particular circumstances in which the magistracy in Romania presently finds itself. The specific reason is that judges in the courts of first instance are generally very young and inexperienced; furthermore, a large number of the posts (669 out of a total of 2, 392) are vacant. It should also be mentioned that there are few applications for the post of judge, the trend being for judges to leave the magistracy in order to practise as lawyers, rather than for lawyers to become judges. The main reasons for this are the disparity between lawyers' fees and judges' salaries and the large number of cases pending with which the judges have to deal on taking up vacant posts. [17]

4.63 Among the guarantees of independence and impartiality conferred on judges, mention should also be made of the right of the judge to request, and the obligation of the Ministry of the Interior to provide him with, protection in cases where his own and his family's lives, physical integrity or property are at risk (article 75 of the Organisation of Justice Act and article 59 of the Supreme Court Act). [17]

G. Legal Rights/Detention:

4.64 In recent years, judicial bodies, especially the courts of appeal, have applied a narrow interpretation to the provision of article 9, paragraph 1, of the International Covenant on Civil and Political Rights, whereby "no one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law" in relation to the provisions of domestic law relating to the conditions determining pre-trial detention or its prolongation. [17]

4.65 Pre-trial detention of the accused for a period not exceeding five days, or for a period not exceeding one month following his committal for trial, must be substantiated in a detention order issued by the prosecutor. [17]

4.66 The arrest and detention warrant is issued in two copies, one of which is handed to the accused; it specifies the act that is the subject of the accusation and the characterisation of the offence. Where it has been decided to arrest the accused, the warrant also states the specific reasons that render the arrest necessary, the legal characterisation of the act and the penalty fixed by law (Code of Criminal Procedure, arts. 146, 147 and 151). [17]

4.67 As detention of persons undergoing prosecution must not be the general rule, but only a measure justifiable in exceptional circumstances, the practice of the courts of appeal is to annul the decisions of lower courts that are too ready to admit requests for prolongation of preventive detention submitted by the prosecutors on the grounds that the accused has committed an offence punishable by more than two years' imprisonment and that his release would represent a threat to public order (art. 148 (b) of the Code of Criminal Procedure). [17]

4.68 Judicial decisions concerning provisional release generally invoke the provisions of the Code of Criminal Procedure, whereby "at any point in the criminal proceedings an arrested accused person may request his provisional release, under court supervision or against a security" (art. 160¹). Some courts have concluded that these provisions, which appear to embody the idea of the right of the person arrested to be provisionally released, must be interpreted in accordance with article 23 (7) of the Constitution, which provides that "a person under pre-trial detention has the right to apply for provisional release, under court supervision or against a security". Consequently, "if the court finds that the conditions expressly laid down in articles 160² and 160⁴ of the Code of Criminal Procedure are fulfilled, it is obliged to admit the application for provisional release." [17]

4.69 The right of the person charged and of the person committed for trial to appeal to the court against the pre-trial detention order or order not to leave the area issued by the prosecutor was introduced into the Code of Criminal Procedure (art. 140¹) by Act No. 32/1990. The appeal must be submitted to the court, together with the file, within 24

hours. The detainee must be brought before the court and must be assisted by his lawyer. After hearing the detainee, the court is obliged to rule, on the same day, as to the lawfulness of the measure. [17]

4.70 The opposite situation, in which the court has rejected the request and maintained the detention measures, is not mentioned in the enumeration contained in article 141 of the Code of Criminal Procedure. Taking into consideration the strict interpretation applied to these provisions (as an exception to the rule whereby preliminary orders may be disputed only on the merits), applications by the accused are generally rejected as inadmissible. Conflicting decisions have sometimes been reached. In one case in which there were two accused, the pre-trial detention of one of the accused was declared admissible (under article 141, cited above), whereas the appeal by the other accused, whose request for revocation of the detention measure had been rejected in the same order, was declared inadmissible. [17]

4.71 Recent case law has also recorded separate opinions of some judges who regard as unacceptable any solution that might violate the principle of symmetry of rights between the parties, enabling the prosecutor immediately and separately to dispute the order to revoke the detention, whereas the accused is obliged to wait for the decision of the court with original jurisdiction before being able to challenge the order rejecting his request for revocation of pre-trial detention. [17]

4.72 Under article 504 of the Code of Criminal Procedure, the person arrested has a right to compensation from the State for the harm suffered if criminal proceedings against him were subsequently dropped or if he was acquitted because he "had not committed the act of which he stood accused or that act had not been committed". Given that the chapter of the Penal Code relating to compensation contains no reference to the means of establishing the amount of the damages, the Supreme Court of Justice considers that they shall be determined with reference to the principles set forth in the Civil Code. Accordingly, damages awarded for harm suffered would represent "fair and full compensation for the actual loss and for the profit forgone by the person unjustly arrested". In other words, the wage of which the applicant has been deprived during his detention will be adjusted to take account of inflation. Full compensation for the damage caused to the person unjustly arrested "must cover the material damage, and also the moral damage, albeit with no obligation to observe any proportion between the two forms of damage". [17]

4.73 The right of all persons deprived of their liberty to be treated with humanity and with respect for the inherent dignity of the human person, recognised by the International Covenant on Civil and Political Rights, is also guaranteed by the Romanian Code of Criminal Procedure (art. 5¹). In providing for detention and the obligation not to leave the locality as alternative measures, the Code adds that, with a view to adopting the most appropriate measure, account must also be taken of "the state of health, age, personal history and other information concerning the person against which it is directed" (art. 136). On the expiry of the period of validity of the warrant, the prosecutor may again choose between the two possibilities: either to request the court to prolong the pre-trial detention, or else to oblige the accused not to leave the locality, for a maximum period of 30 days (art. 145). [17]

4.74 If the person sentenced to a custodial penalty suffers from an illness making it impossible for him to serve the sentence, if a female convicted is pregnant or has a child under one year old or if, because of special circumstances, execution of the sentence would have serious consequences for the person convicted or for his or her family, the court may decide to defer it. [17]

4.75 The provisions of domestic legislation requiring that the person arrested be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him are complied with in Romania. Judicial practice contains no reference to appeals and applications for remedy requesting the annulment of a decision considered unlawful or ill-founded on the grounds that the accused has not been informed, in a language he understands, of the reasons for his arrest. [17]

4.76 Under article 6 of the Code of Criminal Procedure the right to a defence is guaranteed for the person charged or committed for trial from the outset of the criminal proceedings. The judicial organs are obliged to ensure the presence of the lawyer chosen or officially assigned from the moment of the interrogation of the accused at the time of his pre-trial arrest, as well as the possibility for the person arrested to communicate with his lawyer and to have adequate time for the preparation of his defence. [17]

4.77 The first condition that must be fulfilled in order to secure the right of everyone to be tried without undue delay is continuity of the prosecution process and accomplishment by the prosecutor of all the necessary steps to gather the items of evidence, with a view to establishing the file and formulating the submissions. The only possibility of jurisdictional supervision whereby the judge can eliminate undue delay in this first stage of the criminal proceedings relates to the application of the statutory provisions concerning the extension of pre-trial detention. After the first detention measure decided on by the prosecutor has been imposed, for a period of 30 days, only the court may decide to extend it, at the request of the prosecutor and only for periods each of which may not exceed 30 days. In order properly to assess the justification for reiterated requests by the prosecutor for the extension of the detention, the judge must take account of the minimum conditions provided for by law, but also of the complexity of the criminal proceedings, of any adverse effects of the acts committed by the accused on the activity of the economic entity, etc. [17]

4.78 If after repeated extensions, the prosecutor should request a further 30-day extension, and if at that stage the court considers that a further 15 days would provide sufficient time in which to complete the criminal proceedings, a further request for extension of the detention after the expiry of the 15-day period is not permissible. The prosecutor is deemed to have had the opportunity to appeal against the preliminary order whereby the court granted his application for an extension, but granted it for a period of 15 days only. The decision by the prosecutor not to appeal against that decision is interpreted as an acceptance of the reasons cited in the preliminary order declaring a 15-day extension of pre-trial detention to be sufficient. [17]

4.79 Any person convicted by a final decision has the right to compensation by the State for the damage sustained, if a new trial of the case reaches the final decision that the person did not commit the act of which he was accused or that the act did not take place. An exception to this rule is the case of a person who during the criminal proceedings or

the trial has, intentionally or through serious fault, hindered or tried to hinder the establishment of the truth (Code of Criminal Procedure, art. 504). Practice seeks to ensure full compensation for the damage sustained by the person unjustly convicted. In order to ensure that the injured party is compensated in full, the amount of the compensation must be established at the time of delivery of the decision in the criminal indemnification action by increasing the value of the material compensation to take account of inflation. [17]

4.80 The law provides for fair public trial, and defendants benefit from a presumption of innocence. The Criminal Code requires that an attorney be appointed for a defendant who cannot afford legal representation or is otherwise unable to select counsel. Either a plaintiff or defendant may appeal. These provisions of the law are respected in practice. The law also provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court. [4(c)]

4.81 Under the law, minors detained by police and placed under guard in a Centre for the Protection of Minors are not considered by judicial authorities to be in detention or under arrest. Since the Penal Code does not apply to minors in these centres until their cases are referred to a prosecutor, police are permitted to question them without restrictions and may hold those suspected of criminal offences in such centres for up to 30 days. This law appears to be in conflict with the Constitution, and both Amnesty International and local human rights groups have called on the government to change it. [4(d)]

(Please also see Section V, C, on Children)

H. Prisons:

I.

4.82 The prisons system, which is essentially intended to re-educate convicted persons and rehabilitate them socially after they have served their sentence, has been considerably improved through the establishment and observance of a clear methodology for the organisation of detainees' lives and activities. The international standards relating to the prisons system have been published in brochures and distributed in all places of detention; they are discussed with detainees, particularly with recent arrivals, to enable them to adapt better to the rigours of prison detention. [17] Despite this, Human Rights Watch report that the continuing use of methods of restraint such as handcuffs and leg irons for very long periods of time solely as a form of punishment and the frequent use of isolation cells as a means of punishment for relatively minor breaches of internal prison rules are just two of the blatant violation of international standards found in Romanian prisons [27(c)]

4.83 In order to provide better guidance to staff, each year the Directorate-General of Prisons attached to the Ministry of Justice draws up a thematic list of activities designed to make detainees aware of the seriousness of the acts they have committed and of the need to improve their conduct. The period of detention is used to raise detainees' levels of education, vocational qualifications and general knowledge - including a knowledge of legislation, national history, popular culture and also to provide moral and religious education, having regard to their respective beliefs. [17]

4.84 The prison system is improving slowly as efforts increase to bring prisons in line with minimum international standards. The 1998 prison budget increased 25 per cent over 1997.

Living conditions reportedly improved although the UN special rapporteur on torture issues mentioned that the prisons were very overcrowded. [6(v)]. A modern penitentiary opened in January in București-Rahova housing 1,400 inmates. Each 8-person cell is equipped with a shower, toilet and two basins. Medical facilities were modernised in some prisons and inmates were allowed to exercise outside their cells. By 31 July 1998, six civilian magistrates were appointed as prison directors, replacing military officers. [4(c)]

4.85 Human rights organisations continued to report abuse of prisoners by other prisoners and prison authorities in 1997. Prisons continued to use the "cell boss" system, in which some prisoners are designated to be in semi-official charge of other prisoners. However, prison guards wore firearms only when guarding prisoners working outside the prison, correspondence was no longer opened routinely and inmates had the right to telephone calls. A probation pilot programme financed by the Open Society Foundation opened in Iasi at the end of 1998, to provide such assistance to minors and other young first offenders. Two additional probation centres began operation during the year in Gaesti and Tichilesti. [4(d)]

4.86 The government permits visits by human rights monitors, and several non-governmental organisations (NGO's) made such visits. In 1999 there were no reports of political prisoners nor was exile used as a means of punishment. [4(d)]

4.87 In 1994, the committees empowered to make recommendations for conditional release looked into the situation of more than 35,000 detainees and recommended the release of some 26,000 convicted persons; in 97.2 per cent of cases the recommendations were approved by the courts. [17]

I. Social Welfare:

4.88 Romania has a comprehensive state insurance scheme, premiums being paid by enterprises and institutions on behalf of wage earners. A new law on unemployment allowance was adopted in January 1991. In addition funds are allotted to sickness benefits, children allowances, pensions and the provision of health resorts. Medical care is provided free of charge. [2]

J. Education:

4.89 Education is free and compulsory between the ages of six and 16 years. Children under the age of 6 years may attend creches and kindergartens. Between the ages of 6 and 16 years children attend the general education school. The general secondary school, for which there is an entrance exam, provides a specialised education suitable for entering college or university. There are also specialised secondary schools where the emphasis is on industrial, agricultural and teacher training and art schools. [2]

4.90 The Education Act, adopted by Parliament in 1995, is a piece of legislation of especial significance, drafted along innovative lines with a view to ensuring the development of the Romanian education system on the basis of humanistic traditions and the values of democracy, so as to enable individuals to develop freely, fully and harmoniously and to become independent and creative human beings. Article 5, paragraph 1 of this Act provides that "citizens of Romania have equal rights of access to all levels and forms of education,

without distinction on account of social and material status, sex, race, nationality, or political or religious affiliation". [17]

4.91 The Act reflects the relevant constitutional provisions, expressly guaranteeing "the right of persons belonging to national minorities to learn their mother tongue and the right to be taught in that language" (art. 8, para 2), and also establishing a mandatory requirement to study and assimilate the Romanian language, as the official language of the State (art 8, para 3). [17]

4.92 The Act also provides for the introduction of religion as a compulsory subject in primary education, as an optional subject in lower secondary education, and as an extra subject in upper secondary education and vocational schools. The student, with the consent of the parent or legally appointed guardian, chooses the religion and denomination he or she wishes to study. The provisions of the Education Act also deal with the organisation, by the Ministry of Education at the request of the religious denominations recognised by the State, of specific denominational education so as to meet their needs for trained staff. The curricula are drawn up by the denominations and approved by the State Secretariat for Religious Denominations and the Ministry of Education. Article 12 of the Act also provides that "the organisation and contents of the teaching may not be structured on the basis of exclusive and discriminatory criteria of an ideological, political, religious or ethnic nature. Educational units and institutions created in response to religious or linguistic needs, in which the teaching reflects the choice of the parents or legally appointed guardians of the students, shall not be regarded as being based on exclusive and discriminatory criteria". [17]

(Please also see Section V, F, Freedom of Religion)

4.93 During the 1994-1995 academic year teaching in Hungarian was provided at all levels: pre-school, primary, first- and second-cycle secondary, post-baccalaureate and university. In pre-university education, the network in which teaching takes place in Hungarian consists of 2,395 educational establishments and sections, or 8.4 per cent of Romania's entire school network (higher than the figure of 7.1 per cent for Magyars as a percentage of Romania's population). [17]

4.94 In pre-university education, 207,763 children and students of Hungarian origin study in Hungarian - 4.8 per cent of the total number of pupils attending school. About 50,000 children and students of Hungarian origin attend groups or classes in which the teaching is in Romanian. Thus, the total number of Hungarian pupils in pre-university education as a whole is about 258,000, or 6.0 per cent of the total national figure for pre-university students. At university level there are Hungarian-language teaching departments at Babeş-Bolyai University in Cluj-Napoca, at the University of Medicine and Pharmacy and the Szentgyorgyi Istvan Academy of Art, both in Târgu-Mureş, and at Bucharest University. [17]

