

## **ROMANIA**

Romania is a constitutional democracy with a multiparty, parliamentary system and a population of approximately 22.2 million. The bicameral Parliament (Parlament) consists of the Senate (Senat) and the Chamber of Deputies (Camera Deputatilor); both are elected by popular vote. The November-December 2009 presidential elections were judged generally free and fair. Security forces reported to civilian authorities.

There were reports that police and gendarmes mistreated and harassed detainees and Roma. Prison conditions remained poor. The judiciary lacked impartiality and was sometimes subject to political influence. Property restitution remained extremely slow, and the government failed to take effective action to return Greek Catholic churches confiscated by the former Communist government in 1948. A restrictive religion law remained in effect. Government corruption remained a widespread problem. There were continued reports of violence and discrimination against women as well as child abuse. Occasional anti-Semitic incidents involving the desecration of religious property occurred, along with some lightly attended events hosted by extremist organizations. Persons were trafficked for labor, sexual exploitation, and forced begging. Government agencies provided inadequate assistance to persons with disabilities and neglected persons with disabilities who were institutionalized. Societal discrimination against Roma; gay, lesbian, bisexual, and transgender persons; and persons with HIV/AIDS, particularly children, remained problems.

### **RESPECT FOR HUMAN RIGHTS**

Section 1    Respect for the Integrity of the Person, Including Freedom From:

a.        Arbitrary or Unlawful Deprivation of Life

The government or its agents did not commit any politically motivated killings; however, there were reports that police officers shot and killed at least one man.

On April 6, a police officer fired his weapon in an attempt to stop a car with three suspects during an attempted theft in the locality of Glodeanu Silistea, Buzau County. The suspects did not stop the car and one of them, a 20-year-old person, was shot and died at a hospital later the same day. Police, coordinated by a

prosecutor, opened an investigation into the manner in which the officer used his weapon. The officer was under criminal investigation for murder at the year's end.

In April a court in Galati sentenced a police officer who shot a 28-year-old man, Ciprian Musat, in the village of Oancea, Galati County, in August 2009 to an eight-year term in prison and ordered the payment of 37,000 lei (approximately \$11,500) to the victim's family. In November, following separate appeals from the prosecutor's office and the defendant, the Court of Appeal in Galati increased the jail term to 10 years and the compensation to 55,000 lei (approximately \$17,000). The case was before the High Court of Cassation and Justice at year's end.

In September 2009 a Bucharest police officer shot a 31-year-old man, Sorin Parvu, in Braila, having mistaken him for an individual who had committed a killing. Parvu died the following day. The Prosecutor's Office to the Court of Appeal in Galati initiated a criminal investigation into Parvu's death. In April, Parvu's wife complained to the Association for the Defense of Human Rights in Romania-Helsinki Committee (APADOR-CH) about the pace of the investigation. After she repeatedly requested information about the progress of the investigation, the Prosecutor's Office informed her on May 12 that the case had been sent to the Prosecutor's Office to the High Court of Cassation and Justice. APADOR-CH urged the Prosecutor's Office to speed up the investigation. In June the Prosecutor's Office to the High Court of Cassation and Justice started the criminal prosecution of the police officer for murder.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The constitution and law prohibit such practices; however, there were reports from nongovernmental organizations (NGOs) and the media that police mistreated and abused detainees and Roma, primarily through excessive force and beatings. There were also reports that some personnel in state institutions mistreated abandoned children with physical disabilities and subjected children in state orphanages to lengthy incarceration as punishment for misbehavior (see section 6, Persons with Disabilities).

Pretrial detainees complained to human rights NGOs that police beat them during pretrial investigations.

There were no developments in the alleged beating of Emil Baboi by police in January 2009, or in the July 2009 case the use of tear gas by police following a raid in a Romani neighborhood in Piatra Neamt.

There were no developments in the 2008 cases in which police allegedly beat an individual in Campulung Muscel, a group of Roma in Satu Mare, and an individual in Bucharest.

### Prison and Detention Center Conditions

Prison conditions remained harsh and at times did not meet international standards. The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year. During the year authorities improved conditions in some prisons.

As of December 28, according to the National Administration of Penitentiaries of the Ministry of Justice, there were 28,218 persons, including 463 minors, in prison or juvenile detention facilities in a system with a stated capacity of 34,896 beds. Although, according to the official figures, overcrowding did not represent a serious problem overall, there were prisons where the standard of 43 square feet per prisoner recommended by the Council of Europe's Committee for the Prevention of Torture (CPT) was not observed.

The media and human rights organizations reported that the abuse of prisoners by authorities and other prisoners continued to be a problem. According to media and NGO reports, prisoners frequently assaulted and abused their fellow inmates, and prison authorities tried to cover up such incidents. During the year the media reported that one prisoner, Constantin Sandu, died on June 4 in Galati penitentiary after being restrained by the prison guards. An internal investigation by the National Administration of Penitentiaries revealed that 16 members of the prison staff had treated prisoners poorly and that those in higher positions tolerated their subordinates' abuse of office. On August 5, two prison guards who allegedly beat the prisoner were arrested for manslaughter. Their superior, who did not report the incident, was arrested for complicity.

According to human rights NGOs, there was some progress with regard to the implementation of the four detention regimes: closed, semiclosed, semiopen, and

open. Prisoners assigned to semiopen and open regimes reportedly began to benefit from placement in the type of prison appropriate to their sentence. However, APADOR-CH criticized the placement of some prisoners in prisons far from their hometowns because prisoners were not allowed to receive packages by mail.

Other NGOs stated that detention conditions did not improve during the year, a situation that prison authorities attributed to a shortage of funds.

The government continued efforts, including through partnerships with NGOs, to alleviate harsh conditions; to improve the condition of detention rooms; to provide more daily activities, training courses, and educational programs to prisoners; and to deter the spread of HIV and tuberculosis.

In September 2009 the country's representative in the World Health Organization declared that the tuberculosis control program was successfully implemented in penitentiaries and that the proportion of prisoners suffering from tuberculosis had fallen to 2 percent.

In 2009 APADOR-CH reported that prison meals did not provide the minimum necessary calories, that water at some prisons was unsuitable for drinking, and that the kitchens in many facilities were infested with mold. In addition, according to APADOR-CH, the practice of labeling certain prisoners as "dangerous" remained a problem in the absence of clear standards for such classification. Prisoners labeled dangerous were subjected to a variety of restrictions beyond those experienced by the general prison population and had no right to appeal that determination. NGOs also criticized the practice of subjecting prisoners to multiple punishments for a single act of misbehavior.

APADOR-CH continued to criticize the conditions in police detention facilities, noting poor sanitation conditions, the lack of health care and medication, the presence of surveillance equipment in detention rooms, the lack of natural light, and the absence of activities for those detained. Some prisons did not provide for the confidentiality of discussions between prisoners or detainees and their lawyers in person or via telephone.

The government permitted prison visits by human rights observers, foreign government officials, and media representatives, and such visits took place during the year. A CPT delegation carried out a periodic visit to the country on September 5-16. The report of the delegation's visit was not released as of year's end. However, in October the CPT sent the government a document stating that in

general detention conditions met CPT requirements and that the detainees' rights were respected. There were allegations of mistreatment in some prisons, and some prisoners complained about restrictions of the right to visits and about violence among detainees. Following the CPT delegation's visit, according to the Ministry of Justice, the National Administration of Penitentiaries took measures to improve the poor conditions in the juvenile detention unit at Rahova Prison. It moved the minors to other prisons and performed extensive repair work during the last two months of the year.

The regulations allow all religious groups unrestricted access to prisoners.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally respected these prohibitions.

Role of the Police and Security Apparatus

The Ministry of the Administration and Interior is responsible for the national police, the gendarmerie, the border police, the Office for Immigration, the General Directorate of Information and Internal Protection (which oversees the collection of intelligence on organized crime and corruption), and the General Anticorruption Directorate. The national police agency is the Inspectorate General of Police, which is divided into specialized directorates and has 42 regional directorates for the counties and the city of Bucharest. The internal intelligence service also collects information on major organized crime, major economic crimes, and corruption.

While police usually followed the law and internal procedures, police impunity remained a problem. Complaints of police misconduct were handled by the internal disciplinary councils of the units where the reported officers worked.

Police reform continued during the year, and the police increased the hiring of women and minorities. According to police statistics, at the end of the year 12 percent of the 54,786-person police force were women and 1.2 percent, including 104 Roma, represented members of ethnic minorities. A project to promote equal opportunities for national minorities for a career in the police structures was implemented in Cluj during the year. Police also used Romani mediators to facilitate communication between Roma and the authorities and to assist in crises. A handbook, *Police and Roma/Sinti Population: Good Practices in Building Trust*

*and Understanding*, was published during the year as a tool for the implementation of the Action Plan for Roma and Sinti of the Organization for Security and Cooperation in Europe (OSCE).

### Arrest Procedures and Treatment While in Detention

The law provides that only judges may issue detention and search warrants, and the government mostly respected this provision in practice. The law requires authorities to inform detainees at the time of arrest of the charges against them and their legal rights. Police must notify detainees of their rights in a language they understand before obtaining a statement. Detainees must be brought before a court within 24 hours of arrest. The law provides for pretrial release at the discretion of the court. A bail system also exists; however, it was seldom used in practice. Every detainee has the right to counsel and in most cases had prompt access to a lawyer of their choice. Indigent detainees were provided legal counsel at public expense. Under proper procedure, the police officer should inform the detainee upon detention or arrest that he has the right not to declare anything before a lawyer is present. The same police officer contacts the detainee's lawyer or the local bar association to arrange for a lawyer. The detainee meets with the lawyer before the first interview, and they have the right to discuss in private. The lawyer is present during the interview or interrogation. Detainees also had prompt access to their families.

The law allows police to take any person who endangers the public, other persons, or the social order to a police station. There were allegations that police often used this provision to hold persons for up to 24 hours. Since the person was not formally detained or arrested, the right to counsel was not observed. APADOR-CH criticized this provision, stating that it leaves room for abuse. Human rights NGOs complained that the authorities were frequently able to listen to discussions between detainees and their attorneys in police detention facilities.

