ROMANIA

COUNTRY ASSESSMENT

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COUNTRY INFORMATION & POLICY UNIT
IMMIGRATION & NATIONALITY DIRECTORATE
HOME OFFICE, UNITED KINGDOM

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I 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.ind.homeoffice.gov.uk 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

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 and the Black Sea coast. Romania's population was estimated at 22.4 million in January 2000. The capital city is Bucharest. Romania's official language is Romanian, although minority groups speak Hungarian, German and other languages. **[1]**

2.2 According to preliminary data from the 1992 census, 89.5 per cent of the population were ethnic Romanians, 7.1 per cent were ethnic Hungarians and 1.8 per cent were Roma. There are also communities of Germans, Ukrainians (Ruthenians), Serbs, Croats and other Slavic peoples, Jews, Turks, Tatars, and small groups of Greeks and Armenians. **[1]**

III HISTORY

For more detailed information on Romanian history before 1989, please refer to the Europa World Yearbook (source **[1]**) or Annex A: Chronology.

Communist Regime

3.1 Nicolae Ceauşescu became First Secretary of the Romanian Workers Party (RWP) in 1965, which in June 1965 became the Romanian Communist Party. Whilst adopting a relatively independent foreign policy, domestically Ceauşescu practised highly intrusive surveillance of the populace and strongly suppressed dissent. By the early 1980s the country was experiencing severe economic problems. By 1980 numerous family members of Ceauşescu held government and party posts. **[1]**

3.2 Following labour unrest in 1987, Ceauşescu announced details of a rural urbanisation programme, involving the demolition of some 8,000 villages, and the resettlement of their residents in multi-storey housing complexes. The plan attracted much domestic and international criticism. **[1]**

1989 Uprising

3.3 In December 1989 there was unrest in Timişoara as thousands of 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. Security forces opened fire on the crowd, who had become critical of the regime, reportedly killing several hundred people. There were reports of protests in other towns, and the country's borders were closed. Anti-Government demonstrations on 20 December 1989 led to clashes between protesters and members of the Securitate (the secret police force), during which many civilians were killed. On the following day Ceauşescu declared a state of emergency. Soldiers of the regular army declared their support for the protesters. On 21 December 1989 a mass rally was organised in Bucharest, intended to demonstrate popular support for President Ceauşescu, however the crowd turned against him and Nicolae and Elena Ceauşescu were forced to escape by helicopter. They were captured and after a summary trial, were executed by firing squad on 25 December 1989. Fighting continued in Bucharest and elsewhere for several days, mainly between Securitate forces and regular soldiers. **[1]**

3.4 Meanwhile, a revolutionary, 145-member National Salvation Front (NSF) was formed, and a provisional Government, was established. Ion Iliescu, a former Secretary of the RCP Central Committee, became interim President, while Petre Roman, 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 and the designation of the Socialist Republic was abandoned. According to official figures, 689 people were killed during the revolution. **[1]**

3.5 Special military tribunals were established to try Ceauşescu's former associates. In February 1990, four senior RCP officials were found responsible for the shootings in Timişoara and Bucharest and were sentenced to life imprisonment. The trial of 21 Securitate agents, accused of firing upon demonstrators, opened in Timişoara in March 1990. Numerous other former government and RCP members faced similar charges. Adruta Ceauşescu was sentenced to 15 years' imprisonment and Nicu Ceauşescu faced a 20-year prison sentence, having been found guilty of "instigating aggravated murder."

His sentence was reduced to 16 years, following a military court appeal in June 1991. He was eventually released in November 1992 on health grounds, and died in 1996 from liver problems. None of the defendants were found guilty of the original charges of genocide; most were found guilty of lesser offences for which they received short prison sentences. **[1] [15]**

3.6 At the presidential and legislative elections, held on 20 May 1990, the NSF achieved an overwhelming victory. International observers confirmed allegations of irregularities. According to official figures, Ion Iliescu won 85.7% of the valid votes cast in the presidential poll. **[1]**

3.7 The mass rally in Timişoara's Opera Square on 11 March 1990, was one of the most important demonstrations since the revolution. The "Timişoara Proclamation", an important statement which informed the whole nation of both the sacrifices of the revolution and the hopes of those who carried it out, was read to more than 15,000 participants. The Proclamation demonstrated a commitment to democratic values. It attracted millions of signatures. **[1] [17]**

3.8 Unrest continued after the elections, and in mid-June 1990, police forcibly broke up the anti-Communist protest in University Square. Following an appeal for support by Iliescu, some 7,000 miners and other workers from the Jiu Valley travelled to the capital, where they 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. **[1]**

3.9 In September 1991 miners in the Jiu Valley began a strike in support of demands for a pay increase and the resignation of the Government. Thousands of miners, led by Miron Cozma head of the Miners Union, travelled to Bucharest and attacked government buildings. Four people were killed and hundreds injured during the violence. As a result, then Prime Minister Roman and the Council of Ministers were forced to resign. **[1]**

3.10 Presidential and Parliamentary elections were held on 3 and 17 November 1996. International observers ruled they had been conducted freely and reasonably fairly**.** A coalition government comprising the Union of Social Democrats and the UDMR was formed. Victor Ciorbea became Prime Minister and Emil Constantinescu, was elected President. **[1] [5o]**

3.11 The self-styled King of Roma, Ion Cioaba, died of a heart attack on 26 February 1997. He was on a visit to Bucharest to see President Constantinescu and to convince him to stop the demolition of illegally built constructions in the Sibiu Mayoralty, some of which were owned by Roma. His family asked for his body to be spared an autopsy. **[5p]**

3.12 Despite protests from opposition parties, the Government restored citizenship to former King Michael in 1997 (who had been forced to abdicate in 1947); he visited Romania in late February 1997. On 30 December 1997, the then Prime Minister Ciorbea stated that the former king's nationality, citizenship and his right to take up residence in Romania, provided that he observed the Constitution, would not be denied. **[1] [19b] [19c]**

Miners' Strikes of 1999

3.13 Thousands of miners went on strike in the Jiu Valley (Valea Jiului) in January and February 1999, in support of demands which included an increase in pay and the reversal of a government decision to close two mines. More than 90,000 miners, half Romania's total, had taken redundancy in 1998. Then-Industry and Trade Minister Radu Berceanu said money could not be poured indefinitely into mines making huge losses. **[1] [4a] [6g] [19a] [19j]**

3.14 The miners marched on Bucharest in protest, in January 1999. Due to previous violent miners' demonstrations in 1991 the government denied them permission to march. **[1]** The Petrosani court ruled that the strike was illegal and ordered it to be halted, in accordance with the 1991 law regarding the settling of collective labour disputes. Radu Berceanu informed the government that the strike was illegal because the claims were radically modified from those that were the object of the labour conflict in July-September 1998. **[4a] [6g] [19a] [19j]**

3.15 Miron Cozma, leader during the miners protests of 1991, had been released from prison in July 1998, having served 18 months for the possession of firearms. He defied the Governments' decision, and undertook to march with the miners. Clashes broke out in Costesti, north of Bucharest, between security forces and miners. Emergency talks led to a temporary agreement which met some of the miners' demands. The government approved a decision regarding the allotment of funds from the 1999 state budget to finance investment works in the Jiu Valley in an effort to improve the living conditions in the area. It approved additional sums of 15 billion lei for Hunedoara County. The Government succeeded in restoring order and the perpetrators of the violence were arrested and tried. **[1] [4a] [19j]**

3.16 On 15 February 1999 the Supreme Court of Justice sentenced Cozma, in absentia, to 18 years' imprisonment for undermining state authority for his involvement in leading the 1991 violent protests in Bucharest. In response to his arrest, some 2,000 – 4,000 miners, led by Cozma, decided to travel to Bucharest, accusing the Government of failing to honour the January 1999 agreement. They were stopped by the security forces at Stoneşti, north of Bucharest. Cozma and several hundred miners were arrested. On 4 March 1999, Cozma was given a 22-month jail sentence on charges linked to a fight in a bar. **[1] [6f]**
(Please see also paragraph 3.27)

3.17 Between 1996 and 1999 there were three Prime Ministers as a result of disagreements among coalition partners. In December 1999, President Constantinescu dismissed then Prime Minister Radu Vasile. Mugur Isarescu, who claimed allegiance to no political party and was the former Governor of the National Bank of Romania, became Prime Minister. **[1] [5o]**

3.18 Military prosecutors put before the Supreme Court of Justice a file, in June 2000, accusing General Mihai Chitac, Romania's then Interior Minister, and his deputy Gheorghe Ancuta of instigation to murder during the 1989-90 violence. The file contained investigations concerning the treatment of 1,300 people then illegally held by the authorities, as well as the hundreds of people aggressed at that time. General Chitac was released from jail by September 2000 to undergo medical treatment. His

sentence was suspended in March 2001, along with that of General Stanculescu's. **[23b] [23d] [23o] [24b]**

Presidential and Parliamentary Elections of November 2000

3.19 Presidential and Parliamentary elections were held on 26 November and 10 December 2000. They were conducted in accordance with OSCE (Organisation for Security and Co-operation in Europe) commitments for democratic elections, as formulated in the 1990 Copenhagen Document. Political participants and voters accepted the outcome. The Party of Social Democracy in Romania (PDSR) won the parliamentary elections. Ion Iliescu secured 69.9 per cent of the vote in the second round vote for the presidential election. **[10b]**

3.20 The extreme nationalist Greater Romania Party (PRM) won 20 per cent of the vote, making them the second largest party in Parliament. International observers, including the EU, expressed serious concerns over the sudden surge in popularity for Corneliu Vadim Tudor's party, the PRM. **[1] [10b]**

3.21 The results of the parliamentary elections in the Senate and Chamber of Deputies:

Chamber of Deputies:

Party	Percentage of vote/Number of seats
PDSR - Party of Social Democracy in Romania (The 1996 PDSE, Democratic Social Party of Romania formed a coalition with PSDR - Romanian Social Democratic Party – and the PUR for the 2000 election under the new name of Social Democratic Pole of Romania, retaining PDSR acronym)	36.61% / 155
PRM - Greater Romania Party	19.48% / 84
PD – Democratic Party	7.03% / 31
PNL – National Liberal Party	6.89% / 30
UDMR –Democratic Alliance of Hungarians in Romania	6.80% / 27
Minority Parties	5.22% / 18
Others parties below 5%	17.97%

Senate:

Party	Percentage of vote/Number of seats
PDSR	37.09% / 65
PRM	21.01% / 37
PD	7.58% / 13
PNL	7.48% / 13
UDMR	6.90% / 12
Others parties below 5% (Those who do not reach the 5% threshold Cannot be represented in Parliament)	19.94% / 0

[10b] [26d]

3.22 The Democratic Convention of Romania, a grouping of centre-right parties, which the National-Peasant Party Christian Democratic (CDNPP) dominated, was the leading

partner in the government coalition in 1996-2000. However, the Democratic Convention 2000 Alliance failed to achieve the threshold of 10 per cent of the vote required for an electoral coalition to win representation in the 2000-4 parliament. The entire leadership of the CDNPP resigned on 27 December 2000, assuming responsibility. **[16c] [23m]**

3.23 Adrian Nastase, executive leader of the PDSR, was voted Prime Minister on 28 November 2000. Nastase's government was passed by parliament on the strength of accords signed by the Hungarian Democratic Union (UDMR) and the Liberal Party (PNL) with the PDSR, pledging support for the new cabinet. However, on 12 April 2001, PNL Chairman, Valeriu Stoica, announced that his party was cancelling its co-operation agreement with the ruling PDSR. He accused the PDSR of breaching the agreement by removing PNL representatives from public administration posts and by not accepting their amendments to the law on the budget. **[1] [23h]**

Developments in 2001

3.24 President Iliescu promulgated the Property Restitution Law on 7 February 2001 allowing for the return in kind or reparations for houses and assets to rightful owners, of private property stolen by the former communist regime. The law brings Romania's legislation in line with demands by the European Union to take a clear stand on restitution. Where actual restitution is not possible, the rightful owners will be given cash compensation or the equivalent in shares. Parliament extended the Restitution Law by three months on 29 August 2001 and has been faced with a record number of high-profile claims, including many claims from descendants of noble families, including former King Michael. The Government is concerned that the restitution of former palaces of King Michael would render national tourist sites closed to the public. **[6l] [23i]**

3.25 The Supreme Court jailed three army officers, in February 2001, for the massacre of almost 50 young soldiers during the December 1989 revolution, concluding a case that began in 1994. Major-General Dumitru Draghin, sentenced to eight years, retired General Grigorie Ghita, sentenced to six years and Captain Ion Zorila, sentenced to four years, have no right of appeal. **[6i]**

3.26 Former Jiu Valley miners met in Bucharest in January 2001 to protest against their redundancy in 1997. The unemployed miners who went on hunger strike requested that they are re-employed in the mining units and that they are granted financial and material aid from the National Solidarity Fund (SNC) or from state resources. A further strike in Bucharest by 700 miners from the Campulung area ended on 4 March 2001 following the agreement of a 20 per cent pay rise. **[19g] [23o] [31d]**
(Please see also paragraphs 3.13-3.17)

3.27 The League of Mining Unions asked the attorney general and President Iliescu on 30 January 2001 to pardon the former league leader, Miron Cozma, currently in prison. On 31 August 2001, President Iliescu refused to pardon Miron Cozma on the grounds that to be pardoned, a convicted person would first have to recognise his guilt and Cozma has never done so. In addition, President Iliescu stated that there were still other pending cases against Cozma. Under Romanian law, if Cozma were to be sentenced again in another case, he would have to serve the sentence for which he was pardoned as well. He is currently serving an 18-year sentence. President Iliescu turned down Miron Cozma's personal appeal on 30 September 2001, confirming the Ministry of the Justice's

earlier decision, on 18 September 2001, to dismiss Cozma's appeal. As of April 2002, Miron Cozma remained in prison. **[6k] [23j] [24o] [14a]**