(Please see also paras 5.108 and 5.109)

4.95 There are 302 school establishments and sections in which teaching is conducted in German, attended by 20,949 children and students - 1,000 more than in the 1993-1994 academic year. A substantial number of students from the German minority study in schools in which the teaching takes place in Romanian, and they also have the possibility of studying, on request, the German language as a subject in school (four hours per week for years one to

four and three hours per week for years five to twelve). The school network for teaching in the national minority languages also includes establishments, sections and study groups in which the students can be taught or learn in the language of the Serbian, Ukrainian, Slovak, Czech, Bulgarian, Croatian, Turkish and Tatar, Russian, Polish, Armenian, Greek and Italian minorities. [17]

4.96 In the framework of the State's efforts to secure fuller social integration of persons belonging to the Romany/Gypsy minority, a school programme has been started up to provide Romany/Gypsy children with an opportunity to learn the Romany language. Study groups for the language have been set up in eight pre-university educational establishments and 302 pupils have selected option. Four hours a week are devoted to teaching Romany in years one to four, and three a week in years five to twelve. In the town of Caracal there is also a nursery school currently attended by 30 children from that ethnic group. [17]

4.97 Special classes for Romany language and literature teachers have been set up in three teacher training colleges in Bucharest, Bacău and Târgu-Mureş, starting in the 1993-1994 academic year. In the 1994-1995 academic year 55 such students attended these teacher-training colleges. Students on the programme include not only young people of Gypsy origin, but also Romanians who have agreed to go on to work as teachers in schools with a majority of Romany/Gypsy pupils. [17]

4.98 The Educational Publishing House has published a special textbook to facilitate the teaching of Romany, and the Ministry of Education has prepared a curriculum for years one to four. An anthology of Romany/Gypsy literary texts (for years one to four) was due to appear during the 1995-1996 academic year. In this educational process increased importance is being attached to co-operation between the competent Romanian authorities and NGOs working in the field of Romany/Gypsy education and culture. Research will continue with a view to identifying the most appropriate means of providing Romany/Gypsy children with an education. [17]

(Please also see Sections V, J, Ethnic Minority Groups (General); and K, Hungarians; and L, Roma (Gypsies))

4.99 The Chamber of Deputies' Education Commission decided on 1 July 1998, that studying and "acquiring" the Romanian language in school, as the official state language, should be mandatory for all Romanian citizens regardless of nationality. Thus, tuition at all levels is to be in Romanian, as well as the languages of the national minorities, within the limits of the law. [21(a)]

4.100 The Ministry of National Education outlined a series of real reforms which it has implemented in order to improve the education of all young people in Romania. The fundamental aim is to foster the right to study, at all levels, for any person, irrespective of their ethnic origin, who has the required education and adequate motivation. [35]

4.101 Academic freedom is respected in Romania. [4(c)]

K. Refugees:

4.102 In 1996 a refugee law was passed, implementing the provisions of the 1951 United Nations Convention Relating to the Status of Refugees and its 1967 Protocol. [4(c)] The new Law established a refugee office within the General Directorate of Border Police, Passports, Aliens, and Migration Issues to determine eligibility for refugee status. The Ministry of the Interior, in which the refugee office is found, was also assigned responsibility for providing accommodations for asylum seekers and refugees. [4(a)]

4.103 The Romanian Government co-operates with the U.N. High Commissioner for Refugees (UNHCR) and other humanitarian organisations. Beginning in mid-1998 the Interior Ministry and the Labour Ministry began funding programs to assist asylum seekers and refugees. The Government provides temporary accommodation in only a few locations; more facilities are to open as funds are made available. Programmes for integrating refugees into society are developing slowly. The issue of first asylum did not arise in 1998. An increasing number of transiting illegal migrants regard the country as a springboard to the west. [4(c)]

4.104 Between 1 January 1998 and 31 August 1998, a total of 1,247 refugees were registered in Romania. Of these, 724 depended on the UNHCR for their subsistence, including food, accommodation, clothing, medical assistance, and language or vocational training. [4(c)]

4.105 A report by the United Nations Commission on Human Rights, Economic and Social Council, dated 16 December 1998 gives a detailed description of the asylum process in Romania. The asylum detention facility at Giurgiu was described as degrading. The report makes various recommendations to improve the asylum system in Romania which it considered to be a transit country for asylum seekers. [42]

4.106 There were no reports of the forced return of persons to a country where they feared persecution. [4(d)]

L. Europe and NATO:

4.107 After the overthrow of President Ceaușescu in 1989, Romania's relations with other countries slowly improved. President Mitterand of France visited Romania in 1991, and in April 1992 Romania and Germany signed a treaty of friendship and co-operation. Relations with other Western European countries took longer to develop but an association agreement with the European Community was signed in February 1993. In June 1995 Romania formally applied for full membership of the European Union. Romania applied for membership of the Council of Europe in May 1993, but owing to its poor record on civil liberties, was not admitted until October 1993. [2]

4.108 In July 1997 the European Commission produced Opinions on the eleven candidates for EU membership. They judged Romania was not then ready to begin accession negotiations, and their decision was confirmed in December 1997 at the European Council meeting in Luxembourg. The Commission undertook to produce annual reviews, assessing each applicant's progress and readiness to begin negotiations. In the meantime, the EU is providing assistance to Romania to help it meet the criteria for EU entry. [5(p)] [37(b)]

4.109 In early 1997, Romania directly appealed to all NATO member countries to support its accession into the organisation in the first wave of expansion. [2] At NATO's Madrid

Summit in July 1997 it was decided to invite the Czech Republic, Hungary and Poland to join the NATO alliance - but not Romania. Romania, deeply disappointed, continues to press for early membership of NATO. **[5(p)]**

4.110 Formal negotiations to join the European Union began in March 2000. Romania opened the EU admission negotiations at five chapters, namely research, education, foreign and common security policy and small and medium-sized companies. While Romania advances in the legislative process, the necessary conditions for the successive start of negotiations in the other chapters will be created. **[24(m)]**

See also section V, para 5.2 and 5.3

V. HUMAN RIGHTS:

A. Actual Practice with regard to Human Rights:

5.1 Romania has ratified most of the major human rights instruments including the revised European Social Charter which came into force on 1 July 1999. **[37(b)] [43]**

5.2 In July 1997 the European Commission published its Opinion on Romania's Application for Membership of the European Union. It assessed Romania's progress towards achieving the political criteria decided by the Copenhagen European Council. These criteria stipulated that candidate countries must achieve "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities." The Opinion stated that improvements under way since the new government came to power (in 1996) suggest that Romania was well on its way to meeting the political conditions laid down by the Copenhagen European Council. **[37(a)]**

5.3 On 4 November 1998 the European Commission published its regular report, on progress of candidate countries towards meeting the Copenhagen criteria. It concluded that Romania now fulfils the Copenhagen political criteria ie. it has achieved the "stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities". Continued efforts had been made to respect and protect the rights of the Hungarian minority and to carry through reforms concerning the situation of children in orphanages. Nonetheless, the report advised, much still needs to be done in rooting out corruption, improving the working of the courts and protecting individual liberties and the rights of Roma. Priority should also be given to reforming public administration. **[37(b)]**

5.4 The Office of the UN High Commissioner for Refugees (UNHCR) has concluded that Romania is no longer to be characterised as a refugee-generating country and that basic standards of human rights are respected. **[37(b)]**

5.5 The US State Department concluded that in 1999 the Romanian government generally respected the human rights of its citizens. However several serious problems remained:

◆ The Government investigated police officers suspected of abuse and in some cases indicted officers accused of criminal activities in military courts. However, investigations of

police abuses are generally lengthy and inconclusive and rarely result in prosecution or punishment.

- ◆ The Government improved the poor living conditions in prisons and implemented vocational training programmes.
- ◆ The Judiciary remained subject to executive branch influence but was becoming increasingly independent.
- ◆ Violence and discrimination against women remained serious problems.
- ◆ There was a large number of impoverished and apparently homeless children in large cities.
- ◆ Societal harassment of religious minorities was a problem, and religious groups which were not officially recognised by the Government sometimes complained that they received discriminatory treatment from the authorities.
- ◆ Discrimination against Roma continued. **[4(d)]**

5.6 The Ombudsman's Office which was established in 1997 consolidated its activities in 1999, and became fully operational, with a staff of 70. The Office registered 4372 complaints in 1999, up from 2985 in 1998 and 1168 in 1997. The Ombudsman's role was not yet fully clear to the public. Many complaints were rejected because they related to problems with the judiciary and not the administration. **[4(d)]**

5.7 The Human Rights Watch reported that in 1998 political instability and infighting among partners in the governing coalition slowed the pace of democratic and economic reform and inhibited progress on human rights. **[27(b)]**

5.8 In 1999 there were no reports of politically motivated disappearances. **[4(d)]**

5.9 The Romanian Constitution forbids torture and inhuman or degrading punishment and, in 1999, these prohibitions were generally respected in practice. However, there were reports that police beat detainees and improperly used firearms. **[4(d)]**

(Please also see Section IV, E ii) "Complaints and Police abuses".)

5.10 The International Helsinki Federation for Human Rights Annual Report 1998 stated that during the first half of 1997, many improvements took place but the 1999 Annual Report nevertheless records ill-treatment and misconduct by law enforcement officials, discrimination on sexual grounds and violations of minority rights. Romania consequently failed to comply with a number of specific requests by the Parliamentary Assembly of the Council of Europe in April 1997 as well as with the 1997 report of the UN Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment of Punishment. The openness of the parliament and of the government towards the civil society became manifest, thus enabling NGO's to have some impact upon a number of important decisions. Authorities took measures in 1997 to ameliorate the situation of orphans, the prison system and the judiciary. **[39]**

5.11 In 1998 more than 12,000 NGOs played an increasingly important role in society. This is also being recognised by the state administration which is intensifying its relations with civil society. An office has been established under the Prime Minister to promote relations with the NGO sector. [37(b)]

5.12 In 1998 and 1999 the Romanian Helsinki Committee (RHC) reported and investigated numerous reports from individuals who claimed to have been tortured or abused by the police. The RHC also reports numerous instances of the unlawful use of firearms by police. The military prosecutor has jurisdiction over such complaints, but was reluctant to indict police officers for such abuses. Romanian law provides no other remedy for victims of police abuse. The Human Rights Watch annual report 1999 stated that Roma were disproportionately the victims of police misconduct. Conditions in detention facilities continued to fall well below international standards. [27(b)][39(b)]

5.13 Amnesty International reported in 1999 that there were numerous reports of torture and ill-treatment, with at least one case resulting in death. Investigations into complaints of ill-treatment continued to be prolonged and not impartially carried out. Prompt investigations were an exception and victims included Roma. [8(c)]

5.14 In Amnesty International's view, in April 1998, the change of government following the November 1996 elections did not significantly affect the observance of basic human rights in Romania. It remains concerned about the lack of progress in the protection of some fundamental human rights guaranteed by the Constitution of Romania, international treaties and domestic law. [26(a)]

5.15 According to a United Nations paper of April 1997, the Romanian Government has in recent years, devoted special attention to initiatives and activities whose principal aim is the prevention of acts of racism, racial discrimination and xenophobia, so as to guarantee that young people are educated in a spirit of openness and tolerance, secure broad dissemination of the principles of democracy and human rights, and promote a climate of dialogue and tolerance among the various sections of Romanian society, including persons belonging to ethnic, linguistic and religious minorities. [17]

(Please also see Section V, J, Ethnic Minority Groups (General), and F, Religious Freedom)

5.16 One dimension of the democratic process has been reflected in the preparation and initiation of an extensive programme of education in human rights, addressed both to specialists and to the general public. Thus, every faculty of law includes human rights as a fundamental component of its training of lawyers, magistrates and officials responsible for securing application of laws. Human rights are also taught at the Police Academy (which has university status) and at the National School of Administration; and are included in the primary and secondary school curriculum, in the form of courses in civic education and human rights. [17]

5.17 The need for action to ensure that human rights are widely disseminated and to consolidate the climate of tolerance in Romanian society led to the creation, by Parliament in 1991, of the Romanian Human Rights Institute, which is a beneficiary of the Centre for Human Rights programme of advisory services. A number of activities - such as seminars,

debates and publications - have been organised with a view to promoting respect for human rights and tolerance and increasing public awareness of issues relating to implementation of the principles of human rights. [17]

5.18 Romania also participates in international co-operative efforts to identify the most appropriate measures to combat acts of racism, racial discrimination and xenophobia. After the launching, in Strasbourg in December 1994, of the European Youth Campaign against Racism, Xenophobia, Anti-Semitism and Intolerance - "All Different, All Equal", scheduled to take place in 1995 and 1996 under the auspices of the Council of Europe, a Romanian National Foundation to co-ordinate the Youth Campaign against Racism, Anti-Semitism, Xenophobia and Intolerance (the RAXI Foundation) was set up, with the participation of interested NGOs, youth organisations from all the political parties and government institutions with competence in the fight against racism, anti-semitism, xenophobia and discrimination. The RAXI Foundation has been very active, organising lectures, symposiums, seminars and round-table conferences on such highly topical subjects as "Workshops on Tolerance", "Tolerance in Political Life", and "Youth and the Campaign against Racism, Anti-Semitism, Xenophobia and Intolerance". [17]

5.19 As part of the European Youth Campaign, a "Tolerance, Truth and Hope Week" was held in Romania from 9 to 16 July 1995 - an event which attracted about 2,000 young people from Romania and abroad. The scale of the initiative and the wide publicity that surrounded it guaranteed its success as a vehicle for promoting democratic values, dialogue and a spirit of tolerance. [17]

5.20 Continuing close co-operation between the Romanian Government and the Council of Europe, UNESCO and the Office for Democratic Institutions and Human Rights of the Organisation for Security and Co-operation in Europe (OSCE) has resulted, *inter alia*, in the holding of an international seminar on tolerance, in Bucharest from 23 to 26 May 1995, which provided a very open forum for discussion of the importance of promoting tolerant attitudes in the world of education, in the media and among local authorities. [17]

5.21 The European Committee for the Prevention of Torture, Inhuman and Degrading Treatment or Punishment (CPT) prepared a report for the Romanian Government following a visit to Romania in September and October 1995. The report concluded that persons in police custody "face a not inconsiderable risk of being subjected to police mistreatment, which is sometimes severe mistreatment, even torture." The CPT recommended increased human rights training for police officers, that the general prosecutor issue a directive on the methods of processing and investigation claims of police mistreatment, and the adoption of a code of practice for police interrogations. [27(b)] The Government in its response, in April 1998, promised to make modifications to the Criminal Code and to detention regulations, but no such modifications had been made by the end of 1999. [4(d)]

5.22 On 25 April 1997, the Parliamentary Assembly of the Council of Europe suspended its monitoring of Romania's human rights record, in the context of Romania's compliance with its obligations and commitments accepted on admission to the Council, for one year. [27(b)][8(b)] The Assembly however, urged Romania to ensure the independence of the judiciary and to amend certain provisions of the Penal Code which "seriously imperil the exercise of fundamental freedoms". The Assembly noted deplorable conditions in some Romanian prisons and called on Romania to fight racism, xenophobia and intolerance,

particularly in the Romani community. **[8(b)]** On 25 June 1998, the Assembly officially removed Romania from the list, with the understanding that Romania would amend article 200 of the Romanian Penal Code, a condition of Romania's initial admission into the council. Romania, however, failed to amend the legislation during 1998. **[27(b)]**