A judge may order pretrial detention for periods of up to 30 days, depending upon the status of the case. The court may extend these time periods; however, pretrial detention may not exceed 180 days. Courts and prosecutors may be held liable for unjustifiable, illegal, or abusive measures.

In October police signed protocols of cooperation with five human rights NGOs that will have access to detention facilities and will be entitled to have confidential discussions with detainees.

## Amnesty

During the year President Basescu pardoned one 26-year-old woman on humanitarian grounds.

### e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and the government technically respected judicial independence in practice. However, the judiciary lacked the public's trust that judges were accountable and did not serve political or financial interests. There was a widespread public perception that the judiciary was corrupt, slow, and often unfair.

The court of original jurisdiction in a case is determined by the nature of the offense and by the position a defendant may hold in public service. According to a report by the European Commission released in July, the country "did not show sufficient political commitment to support and provide direction to the reform process and demonstrated a degree of unwillingness within the leadership of the judiciary to cooperate and take responsibility." The report also stated that "only limited progress has been achieved since the Commission's last report in terms of improving the efficiency of the judicial process and the consistency of judicial decisions." The report noted there was some progress during the year, such as the adoption of civil and criminal procedure codes as well as a multiyear strategy for reforming the judiciary.

NGOs and public officials frequently criticized the judicial system during the year. The judiciary's oversight body, the Superior Council of Magistrates (CSM), failed to create procedures for addressing potential conflicts of interest among its members. It also failed to identify and discipline misconduct consistently--a significant part of its mandate. The CSM's practice of assigning magistrates to nonjudicial positions within the judiciary and appointing them to various government agencies also contributed to depleting the already understaffed courts and prosecutors' offices. The return by the High Court of Cassation and Justice of case files to prosecutors for additional investigation contributed to frequent delays in court procedures and increased the chances of political interference in the judicial process. Observers also expressed concern over a lack of judicial impartiality, noting that some members of the parliament continued to practice as defense attorneys, mostly through their law firm associates. In December the Senate validated the election of 11 members to the CSM. Four of the 11 members were reelected even though the law prohibits reelection, and two members

(representing civil society) were deemed to have conflicts of interest. The Senate's action was challenged in the Constitutional Court.

### Trial Procedures

The constitution and the law provide a presumption of innocence until a final judgment by a court. Trials are open to the public. The law does not provide for trial by jury. Defendants have the right to be present at trial. The law provides for the right to counsel and to consult with the attorney in a timely manner. The law requires that the government provide an attorney to juveniles in criminal cases; in practice local bar associations provided attorneys to indigents and were compensated by the Ministry of Justice. Defendants may confront or question witnesses against them, present witnesses and evidence on their behalf, and have a court-appointed interpreter. Defendants and their attorneys have access to government-held evidence relevant to their cases. Both prosecutors and defendants have a right of appeal.

The law provides that civilian prosecutors should investigate crimes by national police and prison employees. Military prosecutors continued to try cases involving military personnel. Civilian prosecutors try other cases involving "state security" but not military personnel; military courts may not try civilians according to the law. Crimes by the gendarmerie continued to fall under military jurisdiction. In previous years local and international human rights groups criticized the handling of cases by military courts, claiming that military prosecutors' investigations were unnecessarily lengthy, biased, and often inconclusive. Some lawyers claimed that these investigations only served to discredit the reputations of their clients rather than hold them accountable for any actual wrongdoing.

In October the parliament adopted a law to accelerate judicial procedures.

The law extends the rights to a fair trial to all citizens.

### Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

### Regional Human Rights Court Decisions

During the year the European Court of Human Rights (ECHR) issued 136 judgments that found a government violation of one or more rights under the



European Convention for the Protection of Human Rights and Fundamental Freedoms. Of these, 72 judgments referred to the right to a fair trial; 61 to the right to property; 21 to the right not to be subjected to torture, inhuman or degrading treatment (16 of them referred to inadequate prison conditions); and 15 judgments involved the right to freedom and safety. The judgments ordered the government to pay plaintiffs a total of approximately 3.6 million euros (\$4.8 million).

On January 12, the ECHR ruled that a Greek Catholic parish in Sambata (Bihar County) had suffered discrimination on religious grounds and ordered the government to pay 15,000 euros (\$20,100) in compensation. The ECHR ruled that the parish had not enjoyed effective access to a court because of its affiliation with the Greek Catholic Church.

On October 12, the ECHR ruled on the first case against the government regarding property restitution. The ECHR ruled that the country's property restitution system violated two articles of the European Convention on Human Rights. The ruling suspended all similar Romanian cases before the ECHR during the year and required the government to take measures to remedy the restitution problem within 18 months, i.e., to establish an effective mechanism of restitution and compensation. The ruling did not identify consequences if the government failed to fix the problem.

During the year the ECHR issued judgments against the government in three cases involving freedom of the press (see Section 2.a.).

### Civil Judicial Procedures and Remedies

Civil courts functioned in every jurisdiction and operated with the same degree of judicial independence as criminal courts. Administrative and judicial remedies were available for violations of human rights by government agencies.

Litigants sometimes encountered difficulties enforcing civil verdicts because the procedures for enforcement of judgment orders were impractical and caused delays.

### Property Restitution

Under the law claims for property seized by the Communist-era government had to be filed with the National Restitution Agency in 2001-2003. Of the 202, 267 claims filed for restitution of buildings, 120,739 were resolved by the end of the

year. Of the resolved claims, 44,066 claims were rejected; 51,114 claims qualified for restitution with equivalent property; 5,455 claims were resolved by restitution in kind and compensation; 277 claims qualified for combined measures (i.e., restitution in kind plus compensation with other assets); 973 claims qualified for allocation of other assets and compensation; 1,848 claims qualified for compensation with other assets or services; and 17,006 claims were resolved by return of the properties in kind. A February 2009 amendment to the nationalized houses law bars the restitution in kind of houses that were bought by tenants in good faith. Under the law rightful owners would receive only compensation for their property.

On December 3, the prime minister set up an interministerial committee tasked with simplifying the restitution process and making it more effective. This followed an ECHR judgment in October in a case against the country (see Section 1.e., Regional Human Rights Court Decisions).

Organizations representing former owners continued to assert that inertia at the local level hindered property restitution. In many cases local government officials continued to delay or to refuse to provide necessary documents to former owners filing claims. They also refused to return properties in which county or municipal governments had an interest.

In June the government enacted an emergency ordinance, which suspended cash payments to claimants for two years. Recipients were still able to receive stock in a property fund.

There were numerous disputes over many churches that the Orthodox Church did not return to the Greek Catholic Church despite court orders to do so.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The constitution prohibits such actions, and the government for the most part respected these prohibitions in practice. Nevertheless, there was a widespread perception that illegal surveillance still occurred, and there were credible media reports that authorities engaged in electronic eavesdropping in circumstances that violated these prohibitions.

The law permits the use of electronic eavesdropping both in criminal cases and for national security purposes, but the investigating prosecutor must first obtain a

warrant from a judge. In exceptional circumstances, when delays in getting the warrant would seriously affect a criminal investigation, prosecutors may begin interception without a judicial warrant. However, they must submit a request for retroactive authorization within 48 hours. Under the national security law, a prosecutor may authorize the issuance of a warrant for an initial period of six months, which can be extended indefinitely in three-month increments without judicial approval. Some human rights NGOs noted the contradictions between the two sets of laws in the requirement to obtain judicial approval for wiretaps.

The lawsuit filed by businessman Dinu Patriciu against the Romanian Intelligence Service (SRI) for illegally tapping his telephones continued. On November 4, the Constitutional Court rejected the claim of unconstitutionality filed by the High Court of Cassation and Justice on March 26 while it was hearing the SRI's appeal regarding three articles of the law on the protection of classified information.

## Section 2 Respect for Civil Liberties, Including:

### a. Freedom of Speech and Press

The constitution provides for freedom of speech and of the press, and the government generally respected these rights in practice. Journalists and private citizens could criticize government authorities, including those at senior levels. There were isolated instances when authorities intimidated or censored the press or verbally attacked journalists.

Laws restricting freedom of speech continued to cause concern among the media and NGOs. Insulting the state insignia (the coat of arms, national flag, or national anthem) is an offense punishable by imprisonment. The religion law includes a provision that forbids acts of "religious defamation" and "public offense to religious symbols." The law also prohibits public denial of the Holocaust. There were no prosecutions or convictions under any of these statutes during the year.

The independent media were active and expressed a wide variety of views without overt restriction. However, politicians and others with close ties to various politicians and political groups either owned or indirectly controlled numerous media outlets outside of the capital, and the news and editorial tone of these outlets frequently reflected the views of the owners. The tendency towards the concentration of national news outlets in the hands of a few wealthy individuals continued.

During the year there were a number of instances when public officials and politicians insulted or harassed journalists.

On March 10, Romanian EU parliamentarian George Becali made vulgar comments about Cornelia Popescu of the online newspaper *ZIUA Veche*. Popescu had asked Becali about statements he had made to the press about his financial assets that contradicted the declaration of assets Becali had submitted to the European Parliament. Becali or his bodyguards reportedly made insulting or threatening statements to journalists on other occasions.

In April an unknown group made death threats to journalist Catalin Docea of *Ziarul Vail Jiului* after Docea conducted several investigations into connections between police, local administration, and members of criminal organizations. Docea provided evidence to prosecutors about the threats, but at year's end no one had been charged. On December 13, Docea wrote in an article that the police had not conducted any investigation based on the threat evidence he submitted.

In May the Convention of Media Organizations protested as an infringement on the freedom of expression and a violation of ECHR jurisprudence a court decision that forced newspaper *Evenimentul Zilei* and three other national newspapers to print a nine-page court ruling in their pages. The ruling referred to two articles printed in 2005 in which *Evenimentul Zilei* criticized a journalist's practices as unprofessional.

During the year the ECHR found violations by the country of freedom of expression as provided under the European Convention on Human Rights in three cases. By the end of the year the government paid compensation to the plaintiffs in two of the cases; the status of the third was unknown.