3.28 Former King Michael I visited Romania in June 2001 and subsequently met with President Iliescu in Bucharest in August 2001. He has since visited Romania several times and has been welcomed by the President and Romanian Government. King Michael has been granted certain privileges by the Romanian government as a former head of state. These include a pension, bodyguards and the Elizabeta Palace in Bucharest as a residence. **[6a] [23i] [23p]**

3.29 The ruling Party of Social Democracy (PDSR) which won the November 2000 parliamentary elections, merged with the Romanian Social Democratic Party (PSDR) on 16 June 2001 to form the Social Democratic Party (Partidul Social Democrat - PSD). **[1]**

3.30 Sabin Gherman, a university lecturer that has long promoted decentralisation and devolution of the "national state's" centralised power, announced on 28 August 2001 that a new political party promoting these goals would be set up. The formation, Pro-Transylvania, advocates autonomy for Transylvania. Prime Minister Nastase warned against "federalist trends" in Romania. The Court of Appeal had previously ruled, on 13 November 2000, to criminalise the activities of Gherman's Pro-Transylvania Foundation, citing violation of Article 1 of the Constitution, which advocates a unitary and indivisible state. The argument of the Court of Appeal was that the main activity of the Foundation was to militate for the autonomy of Transylvania, while the Constitution of the country proclaims that there is no regional autonomy in Romania. **[24u]**

3.31 On 14 December 2001 the Bucharest Municipal Tribunal approved the 2 June 2001 merger of the CDNPP and the National Alliance Christian Democratic (ANCD). Dissident members of the CDNPP founded the Popular Christian Party (PCC) on 15 December 2001, as a centre-right reformist party. **[23a]**

3.32 Corneliu Vadim Tudor, leader of the extremist Greater Romania Party (PRM), was found guilty of libel on 18 December 2002 and ordered to pay 500 million lei for moral damages. His immunity had been lifted on 29 November 2001 to allow for criminal proceedings. He also faces charges of disseminating false information after alleging that Palestinian militants had been trained in Romania with the full knowledge of the 1990 to 1996 government. **[6o] [28a]**

3.33 Romania successfully fulfilled their one year Presidency of the 55 member Organisation for Security and Co-operation in Europe (OSCE) on 31 December 2001. The organisation aims to prevent conflicts and ensure respect for human rights. **[24m]**

The Hungarian Status Law

3.34 Relations between Romania and Hungary became strained in 2001, following Hungary's passing of a so-called 'Status Law', in June 2001, that confers special work and educational rights and privileges to ethnic Hungarians in neighbouring countries. The Budapest Plan grants ethnic Hungarians the right to work for three months legally in Hungary, as well as social and health care rights, free university education and training courses. Hungary sees the effort as a way to improve the status of ethnic Hungarians in neighbouring countries ahead of their membership of the European Union. Hungary

expects to join the EU early this decade, but some neighbours with large Hungarian populations, such as Romania, might not join until several years later. **[5o] [6h]** Romania argued that the law was extra-territorial and would discriminate against its local population. **[6j]**

3.35 Following months of lengthy negotiations between the two states, resulting in Hungary's concession to grant work permits to all Romanians, regardless of ethnicity, Hungary and Romania signed the key agreement on 22 December 2001, allowing for the implementation of the Status Law. The agreement allows Hungary to issue three-month work permits which can be extended, as from January 2002. **[6j]** The Council of Europe welcomed the signature of the Memorandum of Understanding between Romania and Hungary, on 10 January 2002. It welcomed that the Memorandum takes into account the report by the Venice Commission on 'Preferential Treatment of National Minorities by Kin-States', allowing the application of the law without discrimination against people of non-Hungarian ethnicity. **[29b]**

3.36 Prime Minister Adrian Nastase affirmed on 11 January 2002 that the priorities of the Romanian government in 2002 are Romania's accession to NATO, the consolidation of economic growth, the development of agriculture, the fight against corruption, the fight against poverty and the acceleration of the EU accession process. **[24n]**
(Please see also Section IV on Accession to the European Union and NATO)

3.37 The National Liberal Party (PNL) and the Alliance for Romania (ApR) merged in January 2002. The merger aims to consolidate the sole centre-right alternative to the government. **[24g]**

3.38 Relations between the Republic of Moldova and Romania have become strained since the proposed introduction, in December 2001, in Moldova of compulsory Russian language classes and a re-writing of the Moldovan history books which play down Moldova's links to Romania. Both measures were suspended in February 2002, following pressure from opposition parties and the ethnic Romanian population of Moldova, which accounts for approximately sixty five percent of the total population. Moldovan President Voronin accused President Iliescu of interfering in Moldova's internal affairs and blamed Iliescu for worsening bilateral relations. On 13 March 2002 Bucharest and Chisinau (the Moldovan capital) reciprocally expelled diplomats. **[23k]**

IV STATE STRUCTURES

The Constitution

4.1 A new Constitution was approved in a national referendum, by some 77.3 per cent of voters, on 8 December 1991. Under the 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. **[1]**

The political system

4.2 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. **[1]**

4.3 The Constitution provides for universal, equal, direct, secret and free suffrage for the election of the President and the Parliament. Although a presidential candidate may be nominated by a political party, the President may not be a member of any political party, nor may he perform any other public or private office during his term in office. **[10b]**

4.4 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. Romania comprises 41 administrative divisions (counties) and the municipality of Bucharest. The current President is Ion Iliescu. The ruling party is the Social Democratic Party, which won the November 2000 elections. Prime Minister Adrian Nastase leads the minority government. **[1]**
(See Annex D for a list of the current Government and Section III for details of the November 2000 elections)

4.5 Some 80 parties, electoral alliances and independent candidates contested the parliamentary seats in the 2000 elections. The financing of political parties from abroad is not permitted. **[1] [10b]**

4.6 The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic and free elections held on the basis of universal suffrage. **[4d]**

The Judiciary

4.7 The European Commission concluded in November 2001 that Romania has made considerable advances in reforming the judiciary over recent years. There has been progress with accelerated court procedures and the enforcement of judicial processes. The law on the organisation of the judiciary was amended in November 1999 to create special sections within the courts dealing with social security and labour law issues. In addition, disciplinary measures can be invoked against judges who do not deal with cases in due time. Further amendments have improved the status of staff and auditors at the National Institute of the Magistracy. **[20a]**

4.8 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, under the Administrative Litigation Act (Act No. 929/1990). 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. **[11a]**

4.9 The Organisation of Justice Act (Act No. 92/1992) re-established a four-tier system. Defendants have final recourse to the Supreme Court, or for constitutional matters, to the Constitutional Court. This law was amended in 1998 to define the size of judge panels, which resulted in an acceleration of procedures. **[4d]**

4.10 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. The President of Romania appoints members of the Supreme Court, at the proposal of the Superior Council of Magistrates. The General Prosecution Magistracy functions under Law 92 of 4 August 1992, which established the judicial organisation of courts at the county and local levels. **[1]**

4.11 The National Institute for the Magistracy is currently the only entry point for a career as a judge although it remains unclear if the Institute will keep this position since the law organising the judicial system provides for other routes into the judiciary. The initial training period is two years with effect from the academic year 2001-2002. **[20a]** At the same time, EC law has been given a more prominent place in the training programmes for both judges and prosecutors. **[20b]**

4.12 Judicial cases involving military personnel and the police are tried in military courts. Local and international human rights groups have criticised this system, claiming that the military prosecutor's investigations are unnecessarily lengthy and often inconclusive. **[4d]**

4.13 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; 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. **[1]**

4.14 A revised version of the Civil Procedure Code entered into force in April 2001. It introduced measures to speed up the operation of the courts and improve the enforcement of judicial decisions. In a separate measure the government made it necessary for judges to publish reasoning for all their decisions. The European Commission noted that a number of developments have occurred during 2001 that draw attention to the independence of the judiciary from the executive. **[20a]**

4.15 The Senate approved the law of the ratification of the Statute of the International Penal Code (IPC) on 28 February 2002. The Statute was adopted in Rome in July 1998 as an instrument for promotion of justice and encouragement of peace. **[24x]**

4.16 Justice Minister, Rodica Stanoiu, stated on 19 September 2001 that Romania's magistrate schools are to introduce special courses for judges belonging to juvenile courts, initiated by the General Directorate of Penitentiaries. Law 197/2000, adopted in 2000, refers to the fight against family violence. **[24s]**

4.17 The Constitution provides for the irremovability of judges appointed by the President of Romania. 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). **[11a]**

4.18 There have been reported allegations of political interference in the functioning of the judiciary in Romania. In May 2001 the Chairman of the Constitutional Court, Lucian Mihai, resigned, alleging governmental interference in his work under both the present and previous administrations. In the shake-up of the Constitutional Court that followed Mihai's resignation one of the new judges appointed to the court was Serban Viorel Stanoiu, the husband of the then serving Justice Minister, Rodica Stanoiu. **[23u]**

4.19 A judge can request, and the Ministry of the Interior is obliged 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). Constitutional provisions guarantee all persons the right to life and prohibit the death penalty. **[11a]**

Military

4.20 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. **[1]**

4.21 In 1991 the Romanian General Staff issued the order that youths who refuse to do military service under arms (approximately 1.4 per cent of the total number of conscripts, most of whom members of the sect Jehovah's Witness) would not be recruited. **[5a]**
(Please see also Section VB on Jehovah's Witnesses)

4.22 The basis of the provision of Article 46/1996 on "Preparing the Population for Defence," citizens who refuse armed military service for religious reasons undertake alternative-duty service. Alternative service is regulated by Govt. Decision 618/1997 and its duration, as stipulated in Art. 2 is 24 months for regular term military personnel and 12 months for military personnel with reduced service (including if the person is a graduate). **[22f]** Military service can also be deferred for compassionate family reasons. **[5a] [5e]**

4.23 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. **[5j]**

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

4.25 The offence of desertion as stipulated and sanctioned in Article 332 of the Penal Code is applicable to any member of the armed forces absent without any reason from his military unit or duty for more than three days. The action is punished with prison from 1 to 7 years and applies to both personnel fulfilling obligatory service (Act.46/1996) as well as to armed forces staff (Act.80/1995). **[22e]** The commander of the specific military unit must initiate penal action against an individual. However, penalties depend on the circumstances (alleviating or aggravating). In the case of desertion, if the absence is strongly motivated by objective reasons, this can be used to defend the accused. **[5r]**

4.26 Under the 1996 decree on "Preparing the population for defence", 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. It is also possible to serve part of one's period of conscription in the police force. **[5c] [6b]** The military service oath is an official procedure, performed only by individuals carrying out compulsory military service after they have absorbed the main duties of Romanian armed forces personnel, the significance of the military oath and that of the combat flag, 12-14 days after enrolment. **[22f]**

4.27 The Secretary General of the Coalition for Alternative Service in Romania stated in July 2001 that Pentecostals were listed among those religions whose members can apply for conscientious objection. Jehovah's Witnesses, members of the seventh day Adventist Church, the Adventists, and the Baptists can also apply. **[22d]**

4.28 According to a Senior Legal Counsel of the Romania's Ministry of National defence in July 2001, if a person has already served a prison term for desertion in the early 1990s, the individual in question, if less than 35 years of age, would have to continue their military (compulsory or alternative) duty for the duration stipulated in the law. **[22d]**

4.29 There are no penalties that could be applied to military staff that joined a religious cult that is not legally recognised. The only disadvantage of belonging to a religious organisation (i.e. not legally recognised) is that members would not be able to practice their religious beliefs inside their military unit. They would therefore not be liable for any religious assistance and they would not be granted any days of leave on the occasion of their religious celebration days. **[5a]**

4.30 The organisation and performance of religious assistance activity is the responsibility of the Ministry of National Defence and of the special structures established for this purpose, and is carried out with the direct support of the (Orthodox) church and the religious cults recognised by the state. **[5r]**
(Please see also Section IV on the Judiciary)

4.31 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. **[5r]**

4.32 Article 334 of the Penal Code (Insubordination) states that military employees who disobey a duty-related order, including refusing to take part in a mission, if legal, are sentenced to prison from 1 to 5 years. **[5r]**

Internal Security

4.33 The National Police are primarily responsible for law enforcement, the Gendarmerie for preserving public order, and the Border Police for maintaining border security. The Ministry of the Interior supervises these organisations. Protection against external threats is the primary responsibility of the military. An internal intelligence service assesses threats to national security but has no law enforcement powers. All security and intelligence organisations operate under the authority of civilian leadership. **[4d]**

4.34 The law prohibits arbitrary interference with privacy, family, home, or correspondence; however, there were some restrictions in 2001. The Constitution provides for protection against the search of a residence without a warrant; however, this protection is subordinate to "national security or public order." The 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. **[4d]**

4.35 The Chamber of Deputies approved the final version of the Law on Protecting Classified Information on 25 February 2002. Earlier versions of the law were eliminated including an article providing penalties for the unauthorised use and dissemination of classified information which had accidentally reached unauthorised persons. **[28b]** The deal stipulates Romania's liabilities for the protection of NATO classified information, the exchange, transmission and use of such information, as well as the creation of the conditions for securing confidentiality of such information. The National Security Authority will ensure and monitor the implementation of the provisions of the deal. **[23e] [24f]**