5.23 In Romania, domestic human rights monitoring groups include the Romanian Helsinki Committee (APADOR-CH), the independent Romanian Society for Human Rights (SIRDO), the League for the Defence of Human Rights (LADO), the Romanian Institute for Human Rights, as well as several issue-specific groups such as the Young Generation of Roma and the Centre for Crisis Intervention and Study. These groups, as well as international human rights organisations, functioned freely without government interference. **[4(d)]**

5.24 The Government co-operates with local and international monitoring groups although some offices are slow to respond to inquiries. Local human rights monitoring agencies have found it difficult to obtain statistics concerning police abuses. The General Inspectorate of Police, which is responsible for investigating such abuses, responds unevenly to enquiries from monitors. Often victims are reluctant to come forward, and the Government does not provide transparency in this regard. **[4(d)]**

5.25 With the aim of protecting citizens against abuses or capricious acts of public officers, the Ombudsman's office envisioned under the 1991 Constitution was instituted by law in March 1997, and its first appointee, Paul Mitroi, took office in June 1997. However, due to a lack of office space, the office began working at normal capacity only at the beginning of 1998; by the end of August 1999, it had received 2,000 complaints. The Office is registering these complaints and is obliged by law to provide an initial response within a year of the date they were recorded. It deals not just with human rights but with all facets of citizens' interaction with government. **[4(d)]**

B. Women:

5.26 On 29 May 1998 the Romanian parliament adopted a law which defined and punishes harassment in the workplace and prohibits discrimination against married or pregnant women in employment. **[27(b)]**

5.27 The Constitution grants women and men equal rights. However, in practice the government does not enforce these provisions, nor do the authorities focus attention or resources on women's issues. **[4(d)]**

5.28 Few resources are available for women who experience economic discrimination. Despite existing laws and educational equality, women have a higher rate of unemployment than men, occupy few influential positions in the private sector, and earn lower than average wages. In 1996, the Government created a department in the Ministry of Labour and Social Protection to advance women's concerns and family policies. This department organises programmes for women, proposes new laws, monitors legislation for sexual bias, targets resources to train women for skilled professions and addresses the problems of single mothers, especially in rural areas. In 1998, this department organised, with the United Nations Development Program, a series of conferences on "promoting gender politics." **[4(d)]**

5.29 The courts have sometimes received complaints against decisions to annul work contracts, regarded by the petitioner as intended solely to replace women employees by men. In one such case the court found that the suppression of the petitioner's job was factitious and that its sole aim was to replace her with another employee whose job had been suppressed. In consequence, the court decided that the female employee should be reinstated and all her rights restored. [17]

5.30 Judicial practice generally considers work done by women in the home, as well as work done for the sole purpose of educating the children, as one of the criteria for establishing the contribution made by each spouse during the marriage, in the event of divorce and separation of their common property. [17]

5.31 The same principle of equality with respect to rights and obligations is the basis for the establishment of joint and several liabilities for debts contracted during the marriage with a view to meeting the ordinary needs of family life. Consequently, regardless of whether the creditor has served the writ on the woman or the man, the spouses will be jointly and severally liable for the repayment of debt contracted during the marriage in order to acquire a home. [17]

5.32 As active members of society, women participate in every aspect of social life. According to figures from the 1992 census, the participation rate of women in the labour force was then 41.7 per cent, while between 79 and 83 per cent of women aged between 20 and 35 were economically active. Women's representation in the country's working population (50.8% per cent in 1992) is still lower than that of men compared with their representation in the country's population, but it should be noted that a man's working life is five years longer (the statutory age of employment is from 16 to 54 years of age for women but from 16 to 59 for men). [17]

5.33 Women make a considerable contribution to certain sectors of the national economy and of social life. For example, in 1993 the majority of persons employed in the tertiary sector were women (51.9 per cent, compared with 39.9 percent in 1990 and 37.7 per cent in 1985). Some sectors of economic and social life have become perceptibly female-dominated, such as health (78.5 per cent), finance (75 per cent), teaching (73.2 per cent), commerce (68.5 per cent). At the same time it is true to say that, in spite of a legislative framework that provides for equal rights for men and women, the latter's place in society is more vulnerable because of the current economic, social and cultural context. Women are in a position of inferiority in many fields of activity, not only on account of the more substantial contribution they make to family life but also on account of a specific attitude towards them on the part of society as a whole, including some women themselves, which prevents the full exploitation of their potential. [17]

5.34 That is why, for example, women continue to be under-represented in political life (accounting for 3.7 per cent of Members of Parliament in 1994). They are also more affected by unemployment (in 1994 the unemployment rate was 12.9 per cent for women, compared to 10.9 per cent for men); and their representation in decision-making structures is not proportionate to their overall contribution to the corresponding sectors. [17]

5.35 Yet women have adapted rapidly to market economy conditions, bringing a considerable contribution to activities in the private sector of the national economy (accounting for 20.2 per cent of the total number of employers, and 19.6 per cent of directors of private companies). [17]

5.36 In order to promote the advancement of women in decision-making structures, the Government has appointed women Secretaries of State in the Ministries of Justice, Education, and Labour and Social Protection. By its Decision No. 816/1995, it set up a special structure for women's rights within the Ministry of Labour and Social Protection. A woman Secretary of State heads this department, the tasks of which include studying the most appropriate measures for implementing the principle of equal opportunities for women and men. Women currently occupy seven posts of Secretary of State in the ministries and central administrative authorities, 647 posts of mayor and deputy mayor, and 270 senior official posts in public administration. [17]

5.37 Violence against women, particularly rape, continues to be a serious problem. Both human rights groups and women's rights groups credibly reported that domestic violence is common. Under a government pilot begun in 1997, a shelter for victims of domestic violence opened in Bucharest in 1997. The shelter can accommodate only 4 persons. It received 490 calls for help during 1998 on a hot line, and registered 230 walk-in victims. According to UNICEF, Romania has an average of 108 sexual incidents per 1000 women, and 41 assaults per 1000 women. Prosecution for rape remains difficult because it requires both a medical certificate and a witness, and a rapist can avoid punishment if he marries the victim. [4(d)]

5.38 Women also faced police harassment and discrimination in Romania. In May 1998, police in Braila summoned women suspected of travelling to Turkey to engage in sex work, to the police station and threatened them with arrest and public exposure of their activities in Turkey if they refused to surrender their passports. Police then confiscated their passports, preventing the women from leaving the country. [27(b)]

C. Children:

5.39 The Government administers health care and public education programmes for children, despite scarce domestic resources. International agencies and NGO's supplement government programmes in these areas. [4(d)]

5.40 There is no perceptible societal pattern of abuse against children. Nevertheless, large numbers of impoverished and apparently homeless, but not necessarily orphaned, children can be seen on the streets of the larger cities. The government does not have the statistics defining the scope of the problem. Legislation on the protection of children has been amended and transfers responsibility for child protection to the local administration. It focuses on the objective of the re-integration of children into their families. [4(d)] NGO's working with children remained particularly concerned about the number of minors detained in jail and prison. These NGO's continued to seek alternative solutions, such as parole for juveniles. Because time served while awaiting trial counts as part of the prison sentence but does not count towards time to be served in a juvenile detention centre, some minors actually requested prison sentences. [4(d)]

5.41 Living conditions in all child care institutions very seriously deteriorated during 1999 for financial and administrative reasons. One year after the European Commission had concluded that there had been a positive change in government policy on child protection, EC inspectors visited institutions and identified humanitarian needs in 1999. While conditions were not equally bad in all institutions, the general situation in the summer could only be described as unacceptable in terms of basic infrastructure as well as hygiene, medical care, nutrition, and general assistance. [37(b)] According to official statistics, there were 33,000 orphans in state institutions, and the number of institutionalized children reportedly has increased by 20 percent since 1989. [4(d)]

5.42 The Constitution prohibits forced and bonded child labour, and the government generally enforces this provision. The minimum age for employment is 16 years, but children as young as 14 years may work with the consent of their parents or guardians, although only "according to their physical development, aptitude, and knowledge". Working children under the age of 16 years have the right to continue their education, and the law obliges employers to assist in this regard. However, child labour is not a problem, and children do not routinely work illegally. The Ministry of Labour and Social Protection (MOLSP) has the authority to impose fines and close sections of factories to enforce compliance with the law, which it enforces effectively. [4(c)]

5.43 On 4 December 1995 Government Decision No. 972 adopted the National Programme of Action for the Child, a framework document establishing the priority areas and general orientation of action to improve children's lives. The task of co-ordinating and securing the application by responsible agents of the measures taken in support of children falls to the National Committee for the Protection of the Child, an inter-ministerial body set up in 1993 to draft the Government's strategy in this area. [17]

5.44 The National Programme of Action for the Child covers the following areas:

- I. Ensuring the rights of the child.
- II. Ensuring the health of the child.
- III. Evolution and development of the child.
- IV. Education of the child.
- V. Protection of the family.
- VI. Children in difficulties.
- VII. Juvenile delinquents.
- VIII. Role of women in society and improvement of children's living conditions.
- IX. The framework of laws and regulations concerning children. [17]

5.45 In June 1997, the Romanian Government adopted Urgent Ordinance No. 25/1997 Concerning the Protection of Children with Difficulties, which replaced Law No. 3/1970.

Although there is no evidence on how this law has been enforced in practice, as yet, Amnesty International felt that the new law had not addressed all the failings of Law 3/1970 which would safeguard the rights of the child and the parents from abusive police conduct. [26(a)]

(Please also see Section IV, G, Legal Rights/Detention; and Section V, A, Actual Practice with regard to Human Rights)

D. Homosexuals:

5.46 For decades, all consensual sexual relations between adults of the same sex were forbidden in Romania. Indeed Article 200, paragraph 1, of the 1968 Romanian Criminal Code stated "Sexual relations between persons of the same sex are punishable by imprisonment of one to five years." [32]

5.47 Although the new language of Article 200 paragraph 1 came into force only in late 1996, it was clear from the Constitutional Court's ruling in mid-1994 that, in order to stick, convictions should be framed so as to fall under the rubrics of "public scandal" or "committed in public". [32]

5.48 Homosexuality in Romania has been decriminalised in most circumstances. The revised Penal Code came into effect in November 1996, which makes same-sex relations between consenting adults (over 18 years) a criminal offence if carried out in public or if they cause a "public scandal" The general definition of "public scandal" is being "publicly denounced" by people who object and this therefore makes it theoretically possible for homosexuals to be maliciously prosecuted. [5(a)] Article 200 also punishes conduct that "incit[es] or encourag[es]... sexual relations between persons of the same sex, as well as propaganda or association or any act of proselytism committed in the same scope," [27(b)] The punishment for these offences is imprisonment from 1-5 years. [5(a)] According to the Human Rights Watch Annual report 1999, expressions of homosexual identity or solidarity, as well as the establishment of gay and lesbian organisations and the dissemination of information are also punishable under this law. [27(b)] There is no evidence however that this has affected the operation of ACCEPT who were described by Human Rights Watch as being increasingly prominent in 1998. [27(b)]

5.49 ACCEPT was formed in 1994 with the aim of working towards the acceptance in Romanian society of all individuals, regardless of their sexual orientation. [5(b)] However, following legal advice, their registration papers omitted any references to "sexual minorities" or homosexuality. [32] At the end of 1995, ACCEPT organised a seminar in Sinaia, Romania, examining, inter-alia, legislation and attitudes towards homosexuals, and they have issued two newsletters without interference from the authorities. Also, whilst there are still no gay clubs in Romania, there are two bars in Bucharest which are frequented by homosexuals, again without interference from the authorities. [5(b)]

5.50 A 1996 report by ACCEPT reported an atmosphere of intense fear amongst gay men in Baia Mare, a large industrial town in northern Romania, where they carried out a fact-finding mission. The report also mentioned that incursions into Bucharest cruising areas are frequent, but usually take the form of simple checks of identity bulletins. [31] According to Bogdan Honciuc of ACCEPT, in a news article dated 14 September 1998, stated that "I am not saying that Romania is a gay heaven but that it is not a gay hell either. can come home

and relax." The article also stated that gays have an increasingly active part of life in Bucharest. The law banning homosexuality was dropped three years ago and the age of consent is 18 years. Bucharest now boasts two "gay friendly" bars, a gay rights organisation and a monthly gay newsletter. An Aids hotline is planned. **[14(b)]**

5.51 Homosexuals are still not viewed sympathetically by society. This was demonstrated by the fact that on the eve of Easter, 27 April 1997 (under the Orthodox calendar) the church criticised parliament for the lifting of the formal ban on homosexual relations in 1996, despite what it said was overwhelming public opinion against the move. **[6(c)]**

5.52 Perhaps as a consequence of a decision in 1965 by the Constitutional Court, that cases involving homosexuals should be dealt with according to the circumstances of the alleged offence, there have been only a small number of prosecutions under the "same-sex" provisions of the November 1996 Code. **[5(p)]** The Constitutional Court had decided as early as 1995 that justice in cases involving homosexuals should be related to the circumstances of the alleged offence. **[5(c)]**

5.53 Human rights organisations waged an intense campaign in 1998 to abolish the provisions of article 200. During a meeting in January 1998 with Human Rights Watch and the International Gay and Lesbian Human Rights Commission (ILGHRC), Romanian President Emil Constantinescu promised to give individual pardons to all people sentenced under paragraphs 1 and 5 of article 200. Mariana Cetiner, arrested in 1994 for asking another woman to have sex with her, was released in March 1998. **[27(b)]**

5.54 In 1999 the Government did not act on its promise to the Council of Europe and others to repeal the articles of the penal code that criminalise same-sex sexual conduct and outlaw "propaganda" supportive of the rights of homosexuals. Human Rights Watch reported that President Constantinescu failed to pardon all persons jailed under these laws, as he had promised to do in January 1998, and the persons imprisoned under these articles remains unknown. **[27(e)]**

5.55 It was reported in 1991 that the former head of the Bucharest vice squad had claimed that in 18 years he had never compiled a file on lesbians, he had never come across such a case and none had ever "landed on our desks". Social and cultural barriers to women's voicing lesbian desire were severe, sufficiently so that the law rarely had to act. **[32]**

5.56 On 25 June 1998 the Chamber of Deputies voted against a government sponsored amendment to the penal code that would have decriminalised consensual homosexual acts, in line with Europe-wide standards. **[27(b)] [6(m)]** This drew criticism from the Council of Europe. The vote kept in place existing post-communist laws under which homosexual acts are subject to legal action if they "cause a scandal" - generally meaning if they are publicly denounced. **[6(m)]**

5.57 There is some difficulty in answering the question of how "public scandal" is defined due to the difficulty in obtaining statistics from the Romanian authorities. Human rights groups in Romania quote legislators, prosecutors, police officers and judges on the subject, but few of the quotations are from actual trials. This would strongly suggest that the number of such trials is low, but without the statistics this is only a deduction. **[5(s)]**

5.58 The Romanian Helsinki Committee (RHC) in Bucharest confirmed in 1997 that to their knowledge only two people had been convicted and imprisoned, under Article 200, since 1993, and that was for engaging in homosexual activities in a public place. [22(c)] Indeed the RHC stated in 1994 that although Article 200 was still in place, it was not enforced, and there had been no recent arrests or sentences pertaining to homosexuality. [22(d)]