In March the ECHR ruled that the government should compensate journalist Dan Florian Papaianopol in the amount of 7,213 euros (\$9,665) for a violation of his freedom of speech. In 2000 a domestic court sentenced Papaianopol to pay compensation to a school director who was the subject of an article he authored in the *Scoala Romaneasca* magazine.

Also in March the ECHR overturned a domestic court ruling involving photojournalist Andrei Antica of *Romania Libera*. In January 1999 that newspaper published an article implicating several politicians and senior officials in the bankruptcy of an American company to which the government had made financial contributions. A local court ordered Antica to pay damages to a businessman

related to the case. The ECHR stated in its decision that Antica's right to freedom of expression had been violated because the disputed article concerned a subject of general interest.

In June the ECHR ruled that the government should pay 10,000 euros (\$13,400) to writer, journalist, and NGO activist Gabriel Andreescu. In 2001 Andreescu spoke at a news conference about the connections between the Communist-era secret police, known as the Securitate, and Andrei Plesu, a member of a government team investigating the Securitate files after the fall of Communism. Plesu filed a complaint in a domestic court, which forced Andreescu to pay damages to Plesu. In its decision the ECHR stated that Andreescu, who writes for 22 magazine, did not have a fair trial and that his right to freedom of expression had been violated.

### Internet Freedom

There were no reported government restrictions on access to the Internet or substantiated reports that the government monitored e-mail or Internet chat rooms. Individuals and groups could engage in the peaceful expression of views via the Internet, including by e-mail.

The Internet was widely available in the country, and costs decreased due to competition. Internet cafes were widely available nationwide. According to International Telecommunication Union statistics for 2009, approximately 37 percent of the country's inhabitants used the Internet.

### Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events; however, there were reports that a few local officials interfered with these activities.

#### b. Freedom of Peaceful Assembly and Association

##### Freedom of Assembly

The constitution and the law provide for freedom of assembly, and the government generally respected this right in practice. The law provides that unarmed citizens may assemble peacefully but also stipulates that meetings must not interfere with other economic or social activities and may not be held near such locations as hospitals, airports, or military installations. Organizers of public assemblies must

request permits in writing three days in advance from the mayor's office of the locality where the gathering would occur. The permits were generally approved. Delays or changes of location of the assembly sometimes occurred. Whether the reasons for these delays or changes were political was often impossible to determine.

#### Freedom of Association

The constitution and the law provide for freedom of association, and the government generally respected this right in practice. However, the law prohibits fascist, communist, racist, or xenophobic ideologies, organizations, and symbols (such as statues of war criminals on public land). Political parties are required to have at least 25,000 members to have legal status, a number some NGOs criticized as excessively high.

#### c. Freedom of Religion

For a complete description of religious freedom, please see the *2010 International Religious Freedom Report* at [www.state.gov/g/drl/irf/rpt](http://www.state.gov/g/drl/irf/rpt).

#### d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons

The constitution and the law provide for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice. The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern.

The law prohibits forced exile, and the government did not employ it.

#### Protection of Refugees

The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees. The law on asylum, based on EU legislation, prohibits the expulsion, extradition, or forced return of any asylum-seeker at the country's border or from within the country's territory but does not extend these protections to aliens and stateless persons who planned,

facilitated, or participated in terrorist activities as defined by international instruments to which the country is a party.

The law provides for the concept of safe countries of origin, and aliens coming from such countries have their asylum applications processed in an accelerated procedure. EU member states are considered safe countries of origin as are other countries specified by an order of the Minister of Administration and Interior at the proposal of the National Office for Refugees. Criteria defining safe countries of origin are the number of asylum applicants granted protection; observance of human rights; observance of democratic principles, political pluralism, and free elections; and the existence of operational democratic institutions to monitor human rights.

The government's Emergency Transit Center in the city of Timisoara received refugees while they awaited processing and final transit to a receiving country. During the year 139 refugees arrived at the center and 290 departed (many of them arrivals from 2009). According to the UNHCR, conditions fully met international standards.

In practice the government provided protection against the expulsion or return of refugees to countries where their lives or freedom would be threatened based on their race, religion, nationality, membership in a particular social group or political opinion. There were still concerns that the law does not give rejected applicants enough time to prepare appeals and pursue them through the courts.

During the year the government started to implement several programs for refugees, such as an EU-funded effort to strengthen the capacity of authorities to manage issues related to asylum, and a project sponsored by the UNHCR and the European Refugee Fund to improve the quality of the asylum system.

The UNHCR's "quality initiative" program, begun in 2008 and aimed at improving the quality of the country's decision-making on asylum matters, continued during the year. While conditions have improved somewhat from prior years, asylum seekers still faced difficulties with access to specialized health care, partially because of the lack of interpreters. Social assistance in reception centers, including spare-time activities, was not always sufficient; and some asylum seekers felt they did not receive enough information or legal assistance.

In 2009 the Romanian National Council for Refugees (CNRR) began to implement a project funded by the European Refugee Fund to improve the quality of

counseling, legal assistance and interpreting services for asylum applicants. The CNRR employed and trained legal advisers in regional centers, provided additional interpreters, revised informational materials for asylum seekers, and translated the information into 14 languages to make the leaflets more accessible.

The government implemented an EU directive that provides for "subsidiary protection," or protection to persons who do not qualify as refugees but are nevertheless granted protection because they cannot return to their countries for fear of serious risks to their lives. Under the law refugees and those granted subsidiary protection enjoy access to employment, basic services, education, the courts and police protection equal to that of citizens. However, the law requires those receiving subsidiary protection to wait for a longer period of time than refugees to acquire citizenship, a provision viewed as discriminatory by the former. The government may also extend "temporary protection" to persons arriving from conflict areas. Finally, the law provides for the status of a "tolerated person," an alien who no longer has the right to stay in the country but cannot leave for "objective reasons" such as unclear nationality or the lack of flight connections. Tolerated persons have no social or economic rights. The government also has a voluntary repatriation program for refugees and rejected asylum seekers.

According to the Immigration Office, by the end of November 830 foreigners applied for asylum. Of these, 81 received refugee status and 25 subsidiary protection. During the same period, 61 foreigners received "tolerated person" status and 443 foreigners were taken into public custody. There were no cases of temporary protection being extended during the year to individuals who may not qualify as refugees.

### Section 3    Respect for Political Rights: the Right of Citizens to Change Their Government

The law provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage.

#### Elections and Political Participation

In November and December 2009 the country held national elections for president. Despite irregularities, including numerous allegations of vote buying and of multiple voting, the elections were judged free and fair. The OSCE report on the November election found it to be "generally conducted in conformity with OSCE



commitments and international standards for democratic elections, as well as with national law." These irregularities did not appear to favor one political party over another. In the second round, incumbent Traian Basescu won the election with 50.3 percent of votes cast.

Parliamentary elections, last held in 2008, are based on a complex single-representative-district voting system for both the Senate and the Chamber of Deputies. The media, NGOs, and government officials criticized the voting system, which assigns parliamentary seats to party members based on a complicated formula, for being too difficult for most voters to understand and for awarding seats to party members who finished second or third in their district.

Political parties can operate without restriction or outside interference. The law requires political parties to register with the Bucharest Tribunal and to submit their statutes, program, and a roster of at least 25,000 signatures. Among these 25,000 "founding members" there must be individuals from at least 18 counties, including Bucharest, with a minimum of 700 persons from each county. The party statutes and program must not include ideas that incite war, discrimination, hatred of a national, racist, or religious nature, or territorial separatism.

Organizations representing ethnic minorities may also field candidates in elections. If the minorities in question are "national minorities," defined as those ethnic groups represented in the Council of National Minorities, their organizations must meet requirements similar to those for political parties. For organizations representing minorities not represented in the parliament, the law sets more stringent requirements than those for minority groups already represented in the parliament; they must provide the Central Electoral Bureau with a list of members equal to at least 15 percent of the total number of persons belonging to that ethnic group as determined by the most recent census. If 15 percent of the ethnic group amounts to more than 20,000 persons, the organization must submit a list with at least 20,000 names distributed among at least 15 counties plus the city of Bucharest, with no fewer than 300 persons from each county.

While the law does not restrict women's participation in government or politics, societal attitudes presented a significant barrier. There were 38 women in the 334-seat Chamber of Deputies and eight women in the 137-seat Senate. At year's end there were only two women in the 17-member cabinet and no women among the prefects (governors appointed by the central government) of the 42 counties.

According to the constitution each recognized ethnic minority is entitled to have one representative in the Chamber of Deputies even if the minority's organization cannot obtain the 5 percent of the vote needed to elect a deputy outright, but only if the organization received votes equal to 10 percent of the average number of votes nationwide necessary for a deputy to be elected. Organizations representing 18 minority groups received deputies under this provision. There were 49 members of minorities in the 471-seat parliament, nine in the Senate and 40 in the Chamber of Deputies. At the end of the year, there were four members of minorities (all ethnic Hungarians) in the 17-member cabinet. Ethnicity data was not available for members of the Supreme Court.

Ethnic Hungarians, represented by the Democratic Union of Hungarians in Romania, an umbrella party, were the sole ethnic minority to gain parliamentary representation by passing the 5 percent threshold. Only one Romani organization, the Roma Party-Pro Europe, was represented in the parliament, by one member of parliament. Low Romani voter turnout likely resulted from a lack of awareness, inability to demonstrate an established domicile, and absence of identity documents.

#### Section 4 Official Corruption and Government Transparency

The law provides criminal penalties for official corruption; however, the government did not implement the law effectively, and officials sometimes engaged in corrupt practices with impunity. The World Bank's corruption indicators suggested corruption was a problem. In 2007, as part of the country's agreement on accession to the European Union, the European Commission established a Cooperation and Verification Mechanism (CVM) to monitor the country's progress in reforming the judicial branch and fighting corruption.