4.36 The European Commission noted in November 2001, that allegations of inhumane and degrading treatment by the police continued to be reported in 2001, but concluded that there is no evidence to suggest that these cases are the result of systematic disregard of human rights by police. **[20a]**

4.37 The Chamber of Deputies passed the articles of the Bill on Police Officers on 19 February 2002. In localities where the proportion of the population belonging to an ethnic minority exceeds 20 per cent, a member of the police force must be able to speak the mother tongue of the minority language. The PSD and the UDMR supported the bill whilst the PRM, PNL and PD opposed it. **[19d]** It is the first attempt at regulating the legal status of the police and is designed to demilitarise the police force by redefining them as a body of armed civil servants. Police officers will be divided into three categories according to their level of education: Category A will be police officers, university graduates holding first degrees. Category B will be police detectives; persons who have graduated from short-term tertiary education and Category C will be police agents who are those persons who have left secondary and post-secondary education with school leaving diplomas. The bills also provide for the creation of a National Police Corps as an autonomous, apolitical, non-profit making professional body with juridical responsibilities, which will campaign for the interests of

police workers. Police forces would be subordinated to local administration authorities. **[23f] [24l]**

4.38 Amnesty International reported that between January and June 2001 they received numerous reports of police ill-treatment. One case resulted in death and another apparently led to suicide of the victim. Police officers suspected of ill-treatment allegedly frequently harassed the victims witnesses following their complaints. **[8d]**

4.39 In response to concerns about the uncontrolled use of firearms, in September 2000 the Interior Minister signed the Order 122, which regulates the use of fire weapons. APADOR-CH, the Romanian Helsinki Committee, remains concerned that the Order stipulates that fire weapons may be used in the case of those caught in the act and attempting to escape if a serious crime is involved. They believe the risk remains high since it is the duty of the police officer to determine the seriousness of the act. **[21]**

4.40 The introduction of new guidelines on the use of firearms in June 2001, intended to bring police practice into line with United Nations and Council of Europe standards, appeared to have little effect. After September 11 2001, Parliament suspended consideration of a draft bill curbing police powers to detain citizens for up to 24 hours without charge. **[3a]**

4.41 Amnesty International expressed concern in 2000 about the alleged ill treatment by officers of the Buzau County Police Inspectorate's emergency intervention sub-unit. Duties of the new sub-units include making emergency interventions and monitoring patrols around the clock to deter the commission of criminal offences. Four complaints were reportedly made in the first three months of its operation in Bazau County. **[8c]** By the end of 2001, Buzau County Police had reprimanded and transferred to another unit the Chief of the police intervention sub unit. Several other officers in the squad were demoted and an additional officer was transferred to another unit. **[4d]**

4.42 On 5 March 2001, the Interior Ministry ordered an investigation into allegations of corruption published on an Internet site against several high-ranking police officers. These allegations concerned 12 officers including six colonels and the Constanta Police Chief who was reportedly accused of covering up a number of 'incidents' in exchange for money. Since the appointment of the new left-wing government in November 2000, several regional police chiefs have reportedly been dismissed following allegations of corruption. **[22c]**

4.43 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. 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. In wartime, they have a military role to play as a kind of militia. 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. **[5d]**

4.44 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. **[5c]**

4.45 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. **[5c]**

Intelligence Services

4.46 Romania's former intelligence and security apparatus consisted 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. 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). **[5l]**

4.47 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. 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. The SRI and SIE claim that they have recruited and trained a significant number of new entrants. **[5l]**

4.48 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. In February 1996, a body was set up, including members of the parliamentary Defence, Public Order and National Security Committees, to oversee SIE activities. The SIE does not, however, present annual activity reports to parliament as the SRI does, but rather forwards its reports to the Supreme Defence Council. **[5l]**

4.49 The SRI gathers intelligence (on terrorists, those involved in organised crime and hostile intelligence services) within Romania's borders on threats to Romania's national security. It is responsible for protecting the country's economic well being and has a leading role in the President's campaign against corruption. Both services co-operate with the police division fighting organised crime (BCCO), providing intelligence on drugs trafficking and illegal immigration. **[5l]**

4.50 The Constitution states that the privacy of legal means of communication is inviolable. The Romanian Intelligence Service (SRI) is therefore legally prohibited from engaging in political acts (for example, wiretapping on behalf of the government for political reasons). However, the law allows SRI to engage in such monitoring on national security grounds after obtaining authorisation from the "public prosecutor specifically appointed by the General Public Prosecutor." It may engage legally in a wide variety of

operations such as surveillance, requesting official documents or information, or consulting with technical experts, to determine if a situation meets the legal definition of a threat to national security, or to prevent a crime. **[4d]**

4.51 Romanians were allowed for the first time, on 29 March 2001, to see the secret files on them compiled by the Securitate under Ceausescu's regime. The Law of the Statutes of the National Council for the Study for the Securitate Archives (CNSAS) was adopted by the Romanian parliament in 1999, but the Council had formerly been verifying the files of former MPs and candidates for the November 2000 elections. Investigations into the party candidates' lists revealed that forty candidates were found to have collaborated with Ceausescu's Securitate. Under Romanian law, candidates were required to declare whether or not they had collaborated with the Securitate, with those filing false declarations liable to fines or prison terms. **[10b] [31e]**

4.52 Gheorghe Onisoru, Head of the CNSAS Securitate archive, said the opening of the files was important for the country's sense of national identity. He said that the Securitate kept files on one to two million Romanians with 400,000 – 700,000 informants and each one of them gave information on two to three people. **[24e] [31e]**

4.53 On 9 January 2002, Constantin Ticu Dumitrescu, author of the law on access to Securitate files, released a list holding the names of about 1,000 Romanians who used to work for the Securitate or served the interests of this organisation. The list contains the names of about 450 officers, more than 300 employees of the Securitate in Bucharest, 60 employees of the Caciulati division, several dozen magistrates and prosecutors, policemen, gendarmes and prison wardens. **[14b]**

4.54 Those who make requests can see their files under the supervision of technical staff, so that documents cannot be destroyed. If a person wishes to know the names of the informers who contributed to the file, they must submit another written request. **[24e]** In June 1998, the SRI Director, Mircea Ghiordunescu, claimed that the chances of finding files relating to the informers of former members of the Communist Party were rather slim as when an informer, whose file had been classified in the archive, received Communist Party membership all the evidence was destroyed. **[24a]**

4.55 The United Kingdom is Romania's largest European donor of bilateral defence assistance under a programme which includes the secondment of UK Ministry of Defence staff to the Romanian Defence Ministry. The UK has helped in the establishment of a Romanian staff college. **[5o]**

Legal Rights / Detention

4.56 The law provides for the right to a fair trial; however, the judiciary suffers from systemic corruption. Defendants are presumed innocent. A defendant has the guaranteed right to a defence attorney under the Penal Code (art. 6), including those defendants who cannot afford legal representation or are otherwise unable to select counsel. **[11a]** In practice the local bar association provides attorneys to the indigent and is compensated by the Ministry of Justice. Either a plaintiff or a defendant may appeal. The law provides that confessions extracted as a result of police brutality may be withdrawn by the accused when brought before the court; the practice of extracting

confessions through beating occurred occasionally in 2001. Due to a lack of a plea bargaining, the judicial system tends to be inefficient and slow. **[4d]**

4.57 Pre-trial detention of an accused person for a period not exceeding five days, or for a period not exceeding six months following their committal for trial, must be substantiated in a detention order issued by the prosecutor. **[11a]** Periods of detention can be excessive - up to half the possible sentence. In order to address these issues, important reforms of the Romanian penal system have been initiated. An ordinance establishing a probation system entered into force in October 2000. Eleven experimental probation centres have been set up in seven counties. The Penal Code was amended through an Emergency Ordinance in November 2000 to further improve the provisions on conditional release from prisons. **[20a]**

4.58 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, articles 146, 147 and 151). 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 the lower courts 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). **[11a]**

4.59 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". 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". 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. **[11a]**

4.60 The Romanian Code of Criminal Procedure (art. 5.1) recognises the right of all persons deprived of their liberty to be treated with humanity and with respect. It is also recognised by the International Covenant on Civil and Political Rights. 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). 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. **[11a]**

4.61 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 within Romania. 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. **[11a]**

4.62 Under the law, minors detained by the police and placed under guard in a centre for the protection of minors, are considered by judicial authorities to be in detention or under arrest if their age is more than 16, or, if aged between 14 and 16 they have consciously committed a crime. However, 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 for up to 30 days in such centres. **[4a]**
(Please also see Section VB on Children)

4.63 According to APADOR-CH, the Romanian Helsinki Committee, the Romanian Interior Ministry issued new instructions on detention in 1999 that provide for the confidentiality of discussions between detainees and their lawyers; this law was respected in practice in 2001. **[4d]**

Prisons

4.64 Prison conditions are harsh; however, efforts to improve the prison system have led to some gradual but positive changes in 2001. The 2001 prison budget increased by $71 million over the 2000 budget. There are a total of 43 penal units (an increase from 41 in 2000), 34 prisons, 5 prison hospitals, and 3 juvenile detention facilities. Nevertheless overcrowding remained a serious problem in 2001, although it improved slightly from 2000. **[4d]**

4.65 The Government permitted prison visits by human rights monitors in 2001; however the Ministry has tightened conditions for prison visits. Several domestic and international NGO's made visits during the year. **[4d]**

4.66 Overall prison conditions are often extremely poor and prisons remained severely overcrowded in 2001. **[20a]** The May 1999 law providing for alternative sentences for minor offences (community service instead of detention) has helped to reduce the number of people detained. The proportion of the total prison population, made up of persons in pre-trial detention, diminished from 30 per cent in 1998, to 20 per cent in 2000. **[20b]**

4.67 Human rights organisations continued to report that the abuse of prisoners by other prisoners and prison authorities was a problem in 2001. Prisons continued to use the "cell boss" system, in which some prisoners are designated to be in semi-official charge of other prisoners in places where there were 10 or more prisoners in the same room. There were attempts to ameliorate this system by giving the inmates the right to select these "cell bosses" by vote, which has improved the situation slightly. Prison authorities introduced some vocational training programs to assist inmates' future integration into society, which also led to some improvement. **[4d]**

Medical Services

4.68 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. **[1]**

4.69 The Romanian Health Service is predominantly public. All Romanian citizens have access to free emergency medical treatment. Ongoing treatment is only available to those Romanians who pay a percentage of their monthly income into the Romanian social health insurance fund. If a person does not pay contributions they will be expected to pay for treatment and medicines. The following categories are entitled to free healthcare:

- Children and persons under the age of 26 (if studying or out of work)
- Pensioners (except for certain medicines and special services e.g. prosthetics)
- Close relatives of an insured person (husband/wife, children, parents) without income of their own and dependent on the insured person
- Unemployed disabled persons
- Unemployed persons whilst receiving state benefits
- War veterans and widows. **[5u]**

4.70 The structure of medical services includes general practitioners, referral to specialists, hospitals with operating theatres, intensive care and emergency units. The standard of healthcare has improved over the last ten years, although it is still poor and significant problems stem from the lack of investment in healthcare. Larger hospitals in Bucharest and other main cities have old but functioning equipment and a relatively well-trained work force. Adequate facilities and expertise are available for routine operations, albeit in a slow timeframe. Specialist care is also available in main towns. Outside of main towns the situation deteriorates and antiquate equipment continues to be used. However, doctors from larger hospitals visit persons in remote villages. **[5u]**

4.71 Most over the counter medicines are freely available in the main cities although they may be more difficult to obtain in the more remote areas. Leukaemia is treated in several hospitals throughout Romania. The leading medical centre in Bucharest has a solid reputation within Romania and professors at the Romanian School of Medicine enjoy international recognition. However, there is a lack of funding for such treatment from the Romanian health budget. **[5u]**

4.72 Difficult economic conditions and serious budgetary constraints contribute to very difficult living conditions for those with physical or mental disabilities. Many disabled people cannot make use of government-provided transportation discounts because public transport does not have facilitated access. The law does not mandate accessibility for persons with disabilities to buildings and public transportation. **[4d]** People with disabilities are at risk of poverty and social marginalisation. The government has adopted legislation establishing a Minimum Guaranteed Income, under which the state will cover the basic living expenses of the unemployed as well as persons earning less than the minimum income. **[20a]** An emergency ordinance improved the situation for handicapped persons in 2000 by expanding the possibilities of tax holidays for economic units that hire handicapped persons. Financing of social protection is ensured by the Special Solidarity Fund for Handicapped Persons that was established in 1999. **[20b]**

Educational System

4.73 Education is free and compulsory between the ages of six and 16 years. The Education Act, adopted by Parliament in 1995, 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" (art. 5). The Act guarantees "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). It also establishes a mandatory requirement to study the Romanian language, as the official language of the State (art 8, para 3). **[1] [11a]**

4.74 The Education Act provides for the study 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 chooses the religion and denomination he or she wishes to study. 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 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." **[11a]**
(Please also see Section VA on Freedom of Religion)

4.75 Academic freedom is respected in Romania. **[4d]** There are 302 school establishments and sections in which teaching is conducted in German. 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). **[11a]**

4.76 Article 32 of the Constitution, which established the right to free education for all, also grants the right to members of national minorities to learn their mother tongue and to be educated in this language. **[5n]** The school network for teaching in the national minority languages includes establishments, sections and study groups in which the students can be taught or learnt in the language of the Serbian, Ukrainian, Slovak, Czech, Bulgarian, Croatian, Turkish and Tatar, Russian, Polish, Armenian, Greek and Italian minorities. **[11a]**
(Please see also Section VB on Ethnic Groups)