5.59 Amnesty International's October 1995 report however states that the Romanian authorities had advised them that there had been 14 people convicted under Article 200 in 1993-94 but none of them were still imprisoned. [26(d)]

5.60 In September 1998 the European Parliament adopted a resolution criticising Romania for its continued discrimination against gays and lesbians. [27(b)]

5.61 The US State Department Report for 1999, released in February 2000, states that homosexuals are "reportedly the victims of police brutality". [4(d)]

5.62 Homosexuality in the armed forces would be treated in accordance with the revised Penal Code. Any legal proceedings would come under the jurisdiction of the Military Court in Bucharest. [5(a)]

(Please see also Section V, A, Actual Practice with regard to Human Rights)

E. People with Disabilities:

5.63 Difficult economic conditions and serious budgetary constraints contribute to very difficult living conditions for those who suffer physical or mental disabilities. Many disabled people cannot make use of government-provided transportation discounts because public transport does not have facilitated access. Accessibility for the disabled, including to buildings and public transport, is not mandated by law. [4(c)]

F. Freedom of Religion:

5.64 Freedom of Religion is guaranteed under the Constitution and the government generally does not impede the observance of religious belief. However, several denominations, continued to make credible allegations that low-level government officials and Romanian Orthodox clergy impeded their efforts at proselytising. Members of religious communities not officially recognised by the Government during 1998 again accused government officials of harassment- allegations denied by the Government. Proselytising that involves denigrating established churches is perceived as provocative. [4(d)]

5.65 The Romanian Orthodox Church has attacked the aggressive proselytism of Protestant and Neo-Protestant groups. In March 1997 ten Baptists were beaten by a crowd led by Romanian Orthodox priests in the village of Ruginoasa. The Romanian Orthodox Church expressed its disapproval of the Orthodox priests' violent behaviour, but took no serious disciplinary action against its protests. Local police reportedly did not intervene. [4(b)] In April 1998 a group of Baptist missionaries was attacked by a mob in Cornereva until their van was rescued by the police and escorted out of the area. [4(c)]

5.66 The Romanian Orthodox Church, of which approximately 86% of the population is at least nominal members, is predominant, although there are several other Christian churches which practise in Romania as well as a small number of other religions such as Islam and Judaism. **[4(b)]**

5.67 Under the provisions of a 1948 decree, the government recognises 14 religions; only the clergy of these recognised religions are eligible to receive state financial support. The State Secretariat for Religious Affairs has licensed 385 other faiths, organisations, and foundations as religious associations under two 1924 laws on juridical entities, thereby entitling them to juridical status as well as to exemptions from income and customs taxes. However, religious associations may not build churches or other buildings designated as houses of worship and are not permitted to perform rites of baptism, marriage or burial. The official registration of religious associations is extremely slow because of bureaucratic delays; in this regard, the State Secretariat for Religious Affairs has been criticised by smaller religious groups for its obstructionist tactics in favour of the Romanian Orthodox Church. Members of some religious minorities complain that the revised law on cults, if enacted, would not recognise their status as religious groups. **[4(d)]** Religious groups are required to have at least 2000 members in order to register. **[27(e)]**

5.68 The Catholic Church of the Byzantine Rite, or Greek Catholic Church, which suffered discrimination in years past from the Romanian Orthodox Church and the State Secretariat for Religious Affairs, made progress in 1998 in recovering some of its former properties. The Greek Catholic Church was disbanded by the Communists in 1948 and forced to merge with the Romanian Orthodox Church. The latter received most of the former's properties, including over 2,000 churches and other facilities. Since 1990 Greek Catholics have recovered a number of their churches. **[4(b)]**

5.69 In the Banat region some of the churches were returned to the Uniate Church by the Orthodox Archbishop of Timișoara. In several counties in Transylvania local Orthodox leaders voluntarily have given up smaller country churches. The Episcopal seat in Cluj was returned to the Greek Catholic Church by a court order on 13 March 1998. In August 1998 the Government adopted an ordinance on returning buildings belonging to ethnic minorities, such as Jewish schools in Bacău and Cluj, and the Presbyterian Theology Institute in Cluj. **[4(e)]** The UDMR Chairman had demanded that Government should include restitution of church assets in the House Restitution Bill. **[6(z)]**

5.70 Because of the hostile and arrogant attitude of the authorities towards religious denominations under the Communist regime, in recent years judicial practice has been confronted with the question whether it would still be possible to annul donations to the State made under duress by heads and members of various denominations; or whether, on the contrary, their right of action should be regarded as extinguished once more than three years have elapsed since the signing of the deed of gift. **[17]**

5.71 In one case of this type, having found that the deed of gift of a piece of land and a building belonging to the Adventist Church had been prompted by physical and mental intimidation of the head of that Church and of certain of its members, the court came to the conclusion that violence constitutes not only a defect of consent such as to lead to the annulment of the donation, but also a reason for suspension of the course of the prescription. "Thus, the moment at which the violence ceased to take place, by reference to which one

may pinpoint the start of the term of prescription, must be considered in relation to the end of the totalitarian Communist regime, which, throughout its existence, occupied a position of force vis-a-vis the religious denominations, rendering it inconceivable that a court action could be brought, invoking as grounds for annulment the violence exerted by the authorities in order to obtain by coercion what were alleged to be donations to the State". Consequently, the application for annulment of the donation was admitted on the grounds of defect of consent. [17]

5.72 With regard to freedom to profess their own religion, persons belonging to national minorities benefit from the same constitutional provisions as do all other Romanian citizens. Article 6 of the Constitution provides that "the State recognises and guarantees the right of persons belonging to national minorities to the preservation, development and expression of their [...] religious identity"; while article 29 defines the framework for the expression of freedom of conscience and religion in Romania. [17]

(Please also see Section V, J, on Ethnic Minority Groups (General))

5.73 Article 32 of the Constitution establishes the freedom of religious education, in the following terms: "The State shall ensure freedom of religious education, in accordance with the specific requirements of each denomination. In State schools, religious education shall be organised and guaranteed by law". The State Secretariat for Religious Denominations, a central institution set up in 1992, supports all denominations on an equal basis, contributes to the development of religious education in theological colleges, and acts as a liaison between the denominations and central local public administration. Through the Secretariat, the State contributes each month to financing the wage bill of the denominations and the costs of theology courses, and allocates funds annually for the construction, restoration and preservation of places of worship and articles of the cultural heritage in the care of the religious denominations. [17]

(Please also see Section IV, J, on Education)

5.74 Persons belonging to national minorities are among the members of the various religious denominations recognised in Romania, such as the Roman Catholic Church, the Evangelical Church (Augsburg Confession), the Reformed Church, the Evangelical Church (Synodic-Presbyterian), the Unitarian Church, the Armenian Church, Judaism, Islam, and the Ukrainian and Serbian Orthodox vicariates. These denominations are equal among themselves and before the law and the public authorities, without privileges and without discrimination. They are free and autonomous, and freely appoint their governing bodies and clergy without interference by the State. Clergy are trained by the denominations' own schools, faculties and colleges of theology, in the light of actual needs. Denominations are free to use the mother tongue of the congregation in their worship. [17]

(Please also see Section V, A, Actual Practice with regard to Human Rights)

5.75 The 12th "People and Religions" international meeting opened in Bucharest on 30 August 1998 with the attendance of more than 800 representatives from 30 main religions worldwide. [34(a)] The four-day conference was the first in an Orthodox country and the last this century. It took place in a palace built by the former communist dictator, Nicolae

Ceaușescu, who ordered the demolition of more than 20 churches to make room for the palace and other communist party offices. [6(n)]

G. Jews

5.76 Romanian Jewish community leaders defended the centrist government on 10 June 1997 against accusations that it stalled the return of assets seized from Jews by World War II fascists and later by Communists. The government has already returned five community properties and others will follow. Romania's present government and President back full restitution of the properties seized from all ethnic groups. Romania saw Eastern Europe's biggest post-war exodus of Jews. Its Jewish community now numbers around 14,000, all that remain of a pre-war community of 800,000. [6(i)] Romania's ruling of July 1997, to award pension rights to expatriates, including thousands of Romanian Jews who have emigrated to Israel, earned praise from the international Jewish community leaders on 22 August 1997. [6(j)]

5.77 Most mainstream politicians have publicly condemned anti-Semitism, racism, and xenophobia. However, the fringe press continued to publish anti-Semitic harangues. [4(c)] [6(w)]

5.78 In October a court sentence, Mihai Bogdan Antonescu, editor of the weekly *Atac la persoana*, to a 2-year suspended sentence for publishing articles that were intended to spread intolerance toward Jews. On September 13, Romanian Television reported that unknown perpetrators recently desecrated two tombstones in the Galati Jewish cemetery. In early November, vandals destroyed more than 50 tombstones in 2 Jewish cemeteries in Transylvania. []

5.79 The Government adopted on 20 August 1998, an ordinance on returning buildings to Romanian national (ethnic) minorities. The ordinance enlists the buildings along with their surrounding plots to be returned to their rightful owners or their heirs. These include the former Jewish school *Cultura* in Bacău in east Romania. [24(i)]

H. Jehovah's Witnesses:

5.80 In 1997 several Protestant denominations, Jehovah's Witnesses the most prominent among them, made credible allegations that low-level government officials and Romanian Orthodox clergy harassed them and impeded their efforts at proselytising and worship. [4(b)]

5.81 Jehovah's Witnesses tend to be regarded with suspicion and hostility by the population at large and by the established churches. Many Romanians resent well-financed westerners (most of them from the USA) coming to their country as missionaries. They do not like the implication that Romania is not a Christian country. [5(o)]

5.82 However, Jehovah's Witnesses are not systematically persecuted by the Romanian state authorities. The cancellation of their international convention in 1996 was an isolated incident - a result of pressure from the Romanian Orthodox Church. Although on that occasion the government caved in, they do not generally become involved. [5(o)]

5.83 Such persecution as there may be is down to individual members of the community and it is nothing like so widespread or as serious as the ill-treatment sometimes suffered by, for instance, the Roma. [5(o)]

I. Main Religions:

5.84 Roman Orthodox Church: Romania's principal religion, with more than 19 million followers.

Roman Catholic (Latin Rite) Denomination: Over 1,250,000 followers.

Roman Catholic (Romanian Rite): 1,110,000 followers.

Reformed (Calvinist) Denomination: Over 700,000 followers.

Pentecostal Denomination: Some 350,000 followers.

Seventh Day Adventist Denomination: Over 67,000 followers. [2]

5.85 Religions **formally recognised by the Romanian State** (and number of adherents reported at the 1992 census):

Romanian Orthodox Church	19,762,135
Romanian Church to Rome (Greek Catholic)	228,377
Roman Catholic Church	1,144,820
Reformed Church (Calvinist)	801,577
Evangelical Church of Augustinian Order	39,552
Evangelical Church (Synodical-Presbyterian)	21,160
Unitarian Church	76,333
Armenian Church	20,000
Christian Religion of the Old Rite	32,000
Baptist Christian Church	110,000
Pentecostal Cult - God's Apostolic Church	220,000
Seventh Day Adventist Church	76,658
Christian Cult after the Evangel - Romanian Evangelical Church	50,000
Romanian Evangelical Church	not given

Jewish Faith	9,102
Muslim Faith (Sunni)	56,000
Ukrainian Orthodox Vicariate	42,000
Serbian Orthodox Vicariate	not given

[5(q)]

5.86 The legislation on Religious Denominations includes the Constitution and Governmental Decisions. A new law is in preparation. **[5(q)]**

J. Ethnic Minority Groups (General):

5.87 According to preliminary data from the 1992 census, the ethnic structure of Romania's population is as follows: 89.3 per cent Romanians and 10.7 per cent persons belonging to various national minorities (Hungarians, 7.1 per cent; Gypsies, 1.8 per cent; Germans, 0.5 per cent; Ukrainians, 0.3 per cent; Russo-Lipovans, 0.2 per cent; Turks and Tatars, 0.2 per cent, etc). **[17]**

5.88 The European Commission stated in November 1998 that the protection of minorities in Romania remains satisfactory, with the major exception of the Roma. **[37(b)]**

(Please also see section V,L, Roma (Gypsies))

5.89 In order to ensure the broadest possible framework for participation by such persons in public life, and, in particular, in the formulation of measures to deal with their own specific problems, Government Decision No. 137/1993 established the Council of National Minorities, a consultative body of the Romanian Government bringing together representatives of organisations of citizens belonging to minorities and a number of State bodies (the Ministries of Foreign Affairs, Justice, Finance, Labour and Social Protection, Public Works and Planning, and Youth and Sport, the State Secretariat for Religious Denominations, and the Government Department for Local Public Administration). The Council's powers cover prescriptive, administrative and financial aspects of the rights of persons belonging to national minorities to retain, develop and express their ethnic, cultural, linguistic and religious identity, as provided for in the Romanian Constitution and current legislation, and in the international treaties and conventions to which Romania is a party. **[17]** The Department for the Protection of National Minorities is currently working on bill to fight discrimination. **[5(t)]**

5.90 The Council establishes and maintains contacts with representatives of organisations of citizens belonging to national minorities; makes proposals concerning the preparation of draft laws and government decisions in its sphere of competence; submits to the Government or its Secretary-General, as appropriate, proposals for the adoption of the administrative measures it considers necessary to deal with problems falling within its competence; maintains permanent links with the local authorities so as to identify and solve their specific problems; establishes and develops contacts with the international governmental and non-governmental organisations and bodies concerned with the rights of persons belonging to national

minorities; gives opinions on draft laws and government decisions affecting the rights of persons belonging to minorities, etc. [17]

5.91 The Council is made up of several working committees: the Committee on Education, Science and Youth; the Committee on Culture, Worship and the Media; the Committee on Legislation and Administration; the Committee on Social and Economic Affairs; the Committee on Financial Matters, etc. It supports radio and television broadcasts in minority languages and publications by organisations of citizens belonging to minorities. It allocates the annual State subsidies to the organisations of persons belonging to national minorities. One of the Council's ongoing concerns since its creation in 1993 has been the preparation of a draft law on the rights of persons belonging to national minorities. A draft prepared by representatives of 15 organisations of persons belonging to national minorities is currently on the Romanian Parliament's agenda. [17]

5.92 Practice, whether in the area of legislative, administrative or judicial measures, shows that, in the spirit of the Human Rights Committee's recommendations, the expression "without any discrimination" in the first paragraph of article 24 of the International Covenant on Civil and Political Rights is interpreted in the meaning defined by the International Convention on the Elimination of All Forms of Racial Discrimination (referring to any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin), as well as by the other provisions of international human rights texts prohibiting any distinction, exclusion, restriction or preference based on sex, language, religion, opinion, property, birth or any other situation such as to compromise the full and equal exercise of fundamental rights and freedoms. [17]

5.93 Romania's Constitution, adopted in November 1991, stipulates that Romania is "a social and democratic state of law in which human dignity, the rights and liberties of citizens, the free development of the human personality, justice and political pluralism represent supreme values and are guaranteed". The Constitution further guarantees that "the state recognises and guarantees for members of the national minorities the right to preserve, develop and express their ethnic, cultural, linguistic and religious identity...". Citizens are equal before the law and public authorities, with no privileges and no discrimination". Romania has also adopted a number of international human rights treaties, including the International Covenant on Civil and Political Rights, the UN Convention against Torture and the International Convention on the Elimination of All Forms of Racial Discrimination. Furthermore, the Romanian Constitution states that any international treaties ratified by parliament become domestic law and makes it clear that international treaties take precedence over domestic laws if necessary. [22(a)]

5.94 Romania experienced frequent occurrences of ethnic unrest after the fall of Ceauşescu and in 1991 there were organised attacks on the Roma population resulting in the emigration of many of them to Germany. [2] Also in the early nineties, popular nationalist feeling led to the formation of radical nationalist organisations like Vatra Romaneasca ("Romanian Hearth"). [5(j)]

5.95 In 1993 the Government created a Consultative Council for National Minorities to monitor specific problems of persons belonging to ethnic minorities, to establish contacts with minority groups, to submit proposals for draft legislation and administrative measures, to maintain permanent links with local authorities, and to investigate complaints. This

council was upgraded to a government department with ministerial status after the November 1996 elections and renamed the Department for the Protection of National Minorities (DPNM). [4(c)]

5.96 The Constitution and electoral legislation grant each recognised ethnic minority one representative in Parliament's Chamber of Deputies, provided that the minority's political organisation obtains at least 5% of the average number of valid votes needed to elect a deputy outright (only some 1,784 votes in the 1996 elections). Organisations representing 15 minority groups elected deputies under this provision in 1996. In addition, the ethnic Hungarians, represented by the UDMR, obtained parliamentary representation through the normal electoral process. Roma are under-represented in Parliament because of a low Roma voter turnout and internal divisions which worked against the consolidation of votes for one candidate, organisation, or party. They have not increased their parliamentary representation beyond the one seat provided them through the Constitution and electoral process. [4(c)]

5.97 The State provides substantial support for the cultural life of national minorities. It is involved in financing the activities of cultural establishments (theatres, arts groups, museums, libraries, etc), and in publication of newspapers and books in minority languages and production of radio and television broadcasts in those languages. Conditions conducive to closer international relations have also been created.