The National Anticorruption Directorate (DNA) investigates and prosecutes high-level corruption, including cases involving members of the parliament and government officials. Both the head of the DNA and the general prosecutor (attorney general) were considered effective. The DNA head was appointed to a second three-year term in February 2009. The general prosecutor was appointed to a second three-year term in October 2009.

A simple majority of the parliament must approve investigations of ministers who are sitting members of the parliament, while the president must approve investigations of ministers who are not serving in the parliament. The CSM has to approve searches, detention, and preventive arrests of judges and prosecutors.

In March the Senate approved the preventive arrest of one of its members on charges of influence peddling. In April the CSM approved the preventive arrest of a Supreme Court justice involved in the same case. In December the Chamber of Deputies rejected the DNA's two requests for approval of investigations against one former minister, the first for the search of his official computer, and the second to extend the investigation in the same case. As of year's end the Chamber of Deputies had not approved a request from the DNA for the preventive arrest of a deputy on charges of blackmail and other corruption offenses.

Authorities' ineffective response to corruption remained a focus of intense public criticism, political debate, and media scrutiny throughout the year. NGOs and the media continued to assert that no major case of high-level corruption had yet resulted in judgments involving prison sentences. However, the number of verdicts involving corruption offenses, including sentences to time in prison, increased significantly during the year. During the year courts sentenced a member of the Senate, five mayors, one vice mayor, one senior prosecutor, and 22 police officers and noncommissioned officers to prison.

The DNA continued its coordination with antifraud units in various ministries. The General Directorate for Anticorruption (DGA) of the Ministry of Administration and Interior, which investigates alleged corruption within the ministry, maintained a telephone hotline to receive tips from the general public regarding corrupt officers. In December cooperation between the DNA, the DGA, and the Ministry of National Defense resulted in the DNA's prosecution of two high-ranking officers of the Ministry of National Defense and three other persons on charges of abuse of office, bribery, and influence peddling. The Antifraud Department attached to the Prime Minister's Office continued to investigate cases involving the misuse of EU funds. The Ministry of National Defense also maintained its own antifraud section. However, according to the CVM report, "within institutions few steps appear to have been taken to strengthen practical implementation and awareness of whistle-blowing policies."

Little progress was made in 30 cases filed by the DNA in earlier years against former government ministers, deputy ministers, and members of the parliament. The lack of progress was due in one instance to a legislative decision to block the investigation; the High Court of Cassation and Justice dismissed some other cases; and others were delayed while defendants' claims of unconstitutionality or violations of legal procedures (called "claims of illegality") were adjudicated. Of

the 30 cases, one was initiated in 2005, nine in 2006, six in 2007, nine in 2008, and five in 2009.

In the first 10 months of the year, the DNA sent 155 cases involving 698 defendants to the courts. The persons charged were one former prime minister, two members of the Senate, six judges including a Supreme Court justice, three senior prosecutors, two subprefects, 18 mayors, five vice mayors, 28 police officers and non-commissioned officers, 15 commissioners of the Financial Guard, four commissioners of the Environmental Guard, and six managers of state-owned companies. In the same period, in response to cases brought by the DNA, the courts issued 103 nonfinal verdicts involving 291 defendants, 67 final verdicts involving 128 defendants, and 18 final verdicts of acquittal involving 32 defendants.

In August the parliament amended the law governing the Constitutional Court to end the practice of automatically suspending trials while constitutional challenges were under consideration (interlocutory appeals). In November a law designed to accelerate judicial processes and trials came into effect, banning the suspension of trials when challenges of illegality were filed in criminal cases. The law also restricted the use of challenges on procedural grounds.

Police corruption contributed to citizens' lack of respect for the police and led to a corresponding disregard for police authority. Low salaries and the absence of incentives and bonuses led to personnel shortages and contributed to the susceptibility of individual law enforcement officials to bribery. Instances of high-level corruption were referred to the DGA, which continued to publicize its anticorruption telephone hotline to generate prosecutorial leads for corruption within the police force; however, some of the local police departments ("inspectorates") did not adequately publicize the anticorruption hotline.

The law empowers the National Integrity Agency (ANI) to administer and audit financial disclosure statements for all public officials and monitor conflicts of interest. The ANI law stipulates that the ANI can identify "significant discrepancies" (more than 10,000 euros, or \$13,400) between an official's income and his assets.

In April the Constitutional Court declared significant portions of the ANI statutes to be unconstitutional. The parliament failed to restore ANI's powers immediately. After the CVM report singled out the weakening of ANI as a violation of commitments the country made during its EU accession process, the government

made a concerted effort to restore the agency's powers. In late August the parliament reinstated the requirement for comprehensive, public financial disclosure statements but also made more cumbersome the procedure by which ANI can initiate seizure of assets when significant discrepancies are found.

The law provides for public access to government information related to official decision making; however, human rights NGOs and the media reported that the law was inadequately and unevenly applied. Procedures for releasing information were arduous and varied greatly by public institution. Many agencies did not make public the annual performance reports that the law requires. NGOs and journalists continued to file requests regularly in court to gain access to official government information.

In May the Romanian Academic Society won a case against the state-controlled EXIM Bank for the declassification of a public procurement contract, and against the Privatization Agency for the declassification of the contract to privatize a local carmaker. In August the Institute for Public Policy won a court case against the parliament for the release of information on members' expenditures on their constituent offices. In October the Center for Legal Resources (CRJ), a human rights NGO, won two cases regarding access to public information: one against the Presidency, which refused to hand over to the NGO copies of financial disclosure statements and conflict of interest statements for 2008; and the other case against the Rovinari Energy Complex, which refused to give the NGO copies of decisions from the company's board of administration for the period 2004-2008.

Although the government ordered the intelligence services to release the files of the Communist-era Securitate intelligence service, the powers of the National College for the Study of Securitate Archives (CNSAS) remained limited because the law governing the CNSAS law does not permit it to issue verdicts that identify individuals as Securitate collaborators. In June the Constitutional Court ruled that the lustration, or "de-Communization" law that the parliament passed in May was unconstitutional. The president asked all government ministries to make their employees' incomes public on-line. Of 15 ministries, eight responded to the president's call by year's end.

## Section 5 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on

human rights cases. Government officials were generally cooperative and responsive to their views.

The government cooperated during the year with international governmental organizations and permitted visits by UN representatives and other organizations. During the year there were visits by the UN special rapporteur on human rights of migrants and EU Commission representatives to assess the situation of the judiciary. The latter released two reports (see section 1.e.).

The Office of the Ombudsman had limited power and no authority to protect citizens' constitutional rights in cases requiring judicial action. The office handled 7,016 complaints during the first nine months of the year. The NGO Romani CRISS criticized the Office of the Ombudsman for failing to address the cases the NGO brought to its attention.

The National Council for Combating Discrimination (CNCD) is an independent governmental agency under parliamentary control. During the year the CNCD received 478 public complaints of discrimination. It resolved 117 of these complaints by the year's end. Of the complaints, 97 involved alleged discrimination on the basis of nationality, ethnicity, and race, and six involved discrimination on religious grounds. The CNCD received 54 complaints regarding discrimination against Roma.

The Ombudsman's Office and CNCD operated with the government's cooperation and for the most part without government or party interference. After the CNCD's activity was blocked for almost eight months due to staffing shortages, the parliament on April 20 appointed six new members to CNCD's board, allowing the CNCD to resume its activity. Neither agency received adequate resources, although both enjoyed public trust. The CNCD was generally regarded as effective, while most observers regarded the Office of the Ombudsman as much less effective. Both the CNCD and the Ombudsman's Office issue yearly activity reports.

Romani CRISS criticized the appointment of CNCD board members proposed by political parties, arguing that this violated the principle of the body's independence and that some of the appointees lacked expertise in the human rights area. Romani CRISS also criticized the CNCD's delays in ruling on some of its complaints.

Each chamber of the parliament has a human rights committee. Their task is to draft reports on bills that pertain to human rights-related issues. Their members,

however, are members of the parliament who usually express the views of their political parties.

## Section 6 Discrimination, Societal Abuses, and Trafficking in Persons

The law forbids discrimination based on race, gender, disability, ethnicity, language, or social status, among other categories. However, the government did not enforce these prohibitions effectively, and women as well as Roma and other minorities were often subjected to discrimination and violence.

### Women

Rape, including spousal rape, is illegal. The prosecution of rape cases was difficult because the law requires a medical certificate and a witness, and a rapist could avoid punishment if the victim withdrew the complaint. The successful prosecution of spousal rape cases was more difficult because the law requires the victim personally to file a criminal complaint against the abusive spouse and does not permit other parties, such as police, relatives or support organizations, to file a complaint on the victim's behalf. The law provides for three to 10 years' imprisonment for rape; the sentence increases to five to 18 years if there are aggravated circumstances. According to police statistics, during the year perpetrators were sent to court in 886 rape cases; there was no information on the number of resulting convictions.

Violence against women, including spousal abuse, continued to be a serious problem, according to NGOs and other sources. The government did not effectively address it. The law prohibits domestic violence and allows police intervention in such cases. However, the law on domestic violence was difficult to apply because it contradicts the criminal procedures code and does not provide for the issuance of restraining orders. According to the General Directorate for Child Protection (DGPC), in 2009, 4,185 women and 816 men were victims of domestic violence. During the same period 35 women and 27 men died as a result of domestic violence. In a nationwide survey conducted by the Center for Urban and Rural Sociology in 2008, 21.5 percent of women reported having been subjected to domestic violence at least once in their lives, and 11.1 percent reported experiencing domestic violence during the year prior to the survey.

While the criminal code imposes stronger sanctions for violent offenses committed against family members than for similar offenses committed against others, the courts prosecuted very few cases of domestic abuse. Many cases were resolved

before or during trial when alleged victims dropped their charges or reconciled with the accused abuser. In cases with strong evidence of physical abuse, the court can prohibit the abusive spouse from returning home. The law also permits police to penalize spouses with fines of 100 lei to 3,000 lei (\$31 to \$936) for various abusive acts.

In July the National Authority for the Protection of Family and Children's Rights, established in December 2009 under the Ministry of Labor, Family, and Social Protection, was downgraded to a general directorate within the ministry under the name of the DGPC. The DGPC is in charge of children's issues and domestic violence.