4.77 In 1997 a school programme was established to provide Romany children with an opportunity to learn the Romany language. Study groups for the language have been set up in eight pre-university educational establishments. Special classes for Romany language and literature teachers were set up in 1993 in three teacher training colleges in Bucharest, Bacău and Târgu-Mureş. Students on the programme include not only young people of Roma origin, but also ethnic Romanians. **[11a]**

4.78 The Educational Publishing House has published a special textbook to facilitate the teaching of Romany, and in 1997 the Ministry of Education prepared a curriculum for years one to four. In this educational process increased importance was being attached to co-operation between the competent Romanian authorities and NGOs working in the field of Roma education and culture. **[11a]**

Accession to the European Union and NATO

4.79 Romania's relations with other countries slowly improved after the overthrow of President Ceauşescu in 1989. An Association Agreement with the European Community was signed in February 1993, and in October 1993 Romania became a member of the Council of Europe. In June 1995 Romania formally applied for full membership of the European Union however in July 1997 the European Commission judged that Romania was not then ready to begin accession negotiations for EU membership. **[1]**

4.80 Formal negotiations to join the European Union began in March 2000. EU Enlargement Commissioner Guenter Verheugen pledged in December 2001 that Romania would receive special and privileged treatment in order to achieve accession as soon as possible, whilst commending Romania's realistic time-frame and realistic strategy. **[6m]** Of the thirty-one chapters Romania has to negotiate, Romania had opened seventeen chapters of negotiation and submitted the papers for nine new chapters as of March 2002. Romania has closed nine chapters. **[24m]** Chief negotiator with the EU, Delegate Minister Vasile Puscas, reasserted in February 2002 that Romania hopes to close all chapters of negotiation by 2007. **[24q]**
(Please see also Section VA on Human Rights Issues)

4.81 In early 1997, Romania directly appealed to all NATO member countries to support its accession into the organisation in the first wave of expansion. At NATO's Madrid Summit in July 1997 the Czech Republic, Hungary and Poland were invited to start accession talks and joined NATO in 1999. At the 1999 Washington summit allied leaders promised that these countries would not be the last new countries to join NATO and stated that the enlargement process would be reviewed in 2002. **[1] [13]**

4.82 Romania was the first country to sign up for Partnership for Peace immediately after the NATO summit in January 1994. They joined the Membership Action Plan (MAP) in 1999, which gives subsistence to NATO's commitment to keep its door open. It does not, however, guarantee future membership. MAP provides for a range of activities designed to strengthen each aspirant country's candidacy. NATO is following the progress made by each aspirant and providing political and technical advice. **[1] [5o] [13]**

4.83 NATO's Supreme Allied Commander in Europe, US Air Force General Joseph Ralston said on 22 January 2002 that Romania has made extraordinary progress in reforming its armed forces but must still do more to meet the military criteria for joining NATO. A November 2002 summit in Prague will invite up to seven new member states to join NATO, but no decision has been made on which countries will be accepted. **[6e]**

VA HUMAN RIGHTS ISSUES

Overview

5.1 Romania has ratified the major human rights instruments, including the revised European Social Charter. The European Commission concluded, in November 2001, that Romania continues to respect human rights and freedoms. **[20a]**

5.2 The European Commission's annual report on Romania's progress towards accession in November 2001 concluded that since fulfilling the Copenhagen political

criteria in 1997, Romania has made considerable progress in further consolidating and deepening the stability of its institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. The efficiency of the legislature has improved considerably as has the overall functioning of the government. Significant progress has been made in the field of human rights. Furthermore, Romania has addressed the short-term Accession Partnership priorities related to the political criteria by improving the conditions of institutionalised children, making progress with the reform of childcare policy, developing a national strategy for Roma and taking measures to provide support for minority programmes. **[20a]**

5.3 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. **[7c]**

5.4 In September 2000, the Government passed Emergency Ordinance number 137 on prohibiting and sanctioning all forms of discrimination by public employees, individuals, private companies and economic operators, on the grounds of race, ethnicity, age, gender, or sexual orientation and introduces the ability to sue on the grounds of discrimination. **[4d]** APADOR-CH, the Romanian Helsinki Committee, believes this is a vital instrument for the protection of national minorities and, with major effects especially on the statute of Roma. **[21]** However, implementation of the decree, primarily through the creation of a National Council on Combating Discrimination, had not occurred by end December 2001. An emergency ordinance has the effect of law unless it is nullified by the Parliament. The Senate and the Chamber of Deputies passed the ordinance during 2001, but the Chamber amended it to exclude sexual orientation as a basis for discrimination, while the Senate passed it unchanged. The two Chambers had not reconciled their versions by end December 2001. **[4d]**

5.5 The Ordinance provides for sanctions for offences for any difference, exclusion, restriction, or preference aiming to or resulting in the restriction or prevention of equal recognition, use or exercise of human rights and fundamental freedoms, in the political, economic, social, cultural or any other field of public life. It also enables human rights non-governmental organisations to become parties in court cases, in order to ensure the representation in court of discriminated persons, in case that the discriminatory act affects the community in general. The Romanian Helsinki Committee regards the application of these provisions as resulting in the increased role of civil society in Romania's transition towards democracy and ensuring more active involvement of non-governmental organisations in the overall public life and especially human rights protection. **[21]**

5.6 A Government Decision adopted in December 2000 provides for the establishment of the National Council for the Elimination of Discrimination. Its' aims are to acknowledge the offences and apply the sanctions provided by Emergency Ordinance number 137. This is a specialised body of the central public administration subordinated to the Government, which is necessary for ensuring a unitary implementation of the Ordinance provisions. **[21]**

5.7 The United States State Department concluded in March 2002 that the Romanian government generally respected the rights of its citizens. However, its human rights record was poor in some areas, namely; excessive use of police force; investigations of

police abuses; poor living conditions in prisons; discrimination against Roma; impoverished homeless children; societal harassment of religious minorities; violence against women and trafficking in woman and girls. **[4d]** Human Rights Watch reported in March 2002 that they had received no reports of interference with the work of human rights groups in Romania during 2001. **[3a]**
(Please see also Section IV on Internal Security; on Prisons; and Section VB on Human Rights Issues)

5.8 The Ombudsman's Office, which was established in March 1997, became fully operational in 1999. The Ombudsman has been moderately effective; however, the lack of executive powers limits the Ombudsman's authority. It received 6,871 complaints in 2001, up from 4,556 in 2000; although only 1,671 of the complaints were accepted as falling under the Ombudsman's jurisdiction. The Office is obliged by law to provide an initial response within a year of the date they were recorded and deals not just with human rights, but with all facets of citizens' interaction with government. **[4d]** There is a growing public awareness of the role and function of the Ombudsman with over half the cases declared admissible in 2000 (compared to 40 per cent in 1999). Most of the complaints referred to alleged infringements of individual rights in the process of restitution of land or residential property. **[20a]**

5.9 The government issued an ordinance on 8 March 2002 allowing the public display of national symbols by organisations representing minorities. The ordinance modifies regulations forbidding the display of foreign national flags and playing foreign national anthems except on occasion of visits by foreign dignitaries. **[23c]**

5.10 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) and the Romanian Institute for Human Rights. There are also several issue-specific groups such as the Young Generation of Roma and Romani CRISS, the Centre for Crisis Intervention and Studies, which is also a Romani NGO. Other groups, such as political parties and trade unions, continued to maintain sections of monitoring the observance of human rights. These groups as well as international human rights organisations functioned freely without government interference in 2001. **[3c] [4d]**

5.11 The Romanian Constitution forbids torture and inhuman or degrading punishment and, in 2000, these prohibitions were generally respected in practice. However, there were isolated reports that police beat detainees and used excessive force in 2001. Human rights organisations cited reports of mistreatment by police. **[4d]**
(Please see also Section IV on Internal Security)

5.12 The Romanian Helsinki Committee reported and investigated numerous reports from individuals who claimed to have been ill-treated by the police in 2000. By law, such accusations were investigated by the Military Prosecutor's Office, which also decided whether an investigation was warranted, with the burden of proof on the victim. **[3b]**
(Please see also Section IV on Internal Security, and Section VB on Ethnic Groups)

5.13 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. **[11a]**

5.14 The Government co-operates with local and international monitoring groups, although some offices are slow to respond to enquiries. Local human rights monitoring agencies have sometimes found it difficult to obtain statistics concerning police abuses. The General Inspectorate of Police, which is responsible for investigating abuses, responds unevenly to enquiries from monitors. Romanian law provides no other remedy for victims of police abuse. Often victims are reluctant to come forward, and the Government does not promote transparency in this regard. **[3a] [4d]**

Freedom of Speech and of the Media

5.15 The Constitution, and the 1992 Law on Broadcast Media provides for freedom of expression and prohibits censorship; however it limits free expression by prohibiting "defamation of the country" and "offence to authority." The Government respected these provisions in practice in 2001. **[4d]**

5.16 On the recommendation of the Council of Europe, the Chamber of Deputies passed draft legislation, in June 2000, that would reduce the sentence for libel to a fine instead of a prison term, and that would decrease the sentence for calumny to 3 to 12 months instead of the previous 2 to 6 years. This draft legislation had not been passed by the Senate or signed into law by the President by end of 2001. **[4d]**

5.17 The independent media continued to grow in 2001 in an increasingly competitive market. Several hundred daily and weekly newspapers are published in Romania. The 1994 law establishing a parliamentary-appointed board of directors for RTV was implemented in June 1998. Press and television coverage generally reflects the political viewpoints of the owners, which cover most of the political spectrum. State-owned television and radio coverage tends to be biased in favour of the Government. **[4d]**

5.18 The Romanian media scene is characterised by pluralism and the general absence of direct State interference. Public and private broadcasting media at the national and local level and a number of privately owned print media offer a wide range of political views and opinions. **[10b]**

5.19 The Romanian Penal Code has been criticised by human rights organisations and professional journalists for retaining jail terms for those convicted of libel or slander, including journalists. Despite official promises that jail terms would be removed from the penalties for libel, calumny, "defamation of the nation," and "defamation of public officials," Parliament had not amended the relevant sections of the Penal Code by end 2001. **[4d]** The extensive use of legal proceedings against journalists, in particular where they have made allegations of corruption, undermines the freedom of the press. **[20a]**

5.20 The Committee to Protect Journalists reported that there were a couple of violent attacks against Romanian journalists investigating cases of corruption among government officials in 2000. Elements of the Romanian press seem able to make allegations of a serious nature against public figures with impunity, without producing any evidence. **[3c]** In the past there were reports of police abuse of journalists; however, the United States State Department reported there were no such reports during 2001. **[4d]**

5.21 Constitutional curbs on free expression remained in force in 2001 and were used by authorities to interfere with the work of journalists. Journalists ran afoul of broad criminal defamation laws, under which prosecutions for slander of public officials could bring imprisonment or fines. **[3a]**

Freedom of Religion

5.22 The Constitution provides for freedom of religion. Under the provisions of the 1948 decree number 177, the government recognises 15 religions; not one religion has succeeded in receiving the status of a recognised religion since 1990. Only the clergy of recognised religions are eligible to receive state financial support. The State Secretariat for Religious Denominations has licensed over 622 other religious associations under Law 21 of 1924 on juridical entities, which entitles them to juridical status as well as to exemptions from income and customs taxes. **[4c]** The Government registers religious groups that it does not recognise as either religious foundations or as cultural association, in accordance with Government Decree 26 of 2000. A law enacted in May 2000 simplified this registration process in theory and removed the minimum number of members required to set up religious associations and foundation. **[4d]** The State Secretariat for Religious Denominations reported in May 2001 that 50 new religious associations received approval for registration in 2000 and 3 associations were approved as of May 2001. **[4c]**

5.23 Romanian Orthodox Church is Romania's principal religion, with more than 19 million followers. Other religious groups and their number of adherents are as follows:
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. **[1]**

5.24 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
[5m]

5.25 Persons belonging to national minorities benefit from the same constitutional provisions as all Romanian citizens with regard to freedom of religion. 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. **[11a]**
(Please also see Section VB on Ethnic Groups)

5.26 Article 32 of the Constitution establishes the freedom of religious education, in accordance with the specific requirements of each denomination. **[11a]**
(Please also see Section IV on Education)

5.27 New regulations issued by the Government on 22 May 2001, regarding building permits for the construction of places of worship defines these as "buildings such as churches, houses of prayer, temples, mosques, synagogues, houses of assembly etc., used by religious denominations, religious associations and foundations for their specific religious services." **[4c]** The new regulations no longer differentiate between recognised religions and unrecognised religions in terms of what they are allowed to build as places of worship. Prior to this, unrecognised religions received building permits for "halls of prayer" only and not for "places of worship." However, there are concerns that the new regulations could make it more difficult for minority religious groups to obtain such permits, since only the Orthodox Church is represented on the commission granting such permits. **[4d]**

5.28 Several minority groups claimed in 2001 that low-level government officials and Romanian Orthodox clergy impeded their efforts at proselytising, as well as interfered with other religious activities. **[4d]** The Government denied the allegations. There are generally amicable relations among the different religious groups; however, the Romanian Orthodox Church has shown some hostility towards non-Orthodox religious churches and criticised the 'aggressive proselytising' of Protestant, Neo-Protestant and other religious groups, which the Church has repeatedly described as 'sects'. **[4c]**

5.29 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. According to published sources, the Baha'i Faith, the Family (God's Children), the Church of Jesus Christ of Latter Day Saints (Mormons), the Unification Church, the Methodist Church, Jehovah's Witnesses, the Presbyterian Church, Transcendental Meditation, Hare Krishna, and Zen Buddhism are active denominations in Romania. **[4c]**