(a) Theatres: eleven Hungarian-language State theatres and departments, three German-language State theatres, one Yiddish theatre;

(b) Dozens of national and local publications in Hungarian, Turkish, German, Romany, Slovak and Czech, Serbian, Armenian, Bulgarian, Ukrainian and Russo-Lipovan. More than 20 publications in national minority languages are subsidised by the Council of National Minorities;

(c) Radio and television: daily broadcasts in Hungarian and German and weekly broadcasts in other languages on national radio, as well as weekly broadcasts from local stations; twice-weekly broadcasts in Hungarian and German and broadcasts for other national minorities (the programme entitled Convietuiri) on the national television channels, and broadcasts from local television studios;

(d) Publication of books by the Kriterion publishing house, which specialises in books by authors from national minorities written in their mother tongue, and in translations of works written in minority languages, intended for the wider Romanian public. [17]

5.98 According to a United Nations paper of April 1997, the Romanian Government has in recent years, devoted special attention to initiatives and activities whose principal aim is the prevention of acts of racism, racial discrimination and xenophobia, so as to guarantee that young people are educated in a spirit of openness and tolerance, secure broad dissemination of the principles of democracy and human rights, and promote a

climate of dialogue and tolerance among the various sections of Romanian society, including persons belonging to ethnic, linguistic and religious minorities. [17]

(Please also see Section V, F, Freedom of Religion)

5.99 The Office of the UN High Commissioner for Refugees (UNHCR) has concluded that Romania is no longer to be characterised as a refugee-generating country and that basic standards of human rights are respected. [37(b)]

5.100 An Inter-Ministerial Committee for National Minorities was set up by a government decision in August 1998, while the sub-committee responsible for the elaboration of a strategy for the integration of the Roma met for the first time in September 1998. [37(b)]

5.101 The Ministry of Education has granted the Roma minority privileged treatment in approving the assignment of subsidised places for Romanians who wish to study at ten named universities around the country for the academic year 2000-2001. [6(bb)] This is in addition to the places reserved for Roma in admission to teacher training and education in the field of social administration in since 1998. [37(b)]

5.102 The representatives of publications belonging to the 16 national minorities living in Romania other than the Hungarians said, at a seminar held in July 1999, that they were satisfied with the rights enjoyed by the national minorities in Romania. [6(y)]

(Please also see Section IV, J, on Education; Section V, A, on Actual Practice with regard to Human Rights; and F, on Freedom of Religion)

K. Hungarians:

5.103 Ethnic Hungarians constitute one of the largest and most vocal minorities. [4(c)] According to the last census (1992), ethnic Hungarians numbered 1.6 million or 7.1% of the population, although most experts believe the actual number is closer to two million. [5(g)]

5.104 Hungarians are also the most prominent of Romania's ethnic minorities and are represented at both local and national level by the Democratic Union of Hungarians in Romania (UDMR), which holds 36 seats in Parliament. [4(c)] The UDMR became a coalition party following the November 1996 elections.

5.105 On 16 September 1996, the then Hungarian Prime Minister, Gyula Horn, and the then Romanian Prime Minister Nicolae Văcaroiu, signed a basic treaty in Timișoara, which was welcomed and encouraged by the international community. The text of the treaty reflected a compromise in the area of minority rights. Both countries pledged to treat their minorities fairly, according to European standards. [22(a)]

5.106 By 1998, many of the issues addressed in the Romanian-Hungarian treaty were implemented. Progress was made on economic issues, high level visits, and infrastructure improvements such as border crossings. [4(c)]

5.107 The 1995 Law on Education dealt with the right of minorities to be educated in their own language. Although the law was deemed by the OSCE High Commissioner on National Minorities to be in line with European and international standards, it rescinded the rights of Hungarians to take university entrance examinations in Hungarian for those subjects not taught in Hungarian. It also dictated that certain vocational schools use only Romanian, which some Hungarians charged would disadvantage Hungarian ethnic citizens who work in these areas. Implementation of the law was postponed until 1997.

[4(a)]

5.108 A government decree on Hungarian-language minority education was enacted and went into force in 1999. The decree permits students in state-funded primary and secondary schools to be taught in their own language, with the exception of secondary school courses on the history and geography of Romania. **[4(d)]**

5.109 A new law, put to the Senate in June 1999, allows for the creation of Hungarian language faculties within universities operating in Romania and has the support of the UDMR. The UDMR and the government reached a compromise: a multicultural university with instruction in Romanian, Hungarian, and German would be established, and the UDMR would remain in the government. **[6(r)]**

5.110 Some Romanian extremists, including the mayor of Cluj, still accuse the ethnic Hungarians of wanting to restore Hungary's control over Transylvania, i.e. revert to the borders of 1918. A handful of ethnic Hungarians, as well as some extremist politicians in Budapest, fuel the debate with demands for territorial autonomy for Transylvania. Such extremists are however on the margins of political life. Since the riots in Târgu Mureş in March 1990, there has been no serious unrest in Transylvania. Furthermore the text of the Romania /Hungary Basic Treaty acknowledges existing frontiers and reiterates observance of the principles of the Helsinki Final Act. **[6(g)]**

5.111 On 2 April 1997, the High OSCE Commissioner on National Minorities, Max van der Stoel met with Bela Marko, President of the Democratic Union of Hungarians in Romania (UDMR), and other prominent figures of the Hungarian community. The OSCE High Commissioner said at the end of the meeting, held without the access of the press, that various aspects of the governing programme of the Ciorbea cabinet, notably the one related to the Hungarian minority had been tackled. Max van der Stoel said that this was the most heartening meeting he had had with UDMR leaders. The issues approached at the meeting related to changes in the Romanian political life since Van der Stoel's previous visit and the dynamics of the minority issue in Romania. During the talks, the participants concluded that real chances have been created since the change in November 1996, for the solving of minority issues. **[6(d)]**

5.112 There was no violence in 1996 or 1997, associated with ethnic Hungarian issues, despite the vitriolic response of nationalist politicians to the opening of a Hungarian consulate in the Transylvanian city of Cluj in July. **[4(a)] [4(b)]**

5.113 At the end of July 1998, the newly elected Hungarian Prime Minister, Viktor Orbán, visited his Romanian counterpart, Radu Vasile, in order to further develop and improve co-operation between Hungary and Romania in the spirit which had already been established. **[28(a)]** The Hungarian prime minister and the UDMR requested that a

public university teaching in the Hungarian language be created in Transylvania. Opposition parties slammed the president's adviser for having agreed to this. [24(g)]

5.114 A press report in September 1998 claimed that the UDMR were very discontented with the way the coalition functions, chiefly with aspects relating to minorities' issues. It claimed that commitments and promises were not met. [33(a)]

(Please also see Section IV, J, Education; and Section V, A, Actual Practice with regard to Human Rights)

L. Roma (Gypsies):

5.115 In September 1995, the UNHCR advised that "On balance for a Roma asylum seeker to be recognised, he/she would need to provide particularly strong and credible elements" (please also see paragraphs 5.124 and 5.134 below). [10]

5.116 Roma are one of, if not, the largest ethnic minority groups in Romania. Although the 1992 census recorded only 409,723 Roma residing in Romania (approximately 1.8% of the total population), the true figure is estimated at more than two million. [5(g)] For various reasons many Roma do not hold ID cards. [5(t)]

5.117 The Roma form the largest community in Europe. Until 1864 the Roma had endured five centuries of slavery in Romania. Conditions for Roma slaves were as inhumane as for African slaves. The abolition of slavery prompted a gradual and massive exodus of Roma fearful of future re-imposition of slavery. Those who stayed remained impoverished outcasts. [9]

5.118 Under Communism all national minorities were guaranteed complete equality but in practice were treated with hostility. Many communities were destroyed as Roma were forced into urban tenements or collective farms. Roma were frequently the victims of police violence. [9]

5.119 Following the fall of Ceaușescu, the new freedom of speech rekindled long-standing contempt for Roma. The Roma became the national scapegoat for Romania's immense problems. National newspapers and right wing politicians attacked the Roma unleashing a wave of violent anti-Roma incidents among the civilian population. [9]

5.120 In 1991 many Roma emigrated to Germany. In September 1992, having agreed to provide financial assistance for their resettlement, Germany repatriated 43,000 Romanian refugees of which over half were reported to be from the Roma community. Such repatriations continued during 1993 and 1994. [2]

5.121 In May 1995 Amnesty International published a report condemning the apparent failure of the Romanian police to protect the Roma community from racially motivated harassment and physical attacks. In July of that year the Roma community was again the focus of international attention when the European Parliament criticised the widespread discrimination against the Roma communities and individuals in Romania. [2]

5.122 A draft report to the UNHCR in 1995 stated that of all the minorities living in Romania, Roma were clearly the most disadvantaged. Persons of Roma origin were not always accorded adequate protection against human rights violations and, in some instances, have been victims of harassment, intimidation, ill-treatment and acts of discrimination by both local residents and the police. [10]

5.123 It further reported that in 1995 non-governmental organisations (NGOs) had expressed serious concerns about the ongoing discrimination against the Roma minority in Romania and the fact that Romanian society, as a whole, has tended to associate all Roma with criminal elements. Reference was generally made to violence erupting in vigilante-style episodes and the government's limited and/or slow reactions to these events. In addition, the Roma community was faced with dire social and economic conditions. The Roma were seen as outside society and at the bottom of the social ladder. [10]

5.124 A report by the European Roma Rights Centre (ERRC) dated September 1996 suggests that the anti-community violence was at its height between 1990 and 1994. During that time the Romanian authorities were subjected to strong criticism by human rights organisations for having failed to protect the Roma. The Romanian government recognised the problem of mob violence and from 1994 took some initiatives to confront it. [40(a)]

5.125 In co-ordination with law enforcement officials from the United States, the Ministry of the Interior of Romania developed a "Mob Violence Prevention Programme" within the Romanian General Inspectorate of the Police. This was intended to develop strategies to prevent community violence. However, in place of facilitating the promotion of inter-community dialogue, local police forces more and more regularly resorted to acts of force and massive raids during 1995-96. By preventing the Roma from committing crimes, the police believed, the majority of the population would not be tempted to take the law into their own hands. The police rarely communicated to the Roma why they were being raided. The justification for the raids therefore remained obscure in the minds of the Roma. [40(a)]

5.126 The ERRC stated in 1996 that it was difficult to convince the Romani victims of police violence to file complaints with the police or to begin legal proceedings against the police. Romani and non-Romani witnesses of human rights violations showed a similar dread of self-exposure. With few exceptions local Romani leaders do not consider legal redress as an option, but instead choose the path of local mediation. This often degenerates into a strategy of trade-offs: silence in exchange for peace. [40(a)]

5.127 The ERRC expressed concern in March 2000, about a recent incident of alleged police violence against several Roma, including women and children who were allegedly beaten. Teargas was allegedly used in the streets to disperse a group of children and the police used racist epithets. In July 1999 the ERRC submitted a list to the UN Human Rights Committee's review of Romania's compliance with the International Covenant on Civil and Political Rights. The list cited 19 cases of police abuse of Roma that had been reported in the period 1996 – 1998. None of the cases had resulted in prosecution of the police officers involved. The UN Human Rights Committee voiced concern about, inter

alia, police brutality against members of the Roma minority and called upon the Government of Romania to do more to end discrimination against Roma. **[40(b)]**

5.128 The Roma community's rights are represented by political parties. The Democratic Union of Romanian Roma was founded in 1990. Numerous Roma political organisations have been created, many reflecting tribal or occupational interests. The main party is the Democratic Alliance Party, which was formed in 1995. **[9]** New Roma legislation has been introduced. In May 1995 Romanian Roma were reclassified as "Tsigani" officially in order to avoid confusion with ethnic Romanians. For Roma to call themselves "Roma" is now forbidden. **[9]**

5.129 It was reported in late 1996 that Roma organisations were involved with increasing success in local conflict resolution and mediation between villagers and Roma. There were signs that the authorities were tackling anti-Roma violence with greater urgency. When a mob of 1,000 villagers looted and burnt nine Roma homes in Racsa police reacted forcefully and brought charges against 40 villagers. Satra Mare province gave money to rebuild the Romani homes. **[9]**

5.130 In 1998 the European Roma Rights Centre (ERRC) and the Romanian Helsinki Committee (RHC) urged Romanian authorities to investigate abuses against the Roma and to prosecute those who were accused of abusing the rights of Roma, as well as to investigate incidents of anti-Roma violence and to prosecute those suspected of committing racially motivated crimes. The government frequently ignored their requests for information, or responded only after considerable delay and with incomplete or inaccurate information. **[27(b)]**

5.131 In July 1998 a court in Mureş sentenced 11 persons who in 1993 burned 13 Romani houses, resulting in the deaths of 3 Roma, to 3 to 7 years imprisonment. Other cases dating to 1993 involving Romani deaths and property destruction are still under investigation by prosecutors or under review by courts. **[4(c)]**

5.132 An Inter-Ministerial Committee for National Minorities was set up by a government decision in August 1998, while the sub-committee responsible for the elaboration of a strategy for the integration of the Roma met for the first time in September 1998. **[37(b)]** The Ombudsman institution covers problems of the ethnic minorities in Romania. The Department for Minorities and Religious Cults is in charge with the specific issues from the Roma minority. **[5(t)]**