At the end of 2009, 50 government- and privately run shelters for victims of abuse provided free accommodation and food for periods of between seven days and three months, and 27 centers provided legal and psychological counseling. There were also two rehabilitation centers, two centers to inform and sensitize the population, and six counseling centers for perpetrators. However, the centers were insufficient and unevenly distributed, and some parts of the country lacked any kind of assistance.

The law prohibits any act of gender discrimination, including sexual harassment. Penalties vary significantly depending on whether the act is criminal or not and range from fines--between 400 lei and 8,000 lei (\$125 and \$2,500)--to imprisonment for three months to two years. Although the problem exists, public awareness of it continued to be low. No effective programs existed to educate the public about sexual harassment.

In February university professor and criminal expert Tudorel Butoi stated that most of the women assaulted in streets, parks, and elevators had a provocative attitude. Several NGOs filed a complaint against Butoi with the CNCD, which decided in October that Butoi's statement was discriminatory and sanctioned him with an admonition.

The law provides for the right to information, education, and services for reproductive health without any discrimination, as well as the right to access modern family planning methods. Nevertheless, Romani women had a difficult time accessing reproductive health services. The Ministry of Health provided free contraceptives to rural residents, students, the unemployed, and women who had an abortion in a public hospital. NGOs noted the absence of a national strategy



regarding reproductive rights, the lack of sexual education in schools, and the country's high number of teen pregnancies.

The number of HIV-positive mothers who gave birth to live infants increased to 207 births in 2009, the last year for which data was available, from 68 in 2007 and 161 in 2008, according to the National Institute for Infectious Diseases Matei Bals.

HIV-positive women reported to the Euroregional Center for Public Initiatives (ECPI) that they had difficulty accessing maternal health care in maternity hospitals due to discrimination by medical personnel. They asserted that they experienced degrading treatment, breaches of confidentiality, segregation, and denial of cesarean sections. ECPI noted that the medical staffs of obstetrics and gynecology units did not appear to understand and apply the clinical guidelines for the management of pregnancy in HIV-positive women that the Ministry of Health adopted in 2009.

According to UN Population Fund statistics, the maternal mortality rate was 27 per 100,000 births in 2008.

The ECPI criticized the fact that the results of Health Ministry investigations of maternal deaths are not made public.

A journalist's investigation conducted in the fall revealed a series of shortcomings in the maternal health care available in public hospitals. The report revealed unsanitary conditions, lack of equipment (e.g. incubators for newborns), high neonatal mortality rates, a high number of premature births, a small number of obstetricians, shortages of medicine, and mistreatment of women giving birth. The ECPI received information that in some hospitals pregnant women were automatically tested for HIV prior to giving birth without informed consent and without prior counseling, although HIV testing is voluntary under the law.

In August six newborn babies died in Giulesti hospital following a fire in the maternal ward that was reportedly caused by a defective air conditioning system, inattentive staff, and locked doors.

The law provides female employees reentering the workforce after maternity leave the right to return to their previous or a similar job. Government grants helped support mothers with 24 months of paid leave at 85 percent of the mother's average income during the previous 12 months and a monthly allowance for children. A report released in September 2009 by the Society of Contraception and Sexual

Education indicated, however, that pregnant women might still suffer unacknowledged discrimination in the labor market.

Under the law women and men enjoy equal rights, including under family law, property law, and in the judicial system. In practice the government did not enforce these provisions, and authorities did not devote significant attention or resources to women's problems. In July the government's Agency for the Equality of Opportunities was downgraded to a directorate in the Ministry of Labor, Family, and Social Protection. Women occupied few influential positions in the private sector, and differences between the salaries of women and men continued to exist in most sectors of the economy. According to several surveys including one from the National Statistics Institute, women were paid approximately 10-15 percent less than men doing the same work. According to the Ministry of Labor, Family, and Social Protection, women faced disadvantages in education; access to the labor market, social, political, and cultural life; and participation in decision-making. According to the ministry many of these difference stemmed from segregation of labor (i.e. women work mostly in fields where salaries are lower), traditions, and stereotypes.

During the year the DGPC, in partnership with NGOs, implemented programs to prevent and curb domestic violence and to provide better conditions for domestic violence victims.

### Children

Citizenship is derived by birth from at least one Romanian citizen parent. Birth registration was not universal, and some children were denied public services as a result. The most common reason that children were not registered at birth was that parents did not declare the child's birth to authorities, sometimes because the parents lacked identity documents or residence papers, or because the birth took place abroad in countries where parents were present illegally. Most such children had access to schools, and authorities assisted in obtaining birth documents for unregistered children. However, the education of unregistered children depended on the decision of school authorities. Undocumented children also faced difficulties in getting access to health care.

There were reports that Romani children were effectively segregated from non-Romani students and subject to discriminatory treatment (see section 6, National/Racial/Ethnic Minorities).

Child abuse and neglect continued to be serious problems, and public awareness of them remained poor. The media reported several severe cases of abuse or neglect in family homes, foster care, and child welfare institutions. According to the DGPC, during the first nine months of the year, child welfare services identified 8,142 cases of child abuse, neglect, and exploitation. These findings resulted in the provision of rehabilitation services in 5,103 cases, medical services in 331, educational services in 529, and legal assistance in 3,164. Of the 2,281 children who were identified as abused during this period, authorities separated 323 from the abusive families. During the year the Ministry of Labor, Family, and Social Protection started to implement a project costing 14.3 million euros (approximately \$19 million), jointly funded by the government and the Development Bank of the Council of Europe. The project's goal is to develop a community-based services network at local levels to prevent the separation of children from their families and to reintegrate children already separated from their families.

In the first nine months of the year, according to official statistics, parents abandoned 1,015 children in maternity hospitals. NGOs claimed that the official statistics did not accurately account for many abandoned children and that many children living in state institutions were never officially recognized as abandoned.

According to DGPC, at the end of September there were 808 homeless children nationwide. NGOs working with homeless children believed there were two or three times that number. NGOs noted that the number of homeless children declined but only because many of the children reached adulthood--they remained on the streets.

In most cases the legal age of marriage is 18, although girls as young as 15 may legally marry in certain circumstances. Illegal child marriage was common within certain social groups, particularly the Roma. There was no estimate regarding the extent of the practice, and information about individual cases surfaced only from time to time in the media. In September the Pro Europa League, a human rights NGO working on a project on early or forced marriages financed by the Ministry of Health, reported that while such marriages continued to take place in some Romani communities, they declined in number.

Trafficking in girls remained a problem. According to the Ministry of Administration and Interior, 99 of the 379 victims of trafficking reported during the first half of the year were girls. There also were isolated cases of children who prostituted themselves for money without third-party involvement.

The criminal code stipulates three- to 10-year jail sentences for sexual acts with minors under 15 years of age, the age of consent. The display, selling, dissemination, renting, distribution, and production of child pornography is punishable by five to 10 years in jail and, if coercion is used, by 15 to 20 years in jail.

While the law prohibits the abuse and neglect of children, the government has not established a mechanism to identify and treat abused and neglected children and their families.

The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information on international parental child abduction, please see the Department of State's annual report on compliance at [http://travel.state.gov/abduction/resources/congressreport/congressreport\\_4308.html](http://travel.state.gov/abduction/resources/congressreport/congressreport_4308.html).

According to Hope and Homes for Children Romania, the country's branch of a British NGO, which works in partnership with the government to close orphanages, 256 orphanages in the country housed 11,000 children. The NGO noted that conditions in the orphanages improved with the support of EU funding and assistance from NGOs working in the field of child protection. However, staffing in orphanages remained insufficient, and the self-financing of such institutions was limited. In October a group of British journalists visited an orphanage in Bistrita and noted improper living conditions, malnourished children who were sedated or tied to their beds, and the absence of sufficient activity for the children. Media reported instances in which children from orphanages were reportedly kidnapped and sold to human traffickers who then forced them to steal and beg in Italy.

### Anti-Semitism

According to the 2002 census, the Jewish population numbered 5,785. Acts of anti-Semitism, including vandalism against Jewish sites, continued during the year with no appreciable change in the range of 10-12 per year of previous years. In most cases the Federation of Jewish Communities notified authorities, but perpetrators were often not identified.

The NGO Center for Monitoring Anti-Semitism in Romania (MCA Romania) continued to criticize authorities for playing down anti-Semitic vandalism, usually attributing the acts to children, drunks, or persons with mental disorders. MCA

Romania noted that Jewish establishments appeared to be targets of choice for vandals and asserted that police investigations of such acts were not thorough. MCA Romania also criticized the lack of prosecutions that might deter future acts. During the year independent observers reported the existence of swastikas on the elevator doors and walls of some blocs of apartments as well as on the fence of a school in Bucharest.

On April 13, unidentified individuals stole property from the administrative building of a Jewish cemetery in Bucharest. On April 16, unidentified individuals broke into the chapel of the stone-carving workshop of a different Jewish cemetery in Bucharest. In both cases the Jewish Communities Federation filed complaints with Bucharest police. There were no developments in these cases by year's end.

In April local media reported that unidentified individuals drew swastikas on the walls of several buildings and a memorial in Galati and that the local authorities attributed the vandalism to rebellious teenagers, not pro-Nazi individuals.

During the night of May 3, a group of young persons threw stones at the house of the guard of the Jewish cemetery in Craiova. A member of the Jewish community called police, who took steps to restore order in the area. There were no reports of arrests.

In July the National Bank of Romania (BNR) issued a commemorative coin depicting late Patriarch Miron Cristea, who led the Romanian Orthodox Church between 1925 and 1939 and was prime minister from 1938 to 1939. During the latter period Cristea was responsible for revising the citizenship law, stripping approximately 225,000 Jews of their Romanian citizenship. Many of these persons subsequently died during the Holocaust. MCA Romania, the National Institute to Study the Romanian Holocaust Elie Wiesel, the Holocaust Memorial Museum of Washington, the Anti-Defamation League, and other organizations unsuccessfully urged the BNR to withdraw the coin. Both the BNR and the Orthodox Church argued that the coin was part of a collectors' series of five coins (featuring five late patriarchs) celebrating the Orthodox Church's 125th anniversary. The BNR established a commission to study the issue. On August 19, the commission decided not to withdraw the coin on the grounds that the coin "should not be related to Patriarch Cristea's short activity as prime minister."