5.30 Minority religious groups reportedly asserted in 2001 that they have found central government and parliamentary officials more co-operative than local officials. **[4c]**

5.31 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 free and autonomous, freely appoint their governing bodies and clergy without interference by the State and are free to use the mother tongue of the congregation in their worship. **[11a]**

5.32 The Greek Catholic Church has made only limited progress in recovering its properties taken by the Romanian Orthodox Church after its forced merger in 1948. The Greek Catholic Church has reportedly very few places of worship and a joint Orthodox and Greek Catholic committee formed by government decree in 1990 has failed to resolve the issue due to Orthodox resistance. Restitution of the existing churches is important to both sides because local residents are likely to attend their local church whether it is Greek Catholic or Orthodox. The number of believers and share of the state budget allocation for religions is therefore at stake. **[4d]**

5.33 In May 2001, Parliament overturned government Decree 106 of August 2000. Accordingly, there is no legislation at present regarding military clergy. **[4c]**

Jewish Community

5.34 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. 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 international Jewish community leaders on 22 August 1997. **[6c] [6d]**

5.35 The Jewish community had received 42 buildings by government decree but could only obtain actual possession of less than half of them by end December 2001. The government adopted the ordinance on the restitution of buildings in March 2002. The government adopted the ordinance on the restitution of buildings in March 2002. **[4d]**

5.36 The fringe press continued to publish anti-Semitic articles. Legionnaire (an extreme nationalist, anti-Semitic, pro-Nazi group) books from the inter-war period continued to be published. Most mainstream politicians have publicly criticised anti-Semitism, racism, and xenophobia. **[4d]**

5.37 Jewish cemeteries were desecrated in nine localities during 2001. The perpetrator was identified in only one case. The perpetrators in the other five cases could not be identified but are believed to have been local youths, rather than members of an organised anti-Semitic movement. Four synagogues were desecrated during 2001. **[4d]**

Jehovah's Witnesses

5.38 Jehovah’s Witnesses tend to be regarded with suspicion and hostility by the population at large and by the established churches. **[27b]** Harassment of Jehovah's Witnesses in Mizil and other areas continued during 2001. **[4d]**

5.39 Jehovah's Witnesses, initially registered as a non-governmental religious association, started having problems with the Romanian authorities under the

assumption that it was not an officially acknowledged religious denomination. Jehovah's Witnesses complained that the State Secretariat for Religious Denominations had consistently refused to grant it status as a religion, despite a March 2000 Supreme Court ruling recognising the modified statutes of Jehovah's Witnesses as a Christian religious denomination. The court ruling asked the State Secretariat for Religious Denominations to issue an administrative document recognising Jehovah's Witnesses, but the State Secretariat refused to do so. In response, Jehovah's Witnesses asked for damages in court and, consequently, the court ruled that the Ministry of Culture and Religious Denominations should pay a symbolic $.02 (500 lei) per day fine to the State as of 9 May 2001. **[4d] [27b]**

5.40 Romania offers an alternative national service to those who object to military service on religious grounds. Current alternative military service terms are implemented by Law number 462/1994 on the “Preparation of Romania’s Population for Defence.” They would be expected to work in the public sector doing manual labour, i.e. on railways, building sites etc. Jehovah’s Witnesses are mentioned specifically in the 1991 law on alternative military service. **[5a]**
(Please see also Section IV on Military Service)

Freedom of Assembly and Association

5.41 The Constitution provides for freedom of association and the freedom of assembly. Both of these rights are respected in practice. **[20a]**

5.42 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. **[11a]** The law provides for the rights of citizens to assemble peacefully and unarmed. **[4d]**

5.43 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 written notification has been received by the local administration, three days prior to the event. The request must specify the name of the organising group along with the purpose, date, place, starting time and duration of the event. It must also specify the arrangements for access and dispersal, the estimated number of participants, the persons who will organise the event and take 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. **[11a]**

5.44 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 or other violations are punished by imprisonment and fines. **[4d]**

5.45 The Constitution provides for the freedom of association and the government respected this right in practice in 2001. **[4d]** Romania has attempted to discourage the hyper-pluralism exhibited in the early years of transition, when more than 250 political

parties were registered. Legislation was enacted in April 1996 (Law No. 27/1996) requiring submission of the signatures of not less than 10,000 founding members, with no fewer than 300 from each of at least 15 constituencies, for registration as a political party. **[10b]**

5.46 In time for the November 2000 parliamentary elections, the electoral threshold for a seat in Parliament was raised by an Emergency Ordinance from 3 per cent to 5 per cent for political parties, independent candidates and associations. In addition, a scale was adopted for political formations (coalitions and alliances) with a threshold of 8 per cent for groupings with two members, 9 per cent for those with three members and 10 per cent for those with 4 or more members. Associations may be granted legal status with only 20 founding members and over 2,000 supporting members. **[10b]**

5.47 Monarchist groups are prohibited from registering as political parties, as according to the 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. **[22b]**

Employment Rights

5.48 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. There were reports that the Government restricted this right in 2001. Intelligence, Military of Defence and Ministry of Interior personnel are not allowed to join unions. 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. **[4d]** Trade unions play an active role in negotiating collective labour agreements in Romania, in accordance with the Collective Labour Agreements Act, No. 13/1991, as well as in resolving collective labour disputes (Act No. 15/1991). **[11a]**

5.49 Amendments to Romania’s 1991 law on labour disputes in November 1999 widened the right to strike. The law stipulates that labour unions should be free from government or political party control, a provision that the government has honoured in practice. Unions are free to engage in political activity and have done so. **[4d]**

5.50 Minimum wage rates generally are observed and enforced. During 2001, the minimum monthly wage was raised from approximately $30 (700,000 lei) to approximately $48 (1.4 million lei); the minimum monthly wage does not provide a decent standard of living for a worker and family. Housing is no longer subsidised. **[4d]**

5.51 The Ministry of Labour and Social Protection has established safety standards to conduct comprehensive safety inspections. European Union PHARE funds have assisted in building capacity within the new department. Workers have the right to refuse dangerous working assignments, but seldom invoke this in practice, appearing to value increased pay over a safe working conditions. **[4d]**

5.52 Romania ratified International Labour Organisation (ILO) Convention No. 105, 1957, concerning the Abolition of Forced Labour, on 3 August 1998. **[1]**

People Trafficking

5.53 Legislation passed in November 2001 prohibits and punishes trafficking of human beings. The law defines trafficking as the use of coercion to recruit, transport, harbour, or receive humans for exploitation. Trafficking in women is an underreported but serious problem and Romania is both a country of origin and a transit country. The International Organisation for Migration (IOM) reported that from January 2000 to June 2001, they assisted 279 victims of trafficking. The IOM office in the country estimated that as many as 20,000 women are trafficked from Romania each year. **[4d]**

5.54 The law empowers the Ministry of the Interior to provide protection for victims of trafficking, and undercover operations and electronic surveillance are authorised against traffickers. The new law also eliminates criminal penalties for prostitution if the victim turns in traffickers, or if the victim co-operates with investigations against traffickers. However, trafficking victims who co-operated with authorities were nonetheless reportedly sentenced for crimes such as illegal emigration in 2001. The Government provided little aid to repatriated victims although in October 2001 it opened a short-term shelter for victims in Bucharest in co-operation with the IOM and a non-governmental organisation. In addition, the Ministry of Interior provides law enforcement personnel to investigate trafficking. The Border Police, who report to the Ministry of Interior, process repatriated victims when they return from abroad and the Ministry of Foreign Affairs provides documentation. **[4d]**

Freedom of Movement

5.55 The law provides for the right of freedom of movement within the country, foreign travel, emigration and repatriation and the Government generally respects them in practice. The Government places no restrictions on travel within the country, except for certain small areas reserved for military purposes. **[4d]**

5.56 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. The tenant retains his right to the home throughout the entire period of the tenancy agreement. **[11a]**

5.57 There were reports in 2001 that the Romanian Government forcibly relocated hundreds of Roma illegally squatting in Bucharest (largely on public land) to their places of origin as part of a programme called "Back Home." The programme was criticised strongly by human rights groups. In April 2001 authorities reportedly evicted 10 Romani families who were squatting in 2 apartment blocks in the village of 1 Decembrie, in Ilfov County. In June 2001 authorities returned 55 Roma who were squatting on public property in Sector 2 in Bucharest to their counties of origin, in addition to the sixty Roma who were evicted by the authorities from Sector 6 in Bucharest. **[4d]**
(Please see also Section VB on Roma)

5.58 Romanian citizens have the right to settle or to change their residence to any place in the country, in accordance with Law 105/1996 on population records and ID cards, article 24.1. Records on Romanian citizens are kept by the ministry of the Interior according to the principle of permanent residence, article 1. Those who change address should report with the following papers to the local police station within 15 days of the

move; documents of the house, ID card, birth certificate. In the event of a change of address the police issue either a permanent permit (for those having bought property, wish to record a permanent change of address) or a temporary permit (valid, according to circumstances, for a maximum of 12 months) which has to be renewed by the holder when it expires. **[5h]**

5.59 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. A new refugee law entered into force on 2 November 2000. The legislation attempts to bring Romanian asylum policies and institutions in line with EU standards. Provisions allow authorities to grant humanitarian status to persons exposed to inhumane or degrading treatment or torture in their country of origin and introduce accelerated border procedures for asylum seekers entering the country. **[30]**

5.60 The Romanian Government co-operates with the UN High Commissioner for Refugees (UNHCR) and other humanitarian organisations. From January - September 2001, Romania received 1,981 applications for asylum. An increasing number of transiting illegal migrants regard the country as a springboard to the west. **[4d]** Asylum seekers unable to provide for themselves may be accommodated in a refugee reception centre. One centre in Bucharest housed 264 persons in 2000 and another with a capacity for 400 opened in 2001. **[30]**

5.61 There were no reports in 2001 of the forced return of persons to a country where they feared persecution. **[4d]**

VB HUMAN RIGHTS - SPECIFIC GROUPS

Women

5.62 The Constitution grants women and men equal rights. No legal restrictions hinder the participation of women in government or politics; however, societal attitudes are a significant impediment, and women are underrepresented significantly in government and politics. **[4d]** Following the November 2000 elections, women hold 9.8 percent of the total seats in Parliament, which is an increase from 5.6 percent. Women also hold 3 of the 18 seats allocated to national minorities. **[10b]** The current cabinet has 4 female ministers including the influential Minister of European Integration, plus Justice, Education and Research and Health and Family Ministers. **[20a]**

5.63 The European Commission's November 2001 regular report on Romania's progress towards accession, notes that the Romanian government has identified equal opportunities as one of its main priorities and has made important changes to administrative structures in 2001 in order to address this issue. In December 2000 the government approved the National Action Plan Regarding Equal Opportunities for Men and Women, which identifies a number of areas of intervention and a number of operational objectives in the fields of legislation, social rights, economy, participation in decision making and public awareness. While the action plan is a welcome development, the European Commission notes that there had been as of November 2001, no concrete actions taken in order to implement it and the resources allocated for implementation are insufficient. **[20a]** Women have a higher rate of unemployment than men, occupy few influential positions in the private sector, and earn lower than average wages. **[4d]**

5.64 Women are well represented in the judiciary. Over 60 per cent of the judicial representatives on the Central and Constituencies Election Bureaus are women. Likewise, at more than 200 polling stations visited by observers on election day (26 November 2000), over 50 per cent had female presidents while overall membership was spread evenly among men and women. **[10b]**

5.65 Violence against women, particularly rape, continued to be a serious problem in 2001. Both human rights groups and women's rights groups credibly report that domestic violence is common. A pilot project opened a shelter for victims of domestic violence in Constanta in December 2000. The shelter opened with the co-operation of the police and the Constanta mayor's office and helped in 246 cases from January to November 2001. 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. A complicated criminal process discouraged domestic violence victims from pressing charges against perpetrators. Police often are reluctant to intervene in instances of domestic violence. **[4d]**

Children

5.66 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. **[4d]**

5.67 The European Commission's noted in November 2001 that the reform of the childcare system is well underway. Romania has therefore met the 1999 Accession Partnership priority relating to child protection. However, and despite these developments, the demand for state-supported care remained constant in 2001 with poverty being the main reason. In May 2001 the Government adopted a revised Strategy on the Protection of Children in Need (2001-2004). The National Authority for Child Protection and Adoption has been placed under the Secretary General of the Government. This is an important development that provided the Authority with representation at ministerial level, although the role of the National Authority is still not fully established. **[20a]**

5.68 The Romanian Government has suspended international adoptions of Romanian children. In December 2000 the Romanian Adoption Committee stopped referring children to international adoption foundations and as of June 2001, the Committee suspended the registration of new foreign families requesting international adoption for at least one year. **[20a]**

5.68 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. 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. **[4d]**

5.69 The sexual exploitation of children continued to attract press attention in 2001. Other issues, such as adequate legislation to protect children, received less attention. The law does not outlaw paedophilia expressly; instead paedophiles are charged with

rape, corporal harm, and sexual corruption. Trafficking in girls for the purpose of prostitution is reported as a problem. **[4d]**

5.70 The Constitution prohibits forced or compulsory child labour, and the Ministry of Labour and Social Protection generally enforces this provision; however, trafficking in girls for the purpose of forced prostitution is a problem. The minimum age for employment is 16 years, but children as young as 14 or 15 may work with the consent of their parents or guardians, although only "according to their physical development, aptitude, and knowledge". **[4d]**
(Please see also Section VA on People Trafficking)