5.133 APADO, the Lawyers' Association for the Defence of Human Rights, is currently running a programme of juridical assistance for Roma. **[5(t)]**

5.134 In April 1998 the Ministry of Education announced a series of initiatives designed to improve Roma education. New programmes will provide caravan classrooms to follow the migrant Romani population and will open additional classrooms at the request of Roma in several high schools throughout the country. **[4(c)]** The education minister announced that the authorities were to introduce a mechanism of positive discrimination favouring Roma in state education institutes. **[38(c)]** Romanian gypsies also have eight schools in their Roma language. **[6(h)]** In March 1999 the Ministry of Education adopted a decision to appoint a Roma Inspector in each of Romania's 41 counties. The

OSCE High Commissioner of National Minorities, Max van der Stoel noted in April 2000 that while it remains to be seen how this policy will be implemented, the basic approach of involving Roma at the level of governance is salutary. [46]

5.135 The European Commission concluded in November 1998 that while the measures taken by the Romanian authorities reflect a continuing commitment to the protection of minority rights, the social and economic integration of the Roma requires substantial additional efforts. Prejudice against the Roma remains widespread and needs to be addressed comprehensively. [37(b)]

5.136 The US State Department reports for 1999 report states that no cases of ethnically-motivated violence were reported but Romani groups complain of routine police brutality, prejudice and racial harassment at local level. [4(d)] In 1998, several credible reports of anti-Roma violence and harassment were cited by the US State Department. [4(c)] According to the Ombudsman's Office there were 47 incidents of mob violence targeted against Roma between January 1990 and January 1998. As a result of these, 12 Roma died and about 1000 were affected because their houses were set on fire by angry villagers. The Romanian Government and the German state contributed with financial funds to the rebuilding of destroyed Roma homes. [5(t)]

5.137 Some steps have been taken toward establishing an institutional framework to improve the conditions of the Roma, but in practice little progress has been made. The Department for the Protection of National Minorities and a working group of Roma associations set up by the Roma community signed an agreement for drafting a strategy for the protection of the Roma minority. Meanwhile, the Romani population continues to be subject to societal discrimination. [4(d)]

5.138 The OSCE High Commissioner on National Minorities, Max van der Stoel, reported, in a special report on the "Situation of Roma and Sinti in the OSCE Area." (April 2000), that an unequal and discriminatory sociology is practised by health care institutions and medical staff at all levels. The Romanian daily Ziua reported on 7 September 1999 that Roma without either means to pay for health services directly or proof of state medical insurance had been banned from the Iasi County Hospital. State health services are provided for all citizens who are employed or those who are officially registered with the State as unemployed. Many Roma in the area are not registered and therefore in the eyes of the local authorities were not eligible for state health care. [46]

5.139 The report also observed that the Romanian General Inspectorate of Police in 1999 had developed a programme to improve relations between Roma and police and to enhance the capacity of the police to respond effectively in situations of tensions between Roma and non-Romani communities. A hallmark of the programme is to develop regular meetings between police and representatives of Roma, as well as non-Romani communities, at both national and local level. [46]

(Please also see Section IV, J, Education; and Section V, A, Actual Practice with regard to Human Rights)

M. Ukrainians:

5.140 On 2 June 1997, the Romanian President Emil Constantinescu, told a press conference that he would personally guarantee the rights of the Ukrainian minority in Romania. At the conference, Constantinescu and the Ukrainian President, Leonid Kuchma, signed a treaty on good-neighbourly relations and co-operation. Both Presidents stated that they considered the treaty in the context of a joint development of a European security structure. According to Kuchma, the treaty stipulates that neither side can enter agreements with a third party against the interest of either Ukraine or Romania. [6(g)]

5.141 On 15 September 1997, President Constantinescu reopened a high school for members of northern Romania's 300,000 strong Ukrainian minority nearly 30 years after it was shut by Communist authorities. The reopening of the school underscored recognition of minority rights three months after the signature of the above-mentioned treaty. About 400,000 ethnic Romanians live in Ukraine where nearly 100 schools are in operation in northern Bulovina and southern Bessarabia - regions held by Romania during World War II. [6(h)]

N. Arabs:

5.142 A large number of Arabs have settled in Timișoara. A school has been built in the city for their children. They would, however, like to be given ethnic minority status and to be allowed to delegate a representative in Romanian parliament. They discussed this matter with the government commissioner's office, the police and the army on 5 August 1997. [6(f)]

O. Germans:

5.143 Ethnic Germans, now numbering no more than 80,000, (from 800,000 before World War II) have education in their own language from kindergarten to university in Romania. [6(h)]

VI. OTHER ISSUES

A. Freedom of Speech and the Press:

6.1 Although the Constitution provides for freedom of expression and prohibits censorship, it limits the bounds of free expression by prohibiting "defamation of the country" and "offence to authority." [4(d)] The 1992 Law on Broadcast Media guarantees freedom of expression and forbids censorship. However, critics contend that the law could be "misused to muzzle the opposition" as the bill forbids any "defamation of the country and the nation", as well as the "the dissemination of classified information". [22(b)] An amended Penal Code, however, was passed by Parliament in September 1996 rectified many of the shortcomings of the former Communist-era Code, although the new version was criticised in some quarters because it retains jail terms for those convicted of libel or slander, including journalists. [4(d)]

6.2 One of the undesirable effects of the exercise of the rights of freedom of expression [since the fall of Ceaușescu], and especially, freedom of the press, is the increase in the

number of proceedings brought for the offence of intentional defamation. In recent years the courts have obliged the perpetrators of intentional defamation to pay considerable sums in non-material damages. [17]

6.3 Judicial practice in sentencing the perpetrators of certain criminal acts has prompted lively comment in the press regarding the limitation of the exercise of freedom of expression with a view to ensuring respect of the rights and reputations of others, as provided in article 19, paragraph 3, of the International Covenant of Civil and Political Rights. The authors of the defamatory statements published in various newspapers and periodicals rejected the accusation of intentional defamation, basing themselves on the permissibility of ridiculing attitudes and individuals by the means characteristic of pamphlets and satirical journals. The injured parties, and also a number of readers, protested, finding those attempts at justification forced and unreasonable. [17]

6.4 In spring 1998, an attempt by Parliament to amend the Penal Code and remove jail terms from among penalties for libel failed because of disputes over an unrelated matter. Consequently, Articles 205 and 206, concerning libel, and Articles 237 and 238, concerning offence to authority and defamation of the character, are still in force. [4(d)] During 1998 and 1999 these provisions were used to punish journalists who exposed corruption among public officials. [27(b)] [4(d)]

6.5 In September 1999 the European Court of Human Rights found the decisions of the Romanian court violated Article 10 of the Human Rights Convention concerning freedom of speech. [4(d)]

6.6 Several journalists were arrested and tried for during 1999 for reporting on corruption by local government officials. [4(d)]

6.7 The Committee to Protect Journalists reported that there were a couple of violent attacks against Romanian journalists investigating cases of corruption in September 1999. On September 23, Marian Tudor, a journalist with Journalul de Constanta, was assaulted and thrown from a moving train while he was delivering manuscripts to Bucharest from printing. The assailants took the manuscripts which documented an illicit local business deal. Four days later, Lorena Boros and Dorina Tartaran of the Gazeta de Nord-Vest were attacked at a construction site where they were investigating accusation of a rigged auction to win the contract. When they called for assistance, the police responded by detaining them. [45] [27(e)]

6.8 On 13 March 1998 three journalists from the Buzău newspaper Opinia received one year in prison for printing accusations that a former prosecutor's mother rented her house for use by those involved in an illegal pyramid scheme. [27(b)]

6.9 In Bistrita on 25 May 1998 Cornel Sabou, editor-in-chief of Trans-Press agency, received a sentence of ten months for publishing protests against a judge accused of using his influence for personal pecuniary gain. [27(b)]

6.10 On 23 July 1998, a court in Iași sentenced Ovidu Scultelnicu and Dragos Stangu to one year of imprisonment, a fine of 1.5 billion lei (US £175,000), and deprivation of some civil rights, as well as the right to practice journalism for twelve months, for

criticising police colonel Peru Susanu's policing methods and questioning the origin of his personal fortune; [27(b)] The case prompted criticism due to the fact that the plaintiff's wife, daughter, and son-in-law were employees of the court that indicted the journalists. The Supreme Court refused to move the trial to another jurisdiction. The case is being appealed. [4(c)]

6.11 On 29 August 1998, in Botoşani, Florentin Florescu, and Radu Burlacu were fined 100 million lei (\$11,250) for reporting a local politician's efforts to influence the magistrates assigned to his son's trial. Scultelnicu, Stangu, Florescu, and Burlacu all worked for Monitorul, a regional independent daily operating in north-eastern Romania. [27(b)]

6.12 The Committee to Protect Journalists reported that fewer journalists were convicted in 1997 under Article 206, which penalises calumny, as Romanian courts doled out fines rather than jail terms. Articles 205 and 239 of the criminal code make insulting a public official a crime, although there were fewer such cases. In December 1997 Marius Avram, a reporter for the newspaper Stirea, was convicted of calumny against Georghe Funar, the mayor of Cluj. Avram was ordered to pay damages of 100,000 lei (\$800). [41]

6.13 The independent media continued to grow in 1999 in an increasing competitive market. Several hundred daily and weekly newspapers are published in Romania and several private television stations broadcast nation-wide, with the largest reaching approximately 20% of the rural and 80% of the urban market. As of September 1998, 72 private television stations and 162 private radio stations were broadcasting. Approximately 2.8 million households are wired for cable, giving significant portions of the population access to both private and foreign broadcasts. While Romanian State Television (RTV) and Radio Romania remained the only national broadcasters capable of reaching the bulk of the rural population, independent stations continued to enlarge their coverage throughout the country by over-the-air transmission, cable, and satellite. [4(d)]

6.14 The 1994 law establishing a parliamentary-appointed board of directors for RTV was implemented in June 1998. The new chairman of the board, Christian Hagi-Culea, was elected by Parliament in October 1998. [4(c)]

6.15 Foreign news publications may be imported and distributed freely, but high costs limit their circulation. [4(b)] The press is free from state censorship or interference and publishes a wide variety of opinions. [4(a)]

6.16 Despite commitments made in the international forum, the Government of Romania repeatedly failed to bring criminal legislation in line with international human rights standards. (See para 6.4) [39(b)]

B. Freedom of Assembly and Association:

6.17 Act No. 60/1991, the Public Assemblies (Organisation and Conduct) Act, regulates in detail the conditions necessary to organise meetings, demonstrations, functions, parades and any other form of assembly. The principal condition is that any public assembly must be conducted in a peaceful manner, and without any kind of weapon. [17]

6.18 The Act provides that public assemblies to be held in public squares, on the public highways and in other open spaces may be organised only after a written notification has been deposited with the local administration, three days prior to the event, specifying the name of the organising group, the purpose, date, place, starting time and duration of the event, the arrangements for access and dispersal, the estimated number of participants, the persons entrusted with the task of organising the event and taking responsibility for it, and the services the organisers are requesting the local authorities and local police to provide. Where justified, the local authorities may, with the organisers' consent, alter some details of the preliminary notification. **[17]**

6.19 The Constitution also provides for freedom of assembly which the Government respected in practice in 1999. The law on public assembly provides for the right to assemble peacefully while unarmed but states that meetings must not be held at the same time as a scheduled public gathering and may not be held near locations such as hospitals, airports, or military installations. The law forbids participants to espouse racist, fascist or Communist ideologies or commit actions contrary to public order or national security. The authorities may forbid a public gathering by notifying the organisers in writing within 48 hours of receipt of the request. Unauthorised demonstrations of other violation are punished by imprisonment and fines. **[4(d)]**

6.20 The Constitution also provides for the freedom of association and the government respected this right in practice in 1999. Romanians can form associations, including political parties. **[4(d)]** A new law on political parties was promulgated on 25 April 1996. The law stipulates that parties must have at least 10,000 members in at least 15 counties, with no less than 300 members in each county. **[22(b)]** Associations may be granted legal status with only 20 founding members and over 2000 supporting members. **[4(d)]**

6.21 Monarchist groups, however, are effectively prohibited from registering as political parties, as according to the new law all parties must respect the country's constitution which "defines Romania as a republic". Nevertheless, major pro-monarchy newspapers publish freely and openly pro-monarchist parties function without hindrance. **[22(b)]**

C. Workers' Rights:

6.22 The law provides that all workers except police and military personnel have the right to associate freely, to engage in collective bargaining, and to form and join labour unions without previous authorisation. No workers may be forced to join or withdraw from a union, and union officials who resign from elected positions and return to the regular work force are protected against employer retaliation. The majority of workers are members of about 18 nation-wide trade union confederations and smaller independent trade unions. **[4(d)]**

6.23 The 1991 legislation stipulates that labour unions should be free from government or political party control and the government has honoured this in practice. Unions are free to engage in political activity and have done so. The Constitution also prohibits forced or compulsory labour. The Ministry of Labour and Social Protection (MOLSP) generally enforces this prohibition. **[4(c)]**

6.24 Trade unions play an active role in negotiating collective labour agreements in Romania, in accordance with the statutory provisions on the matter (Act No. 13/1991, the Collective Labour Agreements Act); as well as in resolving collective labour disputes (pursuant to Act No. 15/1991). [17]

6.25 Most wage rates are established through collective bargaining at the enterprise level. However, they are based on minimum wages for given economic sectors and categories of workers which the government sets after negotiations with industry representatives and the labour confederations. Minimum wage rates are generally observed and enforced. In addition, workers and pensioners receive salary increases indexed to price increases several times a year. In 1998 the minimum monthly wage of \$40 (360,000 lei) did not keep pace with inflation and did not provide a decent standard of living for a worker and family. Prices for utility services such as water and heating have risen dramatically. However, basic foodstuffs and pharmaceutical products are still subject to price ceilings. Housing is no longer subsidised. [4(c)]

6.26 The Labour Code provides for a standard work-week of 40 hours or 5 days, with overtime to be paid for weekend or holiday work or work in excess of 40 hours. It also includes a requirement for a 24-hour rest period in the work-week, although most workers receive 2 days off. Paid holidays range from 18 to 24 days annually, depending mainly on the employee's length of service. The law requires employers to pay additional benefits and allowances to workers engaged in particularly dangerous or difficult occupations. [4(c)]

6.27 Some labour organisations press for healthier, safer working conditions on behalf of their members. The MOLSP has established safety standards for most industries and is responsible for enforcing them. However, it lacks sufficient trained personnel for inspection and enforcement, and employers generally ignore its recommendations. Although they have the right to refuse dangerous work assignments, workers seldom invoke it in practice, appearing to value increased pay over a safe and healthy work environment. Neither the government nor industry, still mostly state owned, have the resources necessary to improve health and safety conditions significantly. [4(c)]

6.28 On 28 July 1998 the Industry and Trade Minister, Radu Berceanu, questioned the right of trade union leader Miron Cozma (recently released from prison) to participate in a meeting held in Petroşani on 28 July, with representatives of the Autonomous Pitcoal Company and other local authorities. In a statement signed by Miron Cozma, the co-ordination council of the Jiu Valley Trade Union League described the minister's gesture as provocation and hoped for an open dialogue with the Government in order to tackle the serious problems facing the Jiu Valley. [19(a)]

(Please see also Section III, A, Recent Political History)