In October and November, MCA Romania addressed letters to the Gendarmerie units in Galati and Constanta, requesting that their local troop regiments, which bore the names of two generals who were war criminals involved in the deportation

of Jews during the World War II, be changed. In November the Gendarmerie units in both localities responded that they had started the procedures necessary to change the names.

On October 25, the prosecutor's office of the Constanta Court of Appeals decided not to prosecute Constanta Mayor Radu Mazare for marching onto a public stage dressed as a Nazi officer, accompanied by his 15-year-old son dressed as a Nazi soldier. The incident occurred in July 2009 at a fashion show at the beach resort of Mamaia. During the year before the decision, authorities closed the case and then reopened it and referred it to the Constanta branch of the Division in Charge of Organized Crime and Terrorism (a specialized department of the Prosecutor General's Office). The investigating prosecutor's decision to close the case definitively after concluding that Mazare's gesture was not a crime since it was committed in the interest of art.

There were no reported developments in the 2008 desecration of 131 gravestones in a Jewish cemetery in Bucharest, in which the police named as suspects four students ages 13 to 15, or in the April 2009 desecration of 20 gravestones in a Jewish cemetery in Botosani, in which police suspected four 14- to 16-year-old students.

Extremist organizations occasionally held high-profile public events with anti-Semitic themes. The New Right Organization, the Professor George Manu Foundation, and the Party for the Nation continued to sponsor events, including religious services, symposia, and marches, commemorating leaders of the pre-World War II era Legionnaire Movement. Such events took place during the year in Sibiu on January 13 and May 25, Braila on March 14, Ramnicu Sarat on September 22, and Tancabesti on November 28. They attracted small numbers of persons.

On May 13, four Greek Catholic priests in Dragomiresti, Maramures County, dedicated a memorial cross commemorating heroes of both world wars and anticommunist fighters, many of them pro-Nazi and anti-Semitic legionnaires. The family of an anticommunist fighter erected the cross.

On June 15, the 121st anniversary of the death of national poet Mihai Eminescu, Greater Romania Party (PRM) Secretary General Gheorghe Funar stated that Eminescu was killed by Jews who did not like his political writing and poems. He added that a Jewish doctor poisoned the poet with mercury. The executive director of the National Institute to Study the Romanian Holocaust Elie Wiesel labeled the

statement anti-Semitic and underscored that Funar did not offer any evidence to support his allegations.

MCA Romania and the National Institute to Study the Romanian Holocaust Elie Wiesel criticized a Romanian documentary film entitled *The Portrait of the Fighter as a Young Man*, which was produced with state funding and shown at several international festivals. The film presented the activity of an anti-Communist group led by Ion Gavrilă Ogoranu, a member of the right-wing, fascist Legionnaire Movement.

MCA Romania repeatedly warned that anti-Semitic, racist, xenophobic, and nationalistic views continued to be distributed via the Internet.

During the year the extremist press continued to publish anti-Semitic articles. The New Right movement and similar organizations and associations continued to promote the ideas of the Iron Guard (an extreme nationalist, anti-Semitic, pro-Nazi group that existed in the country in the interwar period) in the media and on the Internet. Organizations with extreme right-wing views also republished inflammatory books from the interwar period.

During the year the publications of the extreme nationalist PRM headed by Corneliu Vadim Tudor continued to carry statements and articles containing strong anti-Semitic attacks.

The law prohibits denial of the Holocaust in public; however, there were no prosecutions under this statute during the year.

During the year public and private television stations broadcast talks shows that expressed anti-Semitic views and attitudes. On November 13, during a talk show televised nationally, well known journalist Ion Cristoiu spoke about Corneliu Zelea Codreanu, the founder of the Legionnaire Movement, who was widely known for harsh anti-Semitism and violence. Cristoiu stated that Codreanu had been "the most honest and honorable Romanian politician from the interwar period" and called him a "Romantic hero." MCA Romania criticized the show and its producer. Several dozen intellectuals and public figures encouraged the president of the national television station, Alexandru Lazescu, to dissociate the station from Cristoiu's statements. In his reply Lazescu regretted that Cristoiu's statements hurt the feelings of those who had been affected by the violence, anti-Semitism, and crimes against mankind of that "black period" of the country's history, "for which the Legionnaire Movement is considered responsible." Lazescu noted that the

television's Ethics and Arbitration Commission would consider this issue. On December 9, the National Audiovisual Council publically admonished the national network for having violated the principle of maintaining the balance by providing a plurality of opinions.

Extremists such as Ion Coja, a professor at the University of Bucharest, continued to deny publicly and on the Internet that the Holocaust occurred in the country and that the country's leader during World War II, Marshal Ion Antonescu, participated in Holocaust atrocities in territory administered by the country.

The government continued to make progress in its effort to expand education on the history of the Holocaust in Romania. The study of the Holocaust is included in history courses in the seventh, ninth, 11th, and 12th grades. On various occasions throughout the year, high-level officials continued to make public statements against extremism, anti-Semitism, xenophobia, and Holocaust denial.

The law to combat anti-Semitism and to prohibit fascist, racist, and xenophobic organizations includes the oppression of the Roma as well as the Jews in its definition of the Holocaust.

#### Trafficking in Persons

For information on trafficking in persons, please see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

#### Persons with Disabilities

The law prohibits discrimination against all persons in employment, education, access to health care, or the provision of other services. However, the government did not fully implement the law, and discrimination against persons with disabilities remained a problem.

The law mandates accessibility for persons with disabilities to buildings and public transportation. In practice the country had few facilities specifically designed to accommodate persons with disabilities, and persons with disabilities could have extreme difficulty navigating city streets or gaining access to public buildings. However, the number of buildings with facilities for persons with disabilities did increase during the year.



According to reports by human rights NGOs, the procedures for commitment, the living conditions, and the treatment of patients in many psychiatric wards and hospitals did not meet international human rights standards and were below professional norms.

In August the CPT issued a report on its follow-up visit to the Nucet Social-Medical Center and Oradea Psychiatric Hospital. At Nucet the delegation found a lower death rate among patients than in 2006 during their last visit, but also continuing indications of neglect such as apparently underweight patients and the lack of inquests into the deaths of some of them. It recommended that patients be given more private space for their possessions and more opportunity to walk around outside. At Oradea the CPT delegation found significant improvements in the juveniles' section but continued poor maintenance, poor sanitary conditions, and understaffing in the adult section.

In October the CRJ expressed concern about the government's failure to consult with the representatives of persons with disabilities on matters that could have an impact on their right to life and dignity. The CRJ urged the prime minister to consult on draft legislation involving persons with disabilities.

Twice during 2009 the CRJ visited 16 state institutions for persons with mental disabilities (psychiatric wards and hospitals) to assess whether human rights were being observed. In most such institutions the CRJ found overcrowding; underqualified staff; inadequate staff knowledge of the legal requirements regarding such institutions; shortages of staff and medicines; insufficient food; violation of patient privacy; patient neglect; failure to observe patients' human dignity; failure to implement the procedures to resolve the patient complaints; failure to implement regulations regarding involuntary institutionalization and informed consent; patients unaware of their rights; disregard for the legal regulations governing the detention and isolation of patients (for example, patients were tied to their beds for long periods of time); excessive sedation of patients; poor hygienic conditions; and lack of activities and recreational programs. There was no information regarding the government's response to these findings.

In September 2009 the media reported that a patient in the psychiatric ward in Poiana Mare died following the alleged ingestion of a disinfectant. The hospital was known for its particularly poor conditions and the fact that more than 150 patients died there in 2002-2004. In May, after repeated complaints by 13 psychiatric doctors at the institution who accused its director of poor management of the hospital's funds, lack of interest in procuring equipment and medication, and

failure to punish the auxiliary staff for inadequately treating patients, the hospital fired the director. The facility continued to operate at full capacity at the end of the year.

During the year there were no reports that the government took action to close or to improve the situation of patients in several state institutions for persons with disabilities where harsh conditions were the subject of a BBC documentary in December 2009.

During the year the government, through the DGPC, started a project to implement good practices to assist children and young persons with special needs in state institutions.

Some minors were sent to psychiatric hospitals without the consent of their legal guardians. According to human rights NGOs, there was no system to ensure that government-run care institutions observed the rights of children with mental disabilities.

#### National/Racial/Ethnic Minorities

Observers estimated that there were between 1.8 and 2.5 million Roma in the country, approximately 10 percent of the total population. However, the most recent official census, taken in 2002, reported 535,000 Roma, or 3 percent of the population. An August 2008 government survey estimated that Roma numbered approximately 1.2 million, or 5.7 percent of the population. According to NGOs, earlier government figures were low because many Roma either did not reveal their ethnicity or lacked any form of identification.

Discrimination against Roma continued to be a major concern. Romani groups complained that police brutality, including beatings and harassment, was routine. Both domestic and international media and observers widely reported societal discrimination against Roma.

On October 24, some villagers set a Romani family's house on fire in the village of Rares (Harghita County). The fire started at a stable, killing a horse and 10 poultry, with material damages amounting to 40,000 lei (\$12,500). Villagers complained that they had filed complaints about the Romani family repeatedly, and the police did not resolve them. The Romani family fled the house after the incident. At the end of the year three villagers were under investigation by the police for violation of domicile and destruction of property.

Stereotypes and use of discriminatory language against Roma were widespread; journalists and several senior government officials made statements that were viewed as discriminatory by members of the Romani community. In February a press release by the Ministry of Foreign Affairs stated that, during a meeting with a French state secretary, Foreign Minister Teodor Baconschi mentioned the "natural, physiological crime problems in some Romanian communities, in particular, within the communities of Romanian citizens of Romani origin." Several NGOs labeled the speech racist due to the association of Roma with crime, demanded Baconschi's resignation or dismissal, and filed a complaint with the CNCD. Several days later, during a meeting with representatives of the Roma, Baconschi reportedly mentioned a meeting he had with Romani intellectuals several years earlier and stated "you can say anything about them, but not that they are imbeciles." In November the CNCD decided that Baconschi's statement was discriminatory, admonished him, and recommended that he speak more carefully in the future.