5.71 On 4 July 2000, the Ministry of Labour and Social Protection (MMPS) launched the International Programme for Child Labour Elimination set up in co-operation with the International Labour Bureau. The project estimated that up to 600,000 dollars would be financed by the US government. **[20b]** A national steering committee has been formed, and several ILO-funded programmes have begun to raise public awareness and identify the nature and extent of the problem, as well as train officials to monitor and investigate child labour. Programmes were also aimed at building the capacity of governmental and non-governmental agencies, and prevent increases in child labour; however, no concrete steps were taken by end December 2001. **[4d]**

5.72 On 4 December 1995 the Government adopted the National Programme of Action for the Child, decision No. 972, 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. Romania signed the optional protocol of the Convention of the Rights of the Child, concerning the Involvement of Children in Armed Forces. **[3b] [11a]**
(Please see also Section IV on Legal Rights/Detention; and Section VA on Human Rights Issues)

Ethnic Groups

5.73 The European Commission concluded in November 2001 that a number of positive developments towards minority rights and the protection of minorities took place during 2001. New legislation extended the use of minority languages and a National Strategy for Improving the Condition of Roma was adopted. Romanian provisions for respecting the rights of minorities are well developed and existing policies provide extensive rights for education in minority languages. **[20a]**
(Please see also Section VB on Roma)

5.74 The Organisation for Security and Co-operation in Europe concluded in January 2001 that Romania has demonstrated a commitment to ensuring the protection of national minority rights and the participation of minorities in public life. More than 30 minority associations, representing 18 different minority groups, ran for seats in the Chamber of Deputies in the November 2000 elections. All 18 minority groups won seats, an increase of 15 in the outgoing Chamber. **[10b]**

5.75 Representatives of the smaller minority groups in Romania, such as the Germans, Bulgarians and Lipovans (Russians) reportedly appeared to greatly appreciate provisions for minority associations and feel their concerns and issues are being adequately and effectively addressed by the current system. **[10b]** They are all represented in Parliament in the Parliamentary Group of National Minorities. **[26b]**
(Please see also Section IV on Education and Sections VA on Human Rights Issues and on Freedom of Religion)

5.76 Romania's Constitution, adopted in November 1991, 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 United Nations 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. **[22a]**

5.77 Council of National Minorities was established by Government Decision No. 137/1993, as a consultative body of the Romanian Government. It brings 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 covers the 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, in accordance with the Romanian Constitution and legislation, and the international treaties and conventions to which Romania is a party. **[11a]**

5.78 The Romanian Helsinki Committee was concerned that the first measure that the present government took, following their election victory in November 2000, was to turn the Department for the Protection of National Minorities into a Department for Inter-Ethnic Relations led by the Secretary of State from the Public Information Ministry. Consequently, the Department for Inter-Ethnic Relations would no longer be able to submit legislative initiatives directly to the Government. Vasile Dancu, the Minister of Public Information, asserted in January 2001 that the Department in its new format would continue to solve minorities' issues and advance minorities' rights. The body carries out its activities on programmes drawn up together with the Department's specialists, which remain the same as before. **[21] [24j]**

5.79 The Romanian Chamber of Deputies endorsed the Local Public Administration Bill, on 13 March 2001, which President Iliescu promulgated on 26 April 2001. According to the bill, in local councils where councillors belonging to a national minority represent at least one third of the total number of councillors, the mother tongue of the minority can be used. It is the mayor's responsibility to arrange for a translation into Romanian. In administrative localities where the number of citizens belonging to a national minority exceeds 20 per cent of the total population decisions of a legal nature must also be published in the mother tongues of the relevant ethnic minorities. The Greater Romania

Party (PRM) voted against the bill, claiming that it includes anti-constitutional provisions, which turn the Hungarian language into the official second state language. Representatives of other parties and Public Administration Minister Octav Cozmanca have welcomed the bill, pointing out that by passing this normative act, Romania meets international requirements on the protection of ethnic minorities. **[19e] [19f]**

5.80 Romanian law protects the interests of national minorities in the legislative body. Article 59 (2) of the Constitution stipulates that in the Chamber of Deputies additional seats are allotted for associations representing national minorities that fail to pass the threshold for the normal distribution of mandates. These seats are in addition to the number of seats allocated to each constituency based on population figures. Minority representatives in the Chamber of Deputies play a significant role in post-election politics and as independents with no declared party affiliation, their votes can be pivotal especially when the party winning the largest number of seats only needs a few votes to ensure a majority in the Chamber. **[10b]**

5.81 Only one representative may be elected to represent any single national minority, even if more than one association representing that minority competes in the election (Law No. 68/1992). Shortly after the official electoral campaign began for the November 2000 elections, an Emergency Ordinance was adopted which liberalised the opportunity to win seats through the normal distribution by allowing the different associations representing the same national minority to run a common list of candidates in any or all constituencies. **[10b]**

5.82 The Parliamentary Group of National Minorities currently consists of one representative from each the following minority parties since December 2000:
Community of Lipovan Russians in Romania (CRLR)
Democratic Forum of Germans in Romania (FDGR)
Rromas' Party (PR)
Union of Armenians in Romania (UAR)
Union of Bulgarians in Romania (UBBR)
Turkish Democratic Union of Romania (UDTR)
Democratic Union of Slovaks and Czechs in Romania (UDSCR)
Democratic Union of Turkish-Muslim Tartars in Romania (UDTTMR)
Hellenic Union of Romania (UER)
Union of Poles in Romania (UPR)
Union of Ukrainians in Romania (UUR)
Jew's Communities Federation in Romania (FCER)
Cultural Union of Rutens in Romania (UCRR)
Union of Croatians in Romania (UCR)
Slav Macedonians Associations in Romania (AMSR)
Albanians League in Romania (LAR)
Italian Community in Romania (CIR)
Union of Serbs in Romania (USR)
[26b]

5.83 The ethnic Hungarians, represented by the UDMR, obtained parliamentary representation in November 2000 through the normal electoral process. **[4d]**

5.84 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. There are 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. In addition, there are daily radio and television broadcasts in Hungarian and German and weekly broadcasts in other languages on national radio, as well as weekly broadcasts from local stations. There are also twice-weekly broadcasts in Hungarian and German and broadcasts for other national minorities on the national and local television channels. **[11a]**

Ethnic Hungarians

5.85 Ethnic Hungarians, numbering more than 1.6 million, constitute officially the largest and most vocal minority, and their UDMR party was the leading political partner for the ruling minority PSD Government during 2001. **[4d]** The UDMR is registered as a political party and not an Association Representing National Minorities and has representatives in both the Chamber of Deputies and the Senate. The UDMR's representation in Parliament is roughly equivalent to the percentage of Hungarians in the population at large. **[10b]**

5.86 The UDMR renewed their alliance with the ruling leftist party on 29 January 2002. The pact was sealed after Bucharest patched up disputes with Budapest over the controversial Status law granting rights to the Hungarian minority. **[6n]**
(Please see also Section III. History, for information on the Hungarian Status Law for Romanians)

5.87 On 16 September 1996, the then Hungarian Prime Minister, Gyula Horn, and the then Romanian Prime Minister Nicolae Văcaroiu, signed a basic treaty in Timişoara, reflecting a compromise in the area of minority rights. Both countries pledged to treat their minorities fairly, according to European standards. By 1998, many of the issues addressed in the Romanian-Hungarian treaty of 1996 had been implemented. Progress was made on economic issues, high-level visits, and infrastructure improvements such as border crossings. 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. **[22a] [4a]**
(Please see also Section IV on Education; and Section VA on Human Rights)

5.88 The Romanian Government announced in January 2001 that the sub-prefects for the counties of Harghita and Covasna, where the ethnic Hungarians are a majority, will be ethnic Hungarians, in accordance with an understanding between the UDMR and the ruling PDSR. The Hungarian subprefects will be appointed by the PDSR, at the proposal of the local branches of this party. **[24k]**

Roma

5.89 The latest census in Romania in 1992 put the number of Roma at 409,723 or 1.85% of the total population. Reporting the Roma population accurately is difficult because many Roma declare themselves Romanian or Hungarian on census forms. In addition, many do not complete the forms due to high levels of illiteracy. Several sources, including the Roma community associations, put the total number of Roma at 2 or even 2.5 million, i.e. more than 10 per cent of the total population. For various reasons many Roma do not hold ID cards. **[5t] [11b] [12]**

5.90 In October 2000, the UNHCR stated that "whilst it is beyond dispute that Roma in Central and Eastern European countries are frequent victims of discrimination and, on occasion victims of violence, conditions do not warrant the recognition of such asylum claims of a *prima facie* basis." **[7a]**

5.91 Whilst the UN Economic and Social Council February 2000 report on racial discrimination in Romania acknowledged that some forms of racial discrimination still existed, it pointed out that this "should not detract from the numerous measures the Government has already taken to deal with the problem of discrimination against the Roma at its source, in other words, their socio-economic marginalisation." **[11b]**

5.92 The European Commission, in its' Annual report on progress towards accession, of November 2001, concluded that the government has taken several major initiatives to address the problems faced by the Roma minority. The most important of these was the adoption in April 2001 of a National Strategy for Improving the Condition of Roma, Government decision 430/2001, - which means that Romania has met one of the key political priorities contained in the 1999 EU Accession Partnership. **[20a]**

5.93 The strategy establishes measures for the improvement of Roma in many fields including the economic and housing situation for Roma and for fighting discrimination by means of creating specialised administrative structures. It also sets out measures for increasing civic participation of the Roma minority in public life, both at central and local level in order to facilitate access of the Roma minority to a larger number of public services (health, justice, public order, education social security and child protection) and to integrate Roma culture alongside the already established cultures in Romania. **[2] [26h]**

5.94 The adoption of the strategy was a real demonstration regarding the political commitment by the government, in making steps towards solving the Roma issue and assigning roles and responsibilities to various ministries and local public administrations. The strategy represents a new perspective for the public administration in terms of recognising and approaching the challenges of Roma minorities in Romania. **[2]** The Strategy is the result of a joint effort of the Romanian Government and the representative organisations of the Roma community. The application of the programmes and projects laid down for the implementation of the strategy will be achieved in consultation with the Roma organisations' representatives. **[26h]** One of the key features of the strategy is its decentralised nature. This is an important consideration since most of the public institutions covered by the strategy (e.g. education, police and hospitals) are managed at the local level. In order to implement the strategy local Roma offices, with staff, who are themselves Roma, are being set up in each county. **[20a]**

5.95 The Strategy reaffirms the right of any minority, implicitly the Roma, to actively participate in the elaboration, implementation and evaluation of public policies on this minority and the fact that the minorities' problem has to be taken into consideration as a national problem. **[26h]** The European Commission considers that the strategy is a comprehensive and high quality document that was elaborated together with Roma organisations and has been welcomed by them. The starting point of the document is a clear admission that discrimination against Roma is a serious problem in Romania. **[20a]** The European Union allotted 6 million euros for the implementation of the strategy, on 8 January 2002. The funds will supplement the budget of the ministries involved. The head of the National Office of Roma confirmed that projects would be endorsed by European mediators in accordance with strict selection criteria. **[24y]**

5.96 The Romanian Government adopted the Agreement on the implementation of the Health Mediator System in Roma Communities, on 12 September 2001. The agreement provides for provisions between the Ministry of Health and Family and the non-governmental organisation Romani CRISS, Roma Centre for Social Intervention and Studies, in order to accomplish the tasks laid down in the government strategy above. The Agreement provides for the training of health mediators through the Public Health Directors as well as analysing the conflict situations officially drawn up by the local public health authorities in order to 'respect the leading principles' of the National Strategy for the Improvement of Roma. In addition, Romani CRISS will participate as a permanent consultant with veto rights to the sessions of the Ministry Commission on Roma and the Ministry of Health and the Family. **[26f]**

5.97 MP Nicolae Paun, a member of the Romani Party (Partida Romilor), confirmed in September 2001 that he was satisfied with the progress in relations between Roma organisations and the current Nastase cabinet. The Interior Ministry had reportedly, as of 4 September 2001, issued identity cards for 3,000 Roma and the Health and Family Ministry had established a programme for the vaccination of Roma members. In addition, the Education Ministry began a project in March 2001 aiming to provide Roma schools with education in their mother tongue. In April 2001 Mr. Paun confirmed that the Romanian government had signed an agreement with the Romani Party aiming to improve the health and integration of Roma. Under the accord the Romani Party have agreed to pay the social security contributions of Roma who are unable to receive medical treatment because they are unemployed and not paying contributions, with Roma receiving cards certifying that they have the right to free medical care from doctors and public hospitals. **[24t] [31b]**
(Please see also Section VA on Freedom of Movement)

5.98 The OSCE reported in April 2000 that an unequal and discriminatory sociology was practised by health care institutions and medical staff at all levels. Access to medical care is made difficult by the fact that a large number of Roma do not possess the necessary documents. Those who do may be resident illegally in an area other than that stated on their identity card, so their medical records are not available to health care staff. Problems concerning permanent residence coupled with a lack of income making it impossible to pay for medical insurance mean that many Roma families may not be eligible for a family doctor under the terms of the law on health and social insurance (Save the Children, 1998:15). Health mediators in Roma Communities, as agreed by the above Agreement, aim to address these concerns. **[10a] [12] [26f]**

(Please see also Sections IV on Education and Medical Services and Section VA on Human Rights)