6.29 Romania ratified International Labour Organisation (ILO) Convention No. 105, 1957, concerning the Abolition of Forced Labour, on 3.8.98

D. Freedom of Movement within the Country and Foreign Travel:

6.30 The right of persons lawfully within the territory of Romania to liberty of movement and freedom to choose their residence is guaranteed by article 25 of the 1991 Constitution. However, the pre-1989 legislation contained a provision under which any tenant absenting himself from his domicile for more than six months lost the right to use his home through non-utilisation. The judicial bodies empowered to deliver decisions on eviction orders carried out pursuant to that provision rejected the applications, considering that by virtue of the constitutional right to liberty of movement and of the right freely to establish one's domicile or residence in any locality in Romania, the tenant retains his right to the home throughout the entire period of the tenancy agreement. [17]

6.31 The measures taken after 1989 to guarantee Romanian citizens effective enjoyment of the right to liberty of movement led to a constant and very considerable flow of citizens travelling abroad as tourists, on business, or even to establish their domicile there. As regards the right of persons to enter their own country, it should be noted that between the democratic transformations of 1989 and the end of 1995, 14,356 persons regained their Romanian citizenship. At the same time, 21,167 Romanian citizens who had left the country returned to it. [17]

6.32 The Romanian Government places no restrictions on travel within Romania, except in the case of certain small areas used for military purposes. Citizens who wish to change their places of work or residence do not face any official barriers. [4(d)] Although there are no restrictions for Romanian citizens on internal travel, or on the place of residence, or on employment, everyone, is nonetheless required to register with the police. In the event of a change of address the police issue either: -

i) a permanent permit (for those having bought property, wish to record a permanent change of address); or

ii) a temporary permit (valid, according to circumstances, for a maximum of 12 months) which has to be renewed by the holder when it expires. [5(k)][5(t)]

6.33 The law stipulates that citizens have the right to travel abroad freely, to emigrate, and to return. In practice, Romanian citizens freely exercise these rights. [4(d)]

E. Military Service:

6.34 Defending the country is a fundamental duty in Romania, according to the Constitution. Military service is compulsory for any male reaching the age of 20 years, although there are some exceptions. After military service, which lasts for 12 months in the army and air force, and 18 months in the navy, citizens may be summoned for active duty up to the age of 35. [2] Military service is conscription into the armed services for one year; National Service is conscription in non-military roles for conscientious objectors, usually for two years. [5(n)]

6.35 There have been two new laws since November 1994 affecting military service: Law No.80 of 11 July 1995 concerning the status of cadres and Law No.46 of 5 June 1996 about military preparedness of the Romanian population. [5(n)]

6.36 The relevant passages of Law 46/96 on "Preparing the Population for Defence" in relation to alternative military service are: -

Article 4: Citizens who refuse to do military service under arms because of their religious beliefs shall perform the alternative utility service according to the present law. The means of performing alternative military service shall be set by government decision.

Article 13: The duration of alternative utility service is 24 months. On request, the citizens who do alternative utility service could do the compulsory military service at their first call-up. **[5(f)]**

6.37 Law 46 also includes regulations for military service and makes provision for alternative forms of national service for citizens who cannot undertake military service because of their religious beliefs. Under Law 46 there are five groups of citizens who cannot be conscripted for military service: -

- i) the mentally ill;
- ii) those physically unfit for military service;
- iii) ordained priests of legally recognised religious denominations;
- iv) prisoners and (until the court has passed judgement) people formally accused or under arrest; and
- v) former convicts who have served five or more years imprisonment for premeditated crimes. **[5(n)]**

6.38 Those not covered by Law 46 who refuse to undertake military service are liable to fines of between 500,000 and 3 million lei. **[5(n)]**

6.39 Military service can also be deferred for compassionate family reasons, and the length of time served can be shorter for conscripts who are university graduates. **[5(n)]** However, certain provisions of Law 46/1996 and of Governmental Decision No. 618 of 6 October 1997 regarding military service, are at variance with internationally recognised principles on conscientious objection to military service. This law provides for an alternative military service only for those individuals who, on religious grounds, refuse to perform armed military service. **[26(a)]**

6.40 The duration of alternative utility service is two years. Under the decree, people who object to armed service for reasons of conscience can complete their service by working alternatively in the health service, construction industry or in river and/or marine regulation projects, as well as environmental protection or agricultural projects. **[6(e)]** There are also exemptions for those who are sole supporters of a family and for those at college. Service terms are halved for university graduates, i.e. to 6 months' military service; and 12 months alternative service. **[5(f)]** It is also possible to serve part of one's period of conscription in the police force. **[5(h)]**

6.41 Conscripts who desert, however, would usually serve the remainder of their period of conscription in custody (up to one year). Regular soldiers and officers would be tried and their sentences decided by the Military Court. Desertions among conscripts are a

prevalent problem in Romania and sentences are issued as a means of deterrent and err on the tough side. [5(a)]

6.42 With regard to application of the provisions of the International Covenant on Civil and Political Rights, the courts have decided that, given that military service cannot be regarded as forced or compulsory labour, no one may be obliged to perform military service before the minimum age of 20, established in article 52 of the Constitution. In one such situation, the military court and military court of appeal having failed to notice that at the time the accused was called up for military service he was only 19 years old, and having sentenced him to a custodial penalty for refusing call-up - an offence under the Penal Code - the Supreme Court quashed the initial decisions and acquitted the accused. [17]

6.43 There has been no law in force prohibiting the travel of ex-military personnel since 1989. Before 1989, there was a restriction of 5 years for conscripts and 10 years for career military officers from the date of the termination of service. However, defence laws are currently under review. [5(e)]

6.44 Reform of the Romanian army is now underway with a view to organising it in accordance with NATO standards. Following the reform, the army will number 150,000. As many as 2,000 military, 780 military working on the basis of contract and 1,150 civilians will be made redundant and benefit from social security measures as stipulated by the government in Ordinance 1/1998. [24(e)]

6.45 On 26 August 1998, the Head of the Defence Ministry's Human Resources Department, General Nicolae Balan, stated that the military personnel will be trimmed by 8,000 by the end of the year. He added that 6,000 military had so far been laid off at request. [24(h)]

i) The Gendarmerie:

6.46 The Gendarmerie are part of the military force (they are not part of the police force) although they are under the control of the Ministry of the Interior rather than National Defence. Their activities are governed by Law 40/1990, although they expect to be restructured as a rural police force in the (unspecified) future. The function of the Gendarmerie in peace time is similar to that of the police force, i.e. defence of public order, defence of fundamental rights and liberties of the citizen, and the prevention and detection of crime. They co-operate with the police, border guards, fire services, other military units and the SRI. In wartime, they have a military role to play as a kind of militia. [5(d)]

6.47 As a military unit, Gendarmes are either conscripts serving for one year, or civilian staff on open-ended contracts. They have essentially the same rules for leaving the country as the police, i.e. that they must have their commander's permission. [5(d)]

F. Organised Crime/Corruption:

6.48 In early 1997, the Romanian Government launched a campaign against corruption and made extensive changes in the top levels of the state bureaucracy and television. The

Government also clamped down on corruption, which led to a spate of financial scandals which threatened the stability of the financial sector. In January 1997, the President, Emil Constantinescu, declared a war against corruption at all levels of Government and business and moved quickly to remove personnel at the top levels of Romanian State Television (TVR). He promised that the campaign against corruption would be carried out with due respect for legal procedures, with a presumption of innocence. [16]

6.49 In August 1999 Romania ratified the European Convention on the Transfer of Proceedings in Criminal Matters and the additional protocol to the Convention on the Transfer of Sentenced Persons.

6.50 Trafficking in women appears to be an under-reported but persistent problem. The law is outdated and does not address trafficking directly. Neither the Government nor NGO's maintain statistics on this issue but NGO's that work with women's issues agree that several thousand women are trafficked to other countries each year. Several domestic prostitution rings are active. [4(d)]

6.51 It has been reported that, under a bill endorsed on 11 February 1999 (following recommendations by the European Commission), a national centre for the study of organised crime and corruption (CNSCOC) will be set up. The centre will be a specialised institution of the central public administration, subordinated to the government, and its object of activity is to study organised crime and corruption and to conceive and articulate adequate strategies to prevent and fight these phenomena. A consultative council made up of representatives of the ministries of justice, interior and defence, the Romanian Intelligence Service (SRI) and the Foreign Intelligence Service (SIE), of the Government's Control Department, of the National Agency for the Control of Strategic Exports and Ban on Chemical Weapons, of the Competition Office, and of the Consumers Protection Office will work under CNSCOC. [24(k)] [37(b)]

6.52 It has also been reported that a law on money laundering was promulgated on 22 February 1999. The law defines money laundering as exchange or transfer of valuables resulting from crimes and is punishable with 3 to 12 years' imprisonment while associating with, initiating, joining or supporting money launders is punishable by 5 to 15 years' imprisonment. [36]

6.53 Figures released by the Ministry of Justice and the Public Ministry in February 2000 reported a 17 per cent decrease in numbers of people convicted in 1999 compared with 1998. The greatest number of crimes were those committed against people (e.g. as a result of degenerated family ties, old conflicts and excessive alcohol consumption.) 168 people were convicted of corruption, including 57 for bribe-taking and 147 for the traffic of influence. [6(aa)]

6.54 In October 1999 the European Commission declared that corruption is still a widespread problem and that the role of the anti-corruption unit in the government's control department remains unclear. The institutional set-up is still fragmented and institutional responsibilities and functions should be consolidated and better co-ordinated. [37(b)]

(Please also see Section III, A, on Recent Political History)

ANNEX A

CHRONOLOGY OF KEY EVENTS:

1881

Formerly part of Turkey's Ottoman Empire, Romania became an independent kingdom.

1939

Under the dictatorship of the fascist "Iron Guard" Romania entered the Second World War as an ally of Nazi Germany.

1944

Soviet forces entered Romania when the pro-German regime was overthrown.

1945

March: Under Soviet pressure King Michael accepted the appointment of a communist-led coalition.

1947

December: King Michael forced to abdicate when the Romanian People's Republic was proclaimed.

1948

The Republic's first Constitution was adopted and nationalisation of the main industrial and financial institutions was begun.

1952

Following a purge of the Romanian Workers' Party (RWP) a new constitution was adopted, closer to the Soviet model.

1965

Nicolae Ceaușescu became First Secretary of the RWP.

June: RWP changed its name back to the Romanian Communist Party (RCP).

1984

October: The long running production difficulties of the country's energy sector culminated in an unprecedented crisis and a declaration of a state of emergency in the electricity power industry.

1987

Shortages of fuel and power led to strict energy rationing. The situation was exacerbated by adverse weather conditions. Public discontent became evident.

November: Thousands of people marched through the city of Brașov and stormed the local RCP headquarters protesting against the decline in living standards and working conditions. Hundreds of arrests were made when the demonstrations were broken up by the authorities. Similar protests took place in other cities.

1988-89

Romania became increasingly isolated from the international community, largely owing to the rural urbanisation programme and continuing abuses of human rights. [2]

1989

December 1989: There was unrest in Timișoara as supporters of a protestant clergyman (an ethnic Hungarian who had repeatedly criticised the Government's policies) marched through the town to demonstrate their opposition to his eviction from his church. A further protest, at which considerable criticism of the regime was expressed, was attended by thousands of local residents. Security forces opened fire on the crowd, reportedly killing several hundred people. There were reports of protests in other towns, and the country's borders were closed. [2]

21 December 1989: President Ceaușescu attended a mass rally in Bucharest, intended to demonstrate his popular support. Instead, his address was interrupted by hostile chanting, and anti-Government demonstrations followed later in the day, leading to clashes between protestors and members of the Securitate (secret police), during which many civilians were killed. The disturbances quickly spread to other parts of the country, and on the following day Ceaușescu declared a state of emergency; however, soldiers of the regular army declared their support for the protestors. The President and his wife escaped by helicopter as demonstrators stormed the Central Committee headquarters. They were captured near Târgoviște, and on 25 December, after a summary trial, were executed by firing squad. Fighting continued in Bucharest, and elsewhere for several days, mainly between Securitate forces and regular soldiers. Meanwhile a revolutionary, 145-member National Salvation Front (NSF) was formed, and a provisional government, comprising liberal communists, intellectuals and members of the armed forces, was established. The new government immediately decreed an end to the RCP's monopoly of power and banned the party. [2]

1990

January 1990: The army restored order and the Securitate was abolished. According to official figures 689 people were killed during the revolution. Special military tribunals were established to try Ceaușescu's former associates. Despite widespread jubilation that followed the downfall of Ceaușescu, the NSF did not enjoy total public support. Many citizens believed that the Front's leadership was too closely linked with Ceaușescu's regime. Civil unrest in the form of anti-communist and anti-government demonstrations accompanied the run in to the presidential elections. [2]

March 1990: ethnic Hungarians, demonstrated to increase their cultural and linguistic autonomy, were attacked by Romanian nationalists in Târgu Mureș. Tanks and troops were deployed to quell the unrest, in which several people were killed, and a state of emergency was declared in the town. [2]

May 1990: The NSF won a decisive victory in the first free parliamentary elections since 1937 and Ion Iliescu was elected President with over 85% of the vote. [2]

June 1990: Unrest continued after the elections, and in mid-June 1990, after seven weeks of occupation, a protest in University Square was forcibly broken up by the police. The brutal treatment of the demonstrators provoked renewed clashes, in which the armed forces opened fire on rioters. Following an appeal by President Iliescu, some 7,000 miners and other workers from the Jiu Valley were transported to the capital, where they swiftly seized control of the streets, attacking suspected opponents of the Government. The disturbances resulted in several deaths and hundreds of injuries, and more than 1000 people were detained. [2]

August 1990: There were anti-government demonstrations over the deteriorating economic situation in Bucharest and Braşov. In the following months there was widespread strike action. [2]

October 1990: Prime Minister Petre Roman announced extensive economic reforms including privatisation's and the removal of price controls. [2]

November 1990: Price increases led to demonstrations in Bucharest, including a protest march by some 100,000 people, organised by a new (non-parliamentary) opposition grouping, the Civic Alliance. [2]

1991

First reports emerge of mob attacks on Roma communities throughout Romania, resulting in emigration to Germany. [2]

September 1991: Miners from the Jiu Valley, now opposed to President Iliescu began a strike in support of pay increases, a freeze on prices, and the resignation of the government. Thousands travelled to Bucharest where violent clashes with security forces ensued. The miners ransacked the parliament building. Four people were killed and hundreds injured. The Prime Minister, Petre Roman, and the Council of Ministers were forced to resign. Roman was replaced by Theodor Stolojan. [2]

November 1991: A new Constitution, enshrining a multi-party system, a free market economy and guarantees of the respect of human rights, was approved by the legislature in November 1991 and this was endorsed by some 77% of voters in a referendum in December. [2]

1992

mid-1992: Ethnic tension was caused in Cluj-Napoca when the Mayor ordered the removal of Hungarian language street signs and in Covasna and Harghita when ethnic Hungarian prefects were replaced with ethnic Romanians. [2]

September 1992: Against a background of renewed labour unrest, legislative and presidential elections took place on 27 September 1992. DNSF, loyal to Iliescu, a moderate left wing party in favour of limited reforms became the largest party in the new

parliament. Controversy occurred when the ethnic Hungarian State Secretary was removed from Government. [2]

Germany repatriated 43,000 Romanian refugees, more than one-half of whom were Roma, having agreed to provide financial assistance for their resettlement in Romania. [2]

October 1992: The second Ballot of the Presidential elections was won by Ion Iliescu with 61% of the vote. [2]

November 1992: Nicolae Vacaroiu became Prime Minister. [2]

1993

February 1993: Thousands of people protested in Bucharest against rising prices, low wages and unemployment. [2]

May 1993: Price subsidies for many basic commodities and services were abolished precipitating renewed labour unrest. [2]

June 1993: The Government was accused of involvement in an allegedly corrupt shipping deal. [2]

Talks between government representatives and leaders of the ethnic Hungarian community led to an agreement on Hungarian minority rights. [2]

July 1993: Three senior government officials implicated in another corruption scandal. [2]

October 1993: Romania was accepted to the Council of Europe after initially being partially rejected in May. [2]

November 1993: A protest march in Bucharest, demanding rapid economic reforms, was the largest public demonstration in the country since the overthrow of Ceausescu. [2]

1994

February 1994: Renewed industrial unrest led to a general strike. [2]

July 1994: Ethnic Hungarian tensions in Cluj-Napoca. [2]

1995

April 1995: Mass demonstration held in Bucharest to protest at new legislation linking public-sector wage rises to improvements in productivity and other indices of economic efficiency. [2]

May 1995: Romanian ratified the Council of Europe's Framework Convention on the general protection of national minorities. Amnesty International published a report

condemning, among other human rights violations, the apparent failure of the Romanian police to protect Roma from racially motivated harassment and physical attack. [2]

June 1995: Romania formally applied for full membership of the EU. [2]

July 1995: The European Parliament criticised the widespread discrimination against Roma communities and individuals in Romania. There were sustained protests by ethnic Hungarians in Romania against the promulgation of an education bill that specified Romanian as a sole language of tuition and examination in all universities and colleges. [2]

August 1995: The distribution of vouchers under the Mass Privatisation Programme began. [2]

November 1995: Iliescu approved legislation providing for the restitution of property confiscated by the communist regime in the 1940's and 1950's. [2]

1996

July 1996: An international convention of Jehovah's Witnesses, due to be staged in Bucharest, was called off after an attack by the head of Romania's Orthodox Church.