On March 9 and September 28, Member of the European Parliament Gigi Becali, leader of the right-wing New Generation Party and owner of the Bucharest soccer team Steaua, called George Copos, the owner of a rival team, Rapid, a "Gypsy." On March 15, Becali stated that without Rapid the "national soccer championship would be whiter," an allusion to the fact that the Rapid Soccer club is located in a Romani neighborhood. The management of Rapid urged the CNCD to punish Becali's statements. The CNCD had fined Becali for calling Rapid's fans "Gypsies" in November 2009; Becali challenged the fine in court, and the hearing, which began in June, did not conclude by year's end. Racist slogans were frequently displayed during soccer games across the country.

In June the CNCD admonished Iulian Urban, the vice president of the Senate's Legal Committee, for discrimination against the Roma for posting anti-Romani messages on his blog in 2009. Upon hearing about the CNCD admonition, Urban stated, "The Gypsies have defeated me," and stated that he would challenge the decision in court.

On September 8 and 9, in interviews on national television and radio, President Basescu stated that the decision to change the name of "Gypsy" to "Roma" was wrong because it generates confusion among Europeans. Magdalena Matache, the director of Romani CRISS, stated that the president's statements could contribute to negative attitudes toward Roma.

In an interview with B1 television in September, President Basescu, speaking of France's expulsion of Roma, insinuated that the country's Roma allowed their children to beg while the parents were often stealing, "What they do here, they wanted to do in France as well." He also was quoted as saying, "It seems that there are Gypsies who believe that moving from one place to another means to work."

In September a member of the Chamber of Deputies, Silviu Prigoana, submitted to the Senate a legislative initiative proposing to use the word "Gypsy" instead of "Roma" in the official documents. While the Ministry of Foreign Affairs, the National Roma Agency, the Ministry of Culture, the Interethnic Relations Department, the government's Secretariat General, and the CNCD opposed the bill, the Romanian Academy voiced its support, arguing that the term "Gypsy" represents the "correct name of this transnational population." On November 30, approximately 200 persons participated in a protest organized by six Romani NGOs in front of cabinet headquarters. The media reported on December 5 that the government would back the legislation.

On September 22, during a debate in the Senate on a draft law regarding the commemoration of the Roma's emancipation from slavery, lawmaker Puiu Hasotti stated that the Roma themselves asked to be enslaved when they were no longer able to pay their taxes. He denied that the term Gypsy was pejorative, adding that well known artists have used the term in their songs and paintings, and that many European nations continue to use the term.

In October former professional tennis player Ilie Nastase stated publicly that he supported the French president's policy of sending Roma back to their home countries, adding that he would send Romania's Roma to the ethnic-Hungarian-majority county of Harghita "to change the ethnic configuration of this region." In December the CNCD fined Nastase 600 lei (\$187) for his discriminatory statements.

During an official visit to Slovenia on November 3, President Basescu stated that the country had failed to integrate nomadic Roma, which was difficult since "very few of them want to work." He added that "many of them traditionally live on what they steal." David Mark, executive director of Roma Civil Alliance, an umbrella organization of Romani NGOs, stated that Basescu's statement was "full of racial prejudices." The CRJ criticized the president's statements, which it stated harmed the dignity of Roma and were profoundly discriminatory.

There were no developments in the criminal complaint filed with the prosecutor's office by Romani CRISS regarding an incident in April 2009 when fans of the Dinamo soccer team shouted anti-Romani slogans and displayed anti-Romani banners during a game against the rival team Rapid.

In the November 2009 complaint against First Vice President Ludovic Orban of the National Liberal Party, who publicly referred to Roma as Gypsies, the CNCD ruled in December that his statement was discriminatory and sanctioned him with an admonition.

According to media reports, evictions of members of the Romani community continued to occur in Bucharest, Timisoara, Resita, and other localities during the year. In January, Amnesty International alleged that, because of forced evictions, Roma had no option but to live next to garbage dumps, sewage treatment plants, or industrial areas on the outskirts of cities. In the evictions and resettlements they lost their possessions, social networks, and access to work and state services. In July, Amnesty International urged the local authorities of Baia Mare to stop their planned eviction of the approximately 1,100 Roma from the settlement of Craica, where the Roma had built illegal houses and cardboard huts on public land. In November the vice mayor of Baia Mare stated that the Roma from Craica would be moved next spring to a newly built area.

NGOs reported that Roma were denied access to, or refused service in, many public places. Roma also experienced persistent poverty, poor access to government services, a shortage of employment opportunities, high rates of school attrition, inadequate health care, and pervasive discrimination. According to the year's Social Inclusion Barometer, 45 percent of Roma who work did not have a stable job. NGOs and the media reported that discrimination by teachers and other students against Romani students served as an additional disincentive for Romani children to complete their studies.

Despite a March order by the Ministry of Education forbidding segregation of Romani students, there were reports of Romani children's being placed in the back of classrooms, of teachers ignoring Romani students, and of unimpeded bullying of Romani students by other schoolchildren. In some communities authorities placed Romani students in separate classrooms or even in separate schools. During 2009 Romani CRISS identified school segregation cases in Albeni, Corabia, Cugir, and Polovraci. The NGO also filed complaints with the CNCD regarding a case in Magheru, identified in 2009, in which a kindergarten teacher refused to enroll twin Romani children for several years. In December 2009 Romani CRISS began a

project, planned for 90 schools, through which Romani and non-Romani students, parents, and the teaching staff would participate in intercultural activities. The NGO Ovidiu Rom worked to assist and encourage Romani children in the school enrollment process. The NGO also continued its national public awareness campaign "scoala te face mare" ("school makes you great"), which it started in June 2009, to promote the importance of school enrollment to families and children. During the year the main goal of "Scoala te face mare" was to encourage early education and convince parents to send their children to kindergarten.

A research project by the Impreuna Agency for Community Development conducted in April and May in 100 schools revealed that Romani children received lower quality education, experienced discrimination from both non-Romani colleagues and the teaching staff, were segregated, and had a higher dropout rate than non-Romani students (6.7 percent of Romani children, compared to 4.3 percent of non-Romani students). The main reasons for dropping out of school were material shortages such as lack of school supplies and clothes (44 percent), poor grades (16 percent), lack of the parental interest in sending their children to school (9 percent), and early marriage (4 percent).

Roma also experienced difficulty accessing health care. In 2009 Romani CRISS filed a complaint with the CNCD against a family doctor in the village of Vartop, who allegedly refused to treat Romani patients or treated them superficially. In 2009 Romani CRISS reported that, in the maternity wards in Cluj and Galati, there were instances of hospital employees' entering "Gypsy" in a child's birth certificate under "nationality of the mother," even though these individuals were Romanian citizens. Romani CRISS filed complaints with the CNCD.

In May, July, and September 2009, the Romani Center for Health Policies SASTIPEN (SASTIPEN) filed complaints against a gynecologist at the hospital in Targu Neamt, Neamt County, for allegedly denying access to medical services to three Romani women. Based on the October 2009 decisions of an investigative commission and the ethics council of the hospital (which considered only one of the three cases), the county's Doctors' Council initially decided in October 2009 not to investigate the cases and in April exonerated the doctor of any responsibility. On August 30, SASTIPEN challenged the Doctors' Council's decision, and on November 2, the case was sent to the higher Commission of Discipline of the National Doctors' Council, where it remained at year's end. In 2009 SASTIPEN also filed a separate complaint with the CNCD. On July 7, the CNCD resolved one of the September 2009 complaints, deciding that the doctor's behavior was discriminatory and sanctioning him with an admonition.

A project to assess the access of Roma to public health care, developed by SASTIPEN and the Bucharest-based Institute for Public Health, revealed that, although 87 percent of the respondents declared they have a family doctor, access to medical services remained low due to lack of financial resources, discrimination on the part of medical personnel, and the Roma's own lack of awareness about access to public health care services. The project studied 45 Romani communities between November 2009 and November 2010.

A Romani CRISS survey of 935 doctors conducted in the spring indicated that about 70 percent of Roma go to family doctors only in the case of an acute disease and only 9.2 percent have medical check-ups.

Romani communities were largely excluded from the administrative and legal systems. According to Open Society Institute (OSI) research conducted in 2007, 4.9 percent of Roma lacked birth certificates. Among non-Romani citizens, fewer than 1 percent lacked birth certificates. Similarly, surveys in 2007 and 2008 indicated that between 1.9 and 6 percent of Roma lacked identity cards, compared to 1.5 percent of non-Roma. During 2009 the Ministry of the Administration and Interior issued identity cards and civil status documents to 16,470 persons, of whom 1,752 were Roma. The lack of identity documents excluded Roma from participating in elections, receiving social benefits, accessing health insurance, securing property documents, and participating in the labor market. Roma were disproportionately unemployed or underemployed. According to the Barometer for Social Inclusion 2010, 60 percent of Romani households lived on less than the minimum wage. The average monthly income of Romani households was 657 lei (\$205).

NGO observers noted Romani women faced both gender and ethnic discrimination. Romani women often lacked the training, marketable skills, or relevant work experience to participate in the formal economy. According to a 2006 OSI report, only 26 percent of Romani women interviewed were part of the workforce. The average monthly income of Romani women surveyed was 106 lei (\$33).

Romani CRISS and the Impreuna Agency for Community Development criticized the ineffectiveness of the government's 2001-2010 national strategy for the improvement of the situation of Roma.

According to government reports, 88 projects subsidized by the European Social Fund and aimed mostly at the social integration of the Romani persons were in

progress at the end of the year. A total of 216,358,433 euros (\$290 million) was allocated to these projects.