5.99 The local mayor of Piatra-Neamt, in October 2001, announced plans to construct housing areas for Roma outside the town. The mayor's plans were condemned by politicians from most of the mainstream parties including the PSD, of which the mayor is a member. **[23q]** Eventually the mayor announced that the planned compound would only be offered to those in need and as of November 2001 construction work had not started at the alleged site. **[12]** Human Rights Watch was concerned that discrimination against the Roma population continued in 2001. A January 2001 European Roma Rights Centre investigation reportedly found that violations of Roma rights were unlikely to be prosecuted, and authorities retaliated against complaints. **[3a]**

5.100 Public Information Minister, Vasile Dancu, confirmed on 18 September 2001 during the opening of the Romania-EU Joint Parliamentary Committee that local councils and town halls have started to select Roma councillors from university graduates who have specialised in social assistance. This forms part of the implementation of the Strategy for the Improvement of the Roma situation. In addition, he stated that as many as 3,150 Roma have been issued with their first identity cards this year. **[24i]**

5.101 Romani groups complained of routine police brutality-including beatings-prejudice and racial harassment at the local level in 2001. **[4d]** Discrimination against Roma remains widespread - although it occurs as individual incidents and is not institutionalised. Human rights non-governmental organisations documented instances of police harassment of individual Roma as well as of whole Roma communities. Roma face difficulties in gaining access to schools, medical care and social assistance. Social discrimination is often manifested in Roma being banned from public places and, despite the fact that it is illegal, a number of job advertisements explicitly exclude Roma applicants. **[20a]**

5.102 Following the fall of Ceauşescu, there were frequent occurrences of ethnic unrest. In 1991 there were organised attacks on the Roma population resulting in the emigration of many of them to Germany. According to the Ombudsman’s Office there were 47 reported incidents of mob violence targeted against Roma between January 1990 and January 1998. The Romanian Government and the German State contributed with financial funds to the rebuilding of destroyed Roma homes. Also in the early nineties, popular nationalist feeling led to the formation of radical nationalist organisations like Vatra Romanească ("Romanian Hearth"). **[1] [5t] [12]**

5.103 The United Nations notes that as a result of democratic reforms, the political and cultural rights of the Roma are better protected. By co-operating with the Roma associations, the Romanian General Inspectorate of Police developed a programme in 1999 to improve relations between Roma and the 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. **[10a] [11b]**

5.104 APADO, the Lawyers' Association for the Defence of Human Rights, runs a programme of juridical assistance for Roma. 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. **[5t]**

5.105 The government Department for National Minorities includes a National Office for Roma. Roma, as a recognised national minority, are afforded protection under the constitution. They are also guaranteed rights under the international agreements signed by Romania. **[12]**

5.106 The Roma community's rights are represented by political parties. Numerous Roma political organisations have been created; many reflecting tribal or occupational interests. The Rroma Party (Partidul Romilor) is an association which participated in the 1996 and 2000 elections, in competition with other Roma organisations. It was able to gather enough votes to benefit from the affirmative action of electoral legislation and has one representative in Parliament, Nicolae Paun, following the November 2000 elections. Nicolae Paun is also the President of the Standing Committee for Human Rights, Cults and National Minority Issues in the Chamber of Deputies. He is not the only representative of Roma origin in the Romanian Parliament. Many more were elected not on an ethnic ticket but as members of a non-ethnic political party. Unirea Romilor, the Rroma' Unity Party, is an association which participated in the June 1996 elections and gained 0.58 per cent of the vote which was not sufficient to be represented in Parliament. **[11b] [26a]**

5.107 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. In 2000, one Romani parliamentarian, the former Romani minority representative, Mădălin Voicu, joined the PDSR and sits in the legislature. He has also been elected president of the Minority Board of the PDSR. This is in addition to the one seat provided for Roma by the Constitution and electoral law. **[4a] [12]**

5.108 Roma organisations have been represented in local and county councils since 1992 when they successfully won 104 seats and had 2 deputy mayors. This increased in 1996 to 173 seats and 1 mayor and in the June 2000 local elections they won 164 seats. **[12]**

5.109 The Democratic Union of Roma in Romania (DURR) was established in February 1990, and rapidly became an umbrella organisation for various Roma parties and organisations. The purpose of the DURR is the protection and promotion of the culture and language of Roma in Romania, and of their political freedom. The DURR set up the Ethnic Federation of Roma, a civil rights NGO which has been effective in establishing ties with Roma groups outside Romania. Since then, numerous additional Roma organisations have been formed throughout Romania. The Centre for Documentation and Information on Minorities in South East Europe lists some 25 political parties and associations as well as 90 cultural institutions and associations founded by Roma in Romania. They are aimed at offering educational support, expressing Roma culture and traditions, community and economic development, research and social intervention and combating prejudices and stereotypes. As most are regional, they tend to be competitive, which lessens their effectiveness and obstructs the establishment of a more united Roma front. **[12]**

5.110 All age-eligible citizens are added to the voter list based on their civil records maintained at registry offices at local, country and central levels. However, the Office for Democratic Institutions and Human Rights (OSCE/ODIHR) considers that many thousands of citizens, particularly among the Roma minority, may be unable to vote because they have no birth certificate, no permanent residence address and have not applied for identity documents. In the run up to the November 2000 presidential and parliamentary elections, Romani CRISS, a non-governmental organisation working on Romani social issues, identified close to 2,000 individuals in Bucharest without identity documents. They were concerned that this figure may be as high as 20,000. **[10b]**

5.111 In May 1995 Romanian Roma were reclassified as "Tsigani" or “Rroma” officially in order to avoid confusion with ethnic Romanians. The change was justified by the Romanian government as necessary to bring Romanian terminology in line with that used by organisations such as the United Nations. However, a Ministry of Foreign Affairs position changed this situation in 2000, stipulating that the Ministry of Foreign Affairs was not in a position to establish the denomination of the Roma minority and proposed the use of terms consecrated in international relations. **[12]**

5.112 In April 1998 the Ministry of Education announced a series of initiatives designed to improve Roma education. Programmes provided caravan classrooms to follow the migrant Romani population and aimed to open additional classrooms at the request of Roma in several high schools throughout the country. Romanian Roma also have eight schools teaching in the Romani language. In March 1999 the Ministry of Education adopted a decision to appoint a Roma Inspector in each of Romania’s 41 counties. **[10a]**

5.113 The Ministry of Education initiated a positive discrimination programme, a support programme for education in the mother tongue as well as training programmes for Roma educators, at the beginning of the academic year 2001/2002. The PHARE programme and the European Commission allotted 2 million euros for programmes initiated by various Roma organisations, which aim primarily to contribute to the development of local partnerships. **[12]**

5.114 In July 1999 the ERRC submitted a list to the UN Human Rights Committees 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. **[25]**

Germans

5.115 Ethnic Germans, now number no more than 80,000 (from 800,000 before World War II). They have education in their own language from kindergarten to university in Romania. **[6e]**
(Please see also Section IV on Education)

Csángos (Ceangai)

5.116 Ceangai (Csángos) are a branch of ethnic Hungarians who settled in the area of the Trotus, Bistrita and Siret Valleys of North Eastern Romania in the 15 century. Their identity is based on the Roman Catholic religion and the archaic Hungarian language

spoken in the family. A Council of Europe motion of April 2000 notes that out of 200,000 Ceangais, only 60,000 to 70,000 speak the Hungarian dialect. In the area where members of this group live, the language of the school and the Church is exclusively Romanian. Consequently, almost all Ceangai are illiterate as regards their mother tongue. **[5s] [29a]**

5.117 The Ceangau minority is legally represented by the Ceangau's Association in Moldova (Asociatia Ceangailor din Moldova) which has two branches: one in Bacau and one in Sfantu Gheorghe (Transylvania). The association is not represented in Parliament. **[5v]**

5.118 A government 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. However, in Moldavia the Csángo have complained that there is no schooling available in their language. In November 2001, an NGO reported that the deputy school inspector in Bacau County harassed Csángo families who were teaching Csángo language classes in their homes. **[4d]** On 15 November 2001 the European Council approved an investigation by a joint team of Romanian and Hungarian experts into the origins and character of the language spoken by the Csángo minority. In recent years complaints have reportedly intensified that the Romanian authorities, which view the Csángos as "Magyarised Romanians," are attempting to assimilate them. The Romanian Foreign Ministry said in reaction that the Council's recommendation confirms the official Romanian position that the origins of the Csángo have not been explained by scientific research. **[23g]**

Homosexuals

5.119 Emergency Government Ordinance number 89/2001 was passed on 14 July 2001, revoking Article 200 of the Penal Code in its entirety, which criminalised same-sex relationships. **[26g]** Before 1996, all consensual sexual relations between adults of the same sex were forbidden in Romania. **[5f]**

5.120 The Romanian Senate adopted Ordinance 89/2001 on 6 September 2001, with 83 votes in favour, 32 against and 6 abstentions. Legal discrimination against homosexual acts has therefore been abolished; homosexual and heterosexual acts are treated equally before the law. Lawmakers regard the abrogation of the Article as justified based on the Constitution's stipulations regarding equality of all citizens under the law, respect for one's private life, and one's right to freely determine one's private life. Excepting the PRM, no other parliamentary group opposed the Ordinance. **[18]**

5.121 The text adopted by the Senate states that sexual perversities (Article 201 of the Penal Code) will only be punished if they are committed in a public place, or if they elicit public scandal. Punishment is set at a prison term ranging from one to five years. It continues to state that sexual acts committed by persons of the same sex are not regarded as sexual perversity. **[18]**

5.122 The President of the Romanian resident delegation with the OSCE Parliamentary Assembly, MP Cristian Radulescu, said that the law on abolishing Article 200, originally drafted in June 2000, would harmonise the Romanian Penal Law

with the Council of Europe's Resolution 1123 referring to non-discrimination against homosexuals. **[24d]**

5.123 The United States State Department Report for 2000, released in February 2001, stated that homosexuals "reportedly have been the victims of police brutality in the past." No reports of police brutality have come to the attention of the UK Foreign and Commonwealth Office in recent years. **[4a]**

5.124 Human Rights Watch was concerned that notwithstanding legal measures to decrminialise homosexuality and ensure the rights of gays and lesbians, homosexuals reportedly continued to face police harassment in 2001. **[3a]**

5.125 ACCEPT was formed in 1994, and officially registered in 1996, with the aim of working towards the acceptance in Romanian society of all individuals, regardless of their sexual orientation. It is the main non-governmental organisation dealing with sexual minorities' rights in Romania and issues a monthly newsletter. ACCEPT organised the annual meeting of the International Gay and Lesbian Association, in Bucharest in October 2000, at which the Romanian police offered to protect participants. There are two 'gay friendly' bars in Bucharest, frequented by homosexuals without interference from the police. **[3b] [9b]**

5.126 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. **[5f]**
(Please see also Section VA on Human Rights)

VC HUMAN RIGHTS - OTHER ISSUES

Organised Crime / Corruption

5.127 A new law on the prevention and punishment of acts of corruption entered into force in May 2000. A special Anti-corruption and Organised Crime Unit within the General Prosecutor's office was established. According to the anti-corruption law passed in 2000, this body was to take the lead in combating corruption. However, it has never been fully functional due to a lack of staff and equipment. **[20a]** Other institutional changes included the reorganisation of the Squad for Countering Organised Crime and Corruption. The National Office for the Prevention and Fight against Money Laundering, which was established in 1999, has processed a significant number of cases and delivered them to the General Prosecutor's Office for further investigation. **[20b]**

5.128 The National Programme for Corruption Prevention and the National Plan for Action against Corruption were adopted on 25 October 2001. The anti-corruption strategy focuses on transparency in political life by regulating the fields of political activity which could be susceptible to corruption, namely immunities, lobby activities and the financing of political parties and campaigns. Both documents will be updated every six months. **[26w]** An emergency ordinance on the creation of a National Anticorruption Prosecutors Office was passed on 29 March 2002. It will function as of September 2002 as an autonomous body with a staff of 300 to investigate cases of violation if the law regarding prevention and punishing of corrupt practices, including abuse in office counter to public interests, money laundering and drug trafficking. **[23s] [24z]**

5.129 The European Commission concluded, in November 2001, that despite a general recognition of the seriousness of the problem of corruption by the government there was no noticeable reduction in levels of corruption in 2001 and measures taken to tackle corruption were limited. **[20a]**
(Please see also Section IV on the Judiciary)

5.130 In August 1999 Romania ratified the European Convention on the Transfer of Proceedings in Criminal Matters. **[4b]** Romania has still not ratified the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds of Crime. Romania is involved in the Stability Pact Anti-Corruption Initiative supported by the OECD Secretariat. Romania is a party to the Council of Europe's partial agreement "Group of States against Corruption" (GRECO). **[20a]** Romania's Senate ratified the Council of Europe's Criminal and Civil Law Conventions on Corruption on 11 March 2002. The Convention sets the legal measures to be taken at national level in order to incriminate corruption and allow its victims to be compensated for losses and the wrongs suffered as a result of such deeds. **[24v]**

5.131 The Government adopted a decision on 1 February 2001 to dismantle the former Control Department. The replacement, the Department for Control and Anti-Corruption (DCAG), encompasses five directorates and 50 employees. The department will signal any infringement of the laws in force, with the Government’s working body, ministries, central institutions subordinated to the Government as well as with autonomous administrative authorities. DCAG is also able to check activities and deeds which could somehow be related to organised crime and corruption and which could affect national security. **[24h]**

5.132 The Senate introduced a provision on 5 April 2001 in the Law on Ministerial Responsibility already under discussion, which would punish ministers convicted of fraud with prison terms of up to 20 years. The law has been passed in both Chambers. Ordinary citizens convicted on similar charges face between one and seven years in prison. The Justice Ministry and the Judicial Commission opposed the measure on the grounds that corruption and fraud is already provided for in the Penal Code, but the measure was passed with the support of PDSR senators who refused to toe the party line. The vote was 65 in favour and 35 against. **[23n]**

5.133 Figures released by the Ministry of the Interior in January 2002 showed that in 2001 the Romanian police identified and brought to the prosecutor's office 8,287 corruption perpetrators, over 30 per cent more than in 2000. There was a surge in the number of public servants, financial and banking employees, inspection officers and customs officer accused of corruption. **[24n]**

ANNEX A

CHRONOLOGY OF EVENTS

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.