September 1996: The Senate passed the report of mediation, modifying and completing the Penal Code and the Penal Procedures Code. This included the decriminalisation of homosexuality between consenting adults and the removal of the ban of the use of foreign flags.

Romania and Hungary signed a treaty of friendship whereby Romania agreed to safeguard the rights of ethnic Hungarians and Hungary relinquished any claim to territory in Transylvania. [2]

3 November 1996: Legislative and presidential elections. DCR won largest number of seats. Victor Ciorbea was nominated as Prime Minister and formed a coalition government between DCR, SDU and the Hungarian Democratic Union of Romania (HDUR). Constantinescu was elected President after second round on 17 November. [2]

1997

January 1997: A National Council for Action Against Corruption and Organised Crime, headed by President Constantinescu, was established. A number of bankers were subsequently arrested, principally on charges of fraud, and several senior members of the security services were dismissed. The arrest of Miron Cozma, the leader of the miners' demonstrations in Bucharest in June 1990 and September 1991, prompted angry protests from miners and their trade union leaders. Cozma was subsequently charged with undermining state authority. [2]

February 1997: The Government restored citizenship to former King Michael who visited Romania in late February. [2]

June 1997: Trade unions organised marches throughout the country to protest against rising prices and the Government's socio-economic policies. A strike in the Jiu Valley by miners demanding higher pay rises prompted fears that they would march on Bucharest. Industrial action was discontinued when the Government agreed to increase its pay offer. [2]

July 1997: The European Commission opinion (Agenda 2000) on Romania's application for membership of the EU was published. Romania's application was deferred and it was agreed that further economic reform was required. [2]

August 1997: The announcement of plans to close 17 unprofitable state-owned enterprises, which would have resulted in the loss of more than 20,000 jobs, prompted severe labour unrest which continued in the following months. However, some 40,000 of the 210,000 members of the Confederation of Romanian Miners' Trade Unions volunteered for redundancy, as part of the major restructuring of the sector. [2]

1998

January 1998: The IMF suspended tranches of a \$410 million (£250 million) loan to Romania during the political stalemate which commenced in early January.

February 1998: A new coalition agreement was signed in early February, and a new Council of Ministers was subsequently formed. Social unrest continued to mount. [2]

March 1998: Prime Minister Victor Ciorbea and his government resigned. [2]

April 1998: Radu Vasile, secretary general of the National Peasants Party, was designated Prime Minister, with the approval of all the coalition parties. [2], [27(b)]

Early July 1998: Miron Cozma, the leader of the Jiu Valley Mining Union was released from a Bucharest jail, where he had spent 18 months for his part in the 1991 riots, to a hero's welcome. [6(l)]

1999

January 1999: Thousands of striking miners, led by Miron Cozma, marched from the Jiu valley in protest against closing mines and falling standards of living. Violent clashes with police. Army deployed. A deal was agreed on 22 January following a personal meeting between the President and Cozma. [14(c)] [14(d)]

February 1999: 2000 miners marched to Bucharest after Cozma was sentenced in absentia on 15 February 1999 for leading a violent miners protest in 1991. Cozma was arrested on 17 February prompting violent clashes with riot police in Stoenesti, 90 miles from the capital. 350 miners arrested. [14(d)]

March 1999: Cozma, already serving an 18 year jail term for instigating 1991 riots, was given a concurrent 22-month jail sentence on charges linked to a bar room brawl and the beating of a journalist. [6(q)]

April 1999: Main party in centrist coalition government, the Christian Democrats, splits into two factions. **[6(u)]**

June 1999: The release by a group of Romanian and ethnic Hungarian intellectuals of a statement calling for autonomy and self-government for Transylvania and the Banat region was immediately rejected by President Constantinescu and the government. **[15(e)]**

December 1999: The President dismissed Radu Vasile as Prime Minister, and appointed the Mugur Isarescu (the governor of the central bank) as Prime Minister. The majority of the previous Cabinet retained their positions in the new government. Isarescu stated that his priority would be economic growth. **[15(f)]**

ANNEX B

MAIN POLITICAL PARTIES

Following the downfall of President Ceausescu in 1989, numerous political parties were formed or re-established in preparation for the holding of free elections. By the time of the November 1996 general election there were some 90 registered political parties. The financing of political parties from abroad is not permitted.

Alliance for Romania - AFR. Founded 1997 by breakaway faction of the PDSR. Centre-left. Leader Teodor Melescanu.

Christian Democratic National Alliance. Founded 1999 by former members of Christian Democratic National Peasants' Party of Romania. President Victor Ciorbea.

Christian Democratic National Peasants' Party of Romania - CDNPP (Partidul Național Țărănesc Creștin-Democrat din România - PNȚCD). Founded 1989 by merger of centre-right Christian Democratic Party and traditional National Peasant Party (f. 1869, banned 1947, revived December 1989; original party re-established in August 1990 by separate group); supports pluralist democracy and the restoration of peasant property; 615,000 members. Chair Ion Diaconescu. Secretary General Constantin Dudu Ionescu.

Civic Alliance (Alianța Civică): Bucharest; f.1990 as alliance of opposition groupings outside legislature; voted in July 1991 to create a parallel political party, the Party of the Civic Alliance. Chair. Ana Blandiana.

Democratic Alliance Party. Sibiu. Founded 1995. Supports the rights of gypsies in Romania. Leader Cioabă.

Democratic Convention of Romania (DCR). Founded 1992; alliance of 15 centre-right parties and other organisations. President. Ion Diaconescu.

Greater Romania Party - GRP (Partidul România Mare- PRM). Nationalist. Chair. Corneliu Vadim Tudor. Sec. Gen. Gheorghe Funar.

Hungarian Democratic Union of Romania - HDUR (Uniunea Democrată Maghiară din România). Founded 1990; supports the rights of Hungarians in Romania. Hon. Pres. László Tókes. Pres. Béla Markó. Exec. Pres. Csaba Takács.

Liberal Monarchist Party of Romania (Partidul Liberal Monarhist din România). Founded 1990; advocates the restoration of the monarchy; Pres. Dan Cernovodeanu.

Liberal Union 'Bratianu' (Uniunea Liberală 'Bratianu'). Founded 1990 following split in National Liberal Party; Pres. Ion I. Bratianu.

National Liberal Alliance. Founded 1996; alliance of the Party of the Civic Alliance and the Liberal Party 1993; Leader Nicolae Manolescu.

National Liberal Party - NLP (Partidul Național Liberal). Founded 1869, banned 1947; merged with Socialist Liberal Party in 1990, and with Party of the Civic Alliance and Liberal Party of Romania in 1998. Advocates separation of powers in the State, restoration of democracy, freedom of expression and religion, observance of the equal rights of all minorities, the abolition of collectivisation and nationalisation in agriculture, the gradual privatisation of enterprises, trade union freedom and the right to strike; Pres. Mircea Ionescu-Quintus.

National Romanian Party - PNR. Founded 1998 as the result of a merger of the Agrarian Democratic Party and the New Romania Party. Chair Mihail Berca. Pres. Viorel Cataramă. Sec. Gen. Virgil Magureanu.

National Union of the Centre. Founded 1996; alliance of the Agrarian Democratic Party of Romania and the Romanian Humanistic Party; supports agrarian, ecological and humanitarian policies.

Party of Social Democracy of Romania - PSDR (Partidul Democrației Sociale din România). Founded 1992 (as National Salvation Front - 22 December, later known as the Democratic National Salvation Front) by supporters of Ion Iliescu, following split in the National Salvation Front (f.1989); renamed as above in July 1993; social-democratic party; merged with the Democratic Co-operationist Party, the Republican Party and the Romanian Social Democratic Party in July 1993; merged with the Social Solidarity Party in 1995; Pres. Ion Iliescu; First Dep. Pres. Adrian Năstase; Secretary-General Miron Mitea.

People's Party. Founded 2000. Right wing. Pres: Radu Vasile.

Romania's Alternative Party (RAP). Pres. Varujan Vosganian. Sec.Gen. Paul Ghitu.

Romanian Communist Party. Formerly the Romanian Workers' Party; renamed as above in 1997. Leader Cristian Ion Niculae.

Romanian Ecological Federation - REF (Federația Ecologistă din România). Alliance includes the Romanian Ecological Movement; Leader Gugui Edward.

Romanian Ecological Movement (Mișcarea Ecologistă din România). Founded.1990; advocates protection of the environment and the pursuit of democratic, pacifist and humanist values; Chair. Toma George Maiorescu.

Romanian Ecological Party (Partidul Ecologist Român). Supports protection of the environment; Chair. Otto Weber.

Romanian National Unity Party - RNUP (Partidul Unității Naționale Române). Founded1990; political wing of the nationalist Romanian movement, Vatra Românească; Pres. Valeriu Tabără.

Social Democratic Union (SDU). Founded.1996; coalition of Democratic Party - National Salvation Front and Romanian Social Democratic Party; Chair. Sergiu Cunescu. Pres. Petre Roman.

Democratic Party (DP). Founded 1993; formerly Democratic Party - National Salvation Front; centre-left; advocates a modern and social-democratic Romania, with a free market economy, and respect for the rights and freedoms of national minorities; Pres. Petre Roman Sec.-Gen. Vasile Blaga.

Romanian Social Democratic Party - RSDP (Partidul Social Democrat Român). Pres. Sergiu Cunescu.

Socialist Labour Party (SLP) (Partidul Socialist al Municipii-PSM). Founded 1990 by Romanian Communist Party members and left-wing Democratic Labour Party; Chair. Ilie Verdeț.

Socialist Party - SP (Partidul Socialist). Leader Tudor Mohora.

Traditional Social Democratic Party of Romania (Partidul Social Democrat Tradițional din România). Founded 1991 by merger of Traditional Social Democratic Party and National Democratic Party; supports the Party of Social Democracy of Romania; centre-left; Pres. Lucian Cernescu.

[2] [44]

ANNEX C

PERSONALITIES:

General Ion ANTONESCU: Wartime dictator who allied Romania to Nazi Germany. Ousted in 1944.

King CAROL II: King of Romania until September 1940, when he abdicated in favour of his young son, Mihail. However, until 1944, power was in the hands of the Prime Minister, Antonescu.

Nicolae CEAUȘESCU: Communist dictator of Romania from March 1965 until his overthrow and execution in December 1989.

Emil CONSTANTINESCU: President from November 1996.

Miron COZMA: Leader of Romania's miners' union. Led violent attacks by miners and Securitate against anti-government demonstrators in 1990 and effectively brought down Prime Minister Petre Roman in September 1991. Brought to trial in 1997 but released. Led further violent miners' protests in late December 1998, January and February 1999 until he was captured and imprisoned.

Gheorghe FUNAR: Outspoken Romanian nationalist and Mayor of Cluj.

Gheorghe GHEORGHIU-DEJ: Dictator of Romania from 1952 to his death in 1965.

Ion ILIESCU: Succeeded Nicolae Ceaușescu as President in 1990. Led Romania until deposed at elections in 1996.

Constantin 'Dudu' IONESCU: Interior Minister, appointed January 1999.

Mugur ISARESCU: Prime Minister from December 1999.

King MIHAI (MICHAEL): Acceded to the throne for the second time in 1940. Overthrew Antonescu regime in 1944 and sued for peace with Allies. Finally removed by communists in 1947. Current monarch-in-exile.

Petre ROMAN: Reform-minded Prime Minister under Iliescu's early presidency. Currently Chairman of the Senate and leader of the Democratic Party.

Father László TÓKES: Ethnic Hungarian priest, whose mistreatment sparked unrest in 1989 which preceded Romania's anti-communist revolution.

Radu VASILE: Prime Minister from April 1998 to December 1999.

[2], [4(a)], [5] & [6(q)]

ANNEX D

ROMANIAN GOVERNMENT (as of April 2000)

Position	Name	Party
Prime Minister	Mugur Isarescu	No Party
Deputy Prime Minister	Mircea Ciumara	PNTCD
Deputy Prime Minister; Foreign Affairs.	Petre Roman	PD
Deputy Prime Minister: Justice	Valeriu Stoica	PNL
Deputy Prime Minister; Health	Gabor Hajdu	UDMR
Agriculture and Food	Ion Muresan	PNTCD
Culture	Ion Caramitru	PNTCD
National Defence	Sorin Frunzaverde	PD
Education	Andrei Marga	PNT-CD
Finance	Traian Decebal Remes	PNL
Industry & Trade	Radu Berceanu	PD
Interior	Constantin Dudu Ionescu	PNT-CD
Labour and Social Security	Smaranda Dobrescu	PSDR
Local Public Administration	Vlad Rosca	PNTCD
Public Works and Physical Planning	Nicolae Noica	PNTCD
Youth and Sports	Crin Antonescu	PNL
Transport	Traian Basescu	PD
Waters, Forestry and Environment Protection	Romoca Tomescu	PNTCD
National Minorities	Peter Eckstein-Kovacs	UDMR

PARTY AFFILIATIONS

PNTCD	Christian Democratic National Peasants Party
PNL	National Liberal Party
PD	Democratic Party
PSDR	Social Democratic Party
UDMR	Democratic Union of Hungarians

[15(e)]

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