The National Agency for Roma is tasked with coordinating public policies for Roma. Romani NGOs, however, criticized the scope of this agency's responsibilities, noting that they are too broad and often overlap with the activities of other government bodies.

According to the most recent census, from 2002, ethnic Hungarians are the country's largest ethnic minority with a population of 1.4 million.

In the Moldavia region, where the Roman Catholic, Hungarian-speaking Csango minority resides, the community continued to operate government-funded Hungarian-language classes. According to the Association of Csango Hungarians in Romania (AMCM), 986 students in 16 localities received Hungarian-language classes during the 2010-11 academic year. In 24 localities the AMCM sponsored daily educational activities in the Hungarian language. In some other localities, such as Luizi Calugara and Tuta, requests for Hungarian language classes were denied. The AMCM complained that there was no Hungarian-speaking school inspector at the School Inspectorate of Bacau County.

Internet discussion forums continued to include discrimination and hate speech most frequently targeting Jews, ethnic Hungarians, Roma, and LGBT individuals in discussion forums during the year.

#### Societal Abuses, Discrimination, and Acts of Violence Based on Sexual Orientation and Gender Identity

The law prohibits discrimination based on sexual orientation; however, NGOs reported that police abuse and societal discrimination against lesbian, gay, bisexual, and transgender (LGBT) persons was common and that open hostility prevented the reporting of some harassment and discrimination. Members of the gay and lesbian community continued to voice concerns about discrimination in public education and the health care system. During the year the NGO ACCEPT provided legal and health counseling dealing with transgender issues to 12 persons. The NGO reported that the number of complaints by members of its community about harassment of gay men by authorities increased during the year. Several members reported that police and gendarmerie raids took place in public places known to be meeting areas for gay men, and that police behavior was abusive. These raids mostly occurred in public parks, with police or gendarmes asking all



men to show their identification, questioning them about the reason for their presence, making offensive comments regarding homosexuality, and threatening to arrest them.

During the year several individuals complained to ACCEPT that police raided the Bucharest North Railway Station and the surrounding neighborhood and abused persons they suspected of being gay. Complainants stated police used offensive language regarding their sexual orientation, handcuffed them, threatened or used physical violence such as beatings, forced them to clean toilets, and fined them for disturbing public order. According to one individual who requested legal assistance from ACCEPT, police did not show their identification badges.

After a four-year-long lawsuit, a court ruled in November that the National Administration of Penitentiaries should pay moral compensation amounting to 50,000 euros (\$67,000) for discrimination based on sexual orientation. An individual represented by ACCEPT filed a lawsuit against the National Administration of Penitentiaries in 2006 complaining that the institution had failed to protect him from acts of sexual violence, harassment, threats, and discrimination committed by fellow prisoners while he was in jail in 2004-05.

No developments were reported in the February 2009 beating and assault on a transgender person in Bucharest or the reported verbal abuse of the same person by taxi drivers in March 2009.

There were two officially registered LGBT organizations, ACCEPT and LGBTeam. Other LGBT groups lacked legal status and generally kept a low public profile.

On May 22, between 200 and 300 persons participated in the annual "march of diversity" gay pride parade in Bucharest. Local authorities mobilized approximately 400 police to protect the participants, and the parade ended without violent incidents. There were some claims that individuals who wanted to participate in or watch the parade were discouraged from doing so because of the police barricades. The New Right, an extreme-right nationalistic group opposed to homosexuality and claiming a Christian orientation, sponsored a "march for normalcy" antigay rally on the same day as the march for diversity, but at a different time and location. They chanted virulently antigay slogans. Prior to May 22, a group of NGOs called for a ban on the gay parade. Some of these NGOs, including the Alliance of Families from Romania and the Christian Orthodox Forum, sponsored a "march for the family," which gathered approximately 150

participants. The Orthodox Church criticized both the gay parade and the New Right march, saying that both organizations sought publicity and did not have the church's blessing. A senator, Iulian Urban, called the gay pride parade a "direct threat to the Romanian family."

In February, EU Parliamentarian Gigi Becali, the owner of the Steaua soccer team, stated that he would not accept the transfer of a soccer player to Steaua because he was allegedly gay. ACCEPT filed a complaint with the CNCD. In April during a press conference, Becali tore up the notification received from the CNCD regarding this complaint and declared, "There will never be any homosexual player at Steaua." In December the CNCD admonished Becali for statements defaming the gay community.

#### Other Societal Violence or Discrimination

Under the law HIV-infected persons have the right to confidentiality and to adequate treatment. However, discrimination against persons with HIV/AIDS impeded access to routine medical and dental care, and authorities rarely enforced laws prohibiting this form of discrimination. Breaches of confidentiality involving individuals' HIV status were common and rarely punished.

Observers noted widespread discrimination faced by children with HIV/AIDS and authorities' failure to protect them from discrimination, abuse, and neglect.

Doctors reportedly refused to treat children and youths with HIV/AIDS. Medical personnel, school officials, and government employees did not maintain confidentiality of information about the children.

More than half of HIV-infected adolescents were sexually active; they frequently experienced reduced access to facilities for reproductive health care and the prevention of HIV and sexually transmitted infections. The government provided access to antiretroviral therapy; however, stigma and discrimination against persons with HIV/AIDS frequently impeded their access to education, other medical care, government services, and employment. Fewer than 60 percent of HIV-positive children and adolescents attended some form of schooling.

According to the National Commission Fighting against AIDS, at the end of the year 10,924 persons had HIV/AIDS. During the year 275 new cases were identified. According to the National Union of Organizations of Persons with HIV/AIDS (UNOPA), of the 10,000 HIV-positive persons in the country, more

than 7,000 were between the age of 18 and 22. Many of them were targets of social discrimination. Many of these individuals were believed to have a low level of formal education because they dropped out of school due to stigmatization, discrimination, or disease. UNOPA carried out a project aimed at giving vocational training to HIV-positive young persons in order to help them find jobs.

In a report published in June that assessed the situation of HIV-positive persons, UNOPA concluded that many of these persons had to discontinue treatment because of the insufficient funds for HIV medications from the National Health Insurance House. The report also revealed difficulties in accessing dental and gynecology services. According to UNOPA only a small number of HIV-positive persons had jobs because of their fear of applying for work and their belief that coworkers might find out about their disease or that they were not up to the challenges of regular work.

In September 2009 an NGO filed a complaint with the Iasi Doctors' Council and the CNCD against a doctor who refused to issue a document required to assign a place in a student hostel to an HIV-positive student, arguing the risk of contamination. Although the Doctors' Council ruled the doctor's action did not constitute an unethical or discriminatory act, the CNCD decided in November 2009 that the act in question was discriminatory and sanctioned the doctor with an admonition.

### Incitement to Acts of Discrimination

There were no reports of propaganda in government or government-controlled media that attempted to justify or promote ethnic hatred or violence. However, various government officials made statements throughout the year that contributed to ethnic stereotyping of Roma (see section 6, National/Racial/Ethnic Minorities).

## Section 7 Worker Rights

### a. The Right of Association

The constitution allows workers to form and join independent labor unions without prior authorization, and workers freely exercised this right. However, employees of the Ministry of National Defense, most employees of the Ministry of Administration and Interior, most employees of the Ministry of Justice, prison personnel, and intelligence personnel did not have the right to unionize.

Approximately 40 percent of the workforce was unionized; however, that number continued to decline. The majority of unionized workers belonged to one of the five main national trade union confederations. Only a small percentage of agricultural workers belonged to unions.

The right to form unions was generally respected in practice. Union officials stated that registration requirements stipulated by law were complicated but generally reasonable. However, unions objected to the requirement that they submit lists of prospective union members with their registration application. Since employers also had access to this list, union officials feared that this could lead to reprisals against individual unionized employees, hindering the formation of new unions.

The law allows unions to conduct their activities without interference, and the government protected this right in practice. However, unions complained about excessive political influence at workplaces in public institutions. The alleged interference included appointment of managers for political reasons and instances where politically connected managers received prior information about supposedly unannounced labor inspections.

Although the law permits strikes by most workers, lengthy and cumbersome requirements made it difficult to hold strikes legally. Unions may strike only if all arbitration efforts have failed and employers are given 48 hours' notice. Unions complained that they must submit their grievances to government-sponsored arbitration before initiating a strike and that the courts had a propensity to declare strikes illegal. Companies may claim damages from strike organizers if a court deems a strike illegal. Judges, prosecutors, some justice ministry staff, and employees of the intelligence service and the Ministries of National Defense, and Administration and Internal Affairs do not have the right to strike.

#### b. The Right to Organize and Bargain Collectively

The law provides workers the right to bargain collectively, but government control of many industrial enterprises and the absence of independent management representatives hindered collective bargaining. Only enterprises employing more than 21 persons may negotiate collective agreements. Collective labor contracts covered approximately 80 percent of the workforce at the branch and unit levels. National collective labor contracts are negotiated every four years. The main employers' associations, trade unions, and the government last negotiated a national collective labor contract for 2007-2010. However, contracts resulting from collective bargaining were not consistently enforced.

The law has specific provisions against antiunion discrimination, which were generally respected. However, the International Trade Union Confederation reported that some companies, including foreign companies, employed tactics such as spreading antiunion propaganda, intimidating trade union members, and making employment conditional on a workers' agreement not to join a union. Public sector employees of one union federation informed the union that management had threatened them not to join street protests. Unions stated that many public and private sector employees were afraid to pursue disputes in court for fear of losing their jobs.

There are no exemptions from regular labor laws in the country's six free trade zones and 31 disadvantaged zones.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. Persons, primarily local women and children, and women and children from Moldova, Colombia, and France, were trafficked within and to the country for begging, and petty theft. Also see the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

d. Prohibition of Child Labor and Minimum Age for Employment

There are laws to protect children from exploitation in the workplace; however, the government did not consistently enforce these laws in practice, and child labor occurred.

The minimum age for most forms of employment is 16 years, but children may work with the consent of parents or guardians at age 15. The law prohibits minors from working in hazardous conditions. The law provides a basis for the elimination of hazardous work for children and includes a list of dangerous work and sanctions for offenders. Parents