1946
November: A communist-dominated bloc won 89% in elections that were widely thought to be fraudulent.

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 began.

1952
A new constitution was adopted, closer to the Soviet model.

1965
Nicolae Ceauşescu became First Secretary of the Romanian Workers' Party, changed to the Romanian Communist Party (RCP) in June 1965.

August: The country became the Socialist Republic of Romania.

1984
October: A declaration of a state of emergency in the electricity power industry.

1987
There was widespread public discontent following strict energy rationing.

November: Thousands of people marched through the city of Braşov and stormed the local RCP headquarters.

1989

December 1989: There was unrest in Timişoara. Security forces opened fire on the crowd, reportedly killing several hundred people.

21 December 1989: President Ceauşescu attended a mass rally in Bucharest, which ended up in clashes between protesters and Securitate forces. On 22 December 1989 Ceauşescu declared a state of emergency; however, soldiers of the regular army declared their support for the protestors.

25 December 1989: Ceauşescu and his wife were executed by firing squad.

1990

January 1990: The army restored order and the Securitate was abolished. Special military tribunals were established to try Ceauşescu's former associates.

March 1990: Ethnic Hungarians, demonstrating to increase their cultural and linguistic autonomy, were attacked by Romanian nationalists in Târgu Mureş.

May 1990: The NSF won a decisive victory in the first free parliamentary elections since 1937 and Ion Iliescu was elected President.

June 1990: Unrest continued after the elections. Jiu Valley miners forcibly broke up protests.

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

1991

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

September 1991: The Prime Minister, Petre Roman, and the Council of Ministers were forced to resign following violent disturbances by Jiu Valley miners.

November 1991: A new Constitution was approved by the legislature.

1992

27 September 1992: Legislative and presidential elections took place. DNSF became the largest party in the new parliament.

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.

October 1992: Ion Iliescu won the presidential elections.

1993

June 1993: Talks between government representatives and leaders of the ethnic Hungarian community led to an agreement on Hungarian minority rights.

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

1994

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

July 1994: Ethnic Hungarian tensions in Cluj-Napoca.

1995

May 1995: Romanian ratified the Council of Europe's Framework Convention on the General Protection of National Minorities.

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

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

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

1996

September 1996: 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.

3 November 1996: Legislative and presidential elections. DCR won largest number of seats. Victor Ciorbea became Prime Minster and formed a coalition government. Emil Constantinescu was elected President.

1997

January 1997: A National Council for Action Against Corruption and Organised Crime, headed by President Constantinescu, was established. Miron Cozma, the leader of the miners' demonstrations in Bucharest in June 1990 and September 1991, was charged with undermining state authority.

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

March 1997: The Ombudsman Office was established.

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.

The European Commission ruled that Romania fulfilled the Copenhagen political criteria guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.

August 1997: The announcement of plans to close 17 unprofitable state-owned enterprises prompted severe labour unrest which continued in the following months.

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.

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

April 1998: Radu Vasile, secretary general of the National Peasants Party, was elected Prime Minister.

Early July 1998: Miron Cozma was released from a Bucharest jail, where he had spent 18 months for his part in the 1991 riots.

August 1998: An Inter-Ministerial Committee for National Minorities was established, including a Working Group of Roma Associations.

1999

January 1999: Thousands of striking miners, led by Miron Cozma, led to violent clashes with the police and the army.

February 1999: Cozma was arrested prompting violent clashes with riot police in Stoenesti.

April 1999: Romania joined NATO's Membership Action Plan.

December 1999: The President dismissed Radu Vasile as Prime Minister, and appointed the Mugur Isarescu as Prime Minister. The majority of the previous Cabinet retained their positions in the new government.

2000

January 2000: The Government initiated a major financial reform programme, which aimed to reduce public expenditure, accelerate privatisation and reform the fiscal system.

30 January 2000: A cyanide spill at the Baia Mare gold mine released approximately 22 million gallons of chemicals into the Lapus river, poisoning the ecological system of the Tisza river and 2,000km of the Danube. The plant accepted full responsibility for the disaster.
February 2000: Romania began formal accession talks to join the European Union.

February 2000: PSDR formed an electoral alliance with the Romanian Humanist Party before the November 2000 elections.

March 2000: A US $21m plan to clear the wreckage of three bridges across the Danube destroyed during NATO air strikes against Yugoslavia was announced.

April 2000: Extensive flooding in the west of the country caused seven deaths and severe damage to transport, communications, crops and some 100,000 homes; the European Commission granted 20,000 lei in aid to alleviate the crisis.

May 2000: The largest national investment fund suspended operations leading to widespread public protests.

September 2000: Emergency Ordinance 137 was passed. It prohibits and sanctions all forms of discrimination on the grounds of race, ethnicity, age, gender, or sexual orientation.

26 November and 10 December 2000: Presidential and parliamentary elections. The PDSR won the parliamentary elections, and Ion Iliescu won the second round of the presidential run-off against extreme nationalist Corneliu Vadim Tudor.

28 December 2000: Adrain Nastase, of the PDSR, was approved as Prime Minister. Accords were signed with the UDMR and PNL pledging support for the new-leftist minority government.

December 2000: A National Council for the Elimination of Discrimination was established.

December 2000: The government approved the National Action Plan Regarding Equal Opportunities for Men and Women.

2001

1 January 2001: Romania took over the Presidency of the Organisation for Security and Co-operation in Europe (OSCE) for one year.

7 February 2001: The Property Restitution Law was promulgated.

20 February 2001: A rally, led by PRM leader Corneliu Vadim Tudor and Nationalist Mayor of Cluj Gheorghe Funar, was held in Cluj-Napoca demonstrating against the governments' proposed amendments to the public administration law.

March 2001: Romanians were allowed access to the secret files kept on them compiled by the Securitate under the Communist regime.

13 March 2001: The Local Public Administration Bill was passed.

18 May 2001: The Democratic Party, holding the third largest number of seats in parliament voted to replace party leader Petre Roman with Bucharest Mayor Traian Basescu.

16 June 2001: Ruling PDSR merged with PSDR to form the Social Democratic Party (PSD)

August 2001: The Strategy for the Improvement of the Roma Situation was adopted.

September 2001: An Emergency Ordinance revoking Article 200 in its' entirety, which criminalised homosexual relations, was adopted by the Senate. No legal discrimination against homosexual acts remains in Romanian law.

October 2001: Romania signed a standby agreement with the International Monetary Fund

October 2001: The National Programme for Corruption Prevention and the National Plan for Action against Corruption were adopted.

November 2001: Legislation prohibiting and punishing human trafficking was passed.

December 2001: Romania and Hungary reach a memorandum of understanding on the Hungarian Status Law, which was implemented on 1 January 2002. All Romanian citizens, regardless of ethnicity are entitled to a short work permit for Hungary.

2002

February 2002: The Law on the Protection of Classified Information was passed by the Chamber of Deputies.

March 2002: The Senate ratified the Council of Europe's Criminal and Civil Law Conventions on Corruption.

ANNEX B

POLITICAL ORGANISATIONS

Christian Democratic National Peasants' Party of Romania - CDNPP (Partidul Național Țărănesc Creştin-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.

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

Hungarian Democratic Union of Romania (Uniunea Democrată Maghiară din România/Romaniai Magyar Demokrata Szovetseg - UDMR). 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.

National Alliance. Founded 2000 from the merger of the Romanian National Unity Party (RNUP) and the National Romania Party (PNR); centre-left. Co-Presidents Valeriu Tabara, Virgil Magureanu.

PNL-ApR merger. Founded in January 2002 as a centre-right party. Made up of:

- **National Liberal Party - NLP (Partidul Național Liberal - PNL).** Founded 1869; 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.
- **Alliance for Romania - ApR.** Founded 1997 by breakaway faction of the PDSR. Centre-left. Leader Teodor Melescanu.

National Renaissance Socialist Party (PRSN). Founded 2001 as a breakaway faction of the Greater Romania Party. Leader Ioan Radu.

Patriotic Party of Reconciliation - PPR. Formed in 1998. Centre-right. Leader: Prince Paul of Romania.

Popular Christian Party (PCC). Founded in December 2001, by dissident members of the CDNPP. Centre-right reformist party.

Romanian Communist Party. Formerly the Romanian Workers' Party; founded in 1995 and renamed in 1997. Leader Cristian Ion Niculae.

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

Romanian Humanist Party. Formed in 1991. Pres. Dan Voiculescu.

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

Social Democratic Party - PSD (Partidul Social Democrat). A merger in June 2001 of the ruling **Party of Social Democracy of Romania** - PDSR (Partidul Democrației Sociale din România) and the **Romanian Social Democratic Party -** PDSR (Partidul Social Democrat Român).
The PDSR was founded 1992 (as National Salvation Front - 22 December, later known as the Democratic National Salvation Front) by supporters of Ion Illiescu, following a split in the National Salvation Front (f.1989). It was renamed as PDSR in July 1993; merged with the Democratic Co-operationist Party, the Republican Party; merged with the Social Solidarity Party in 1995; Pres. Ion Iliescu; First Dep. Pres. Adrian Năstase.

Democratic Party (DP). Founded 1993; fmrly Democratic Party - National Salvation Front; centre-left; Pres. Traian Basescu Sec.-Gen. Vasile Blaga.

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

Traditional National Liberal Party - PNL-T. Founded 2000. Previously known as the PNL-Bratianus; part of Romanian Democratic Convention 2000. Leader: Decebel Traian Remes.

Union of Right-Wing Forces (Uniunea Fortelor de Dreapta). Formed in 1999 by a merger of Romania's alternative party and the Democratic Republican Party; Pres. Varujan Vosganian.

ANNEX C

PROMINENT PEOPLE

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

Traian BASESCU: Mayor of Bucharest and leader of the Democratic Party.

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

Ion CIOABA: The self-styled "World-wide King of Roma" between 1992 and his death of a heart attack on 24 February 1997. His son, Florin, succeeded him as King of Roma.

Emil CONSTANTINESCU: President from November 1996 to November 2000 (he declared that he would not stand for a second term in office).

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 imprisoned.

Gheorghe FUNAR: Outspoken Romanian nationalist and Mayor of Cluj. General Secretary of the Greater Romania Party since 1998. Represents extreme face of anti-Hungarian sentiment.

Mircea GEOANA: Foreign Minister since January 2001. Former Ambassador to Washington, D.C.

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

Ion ILIESCU: Successfully elected as President in November 2000 elections. He succeeded Nicholae Ceauşescu as President in 1990. President between 1990 and 1996. He joined the Communist Party at 14 and became Minister of Youth and First Secretary of the Party's Central Committee in 1967. In 1971, he was reassigned as a provincial party secretary following his refusal to back Ceausescu's 'cultural revolution' plans.

Mugur ISARESCU: Prime Minister from December 1999 – November 2000. Has returned to his former position as Governor of the National Bank of Romania (NBR).

King MIHAI (MICHAEL): Acceded to the throne for the second time in 1940. Overthrew Antonescu regime in 1944 and sued for peace with Allies. Removed by communists in

1947. After reconciliation with President Iliescu he now divides time between Switzerland and Romania and is acting as ambassador for Romania's NATO accession.

Adrian NASTASE: Prime Minister and Party Chairman of the Party of Social Democracy in Romania following the election of Ion Iliescu as President in the November 2000 elections. Previously Foreign Minister from 1990-1992, and strong advocate of integration with the EU and NATO.

Petre ROMAN: Reform-minded Prime Minister under Iliescu's early presidency.

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

Corneliu Vadim TUDOR: Leader of extreme nationalist Greater Romania Party (GRP) which became the second largest party in parliament following the November 2000 elections. Advocates anti-Semitic and anti-Hungarian policies.

ANNEX D

ROMANIAN GOVERNMENT (as of April 2002)

Position	**Name**	**Party**
Prime Minister	Adrian Nastase	PSD
Deputy Prime Minister; Foreign Affairs	Mircea Dan Geoana	PSD
Deputy Prime Minister; Public Finance	Mihai Nicolae Tanasescu	PSD
European Integration	Hildegard Carola Puwak	PSD
Deputy Prime Minister: Justice	Rodica Stanoiu	PSD
Interior/Public Order	Ioan Rus	PSD
Agriculture, Food and Forests	Ilie Sarbu	PSD
Chief Negotiator with the EU	Vasile Puscas	PSD
Culture and Religious Affairs	Razvan Theodorescu	PSD
National Defence	Ioan Mircea Pascu	PSD
Education and Research	Ecaterina Antonescu	PSD
Tourism	Dan Matei-Agaton	PSD
Industry & Energy	Dan Ioan Popescu	PSD
Development and Prognosis	Gheorghe Leonard Cazan	PSD
Labour and Social Solidarity	Marian Sarbu	PSD
Health and the Family	Daniela Bartos	PSD
Small and Medium Sized Companies	Silvia Ciornei	RHP
Public Works, Transport and Housing	Miron Mitrea	PSD
Youth and Sports	Georgiu Gingaras	PSD
Water and Environmental Protection	Petru Lificiu	PSD
Public Administration	Octav Cozmanca	PSD
Public Information	Vasile Dancu	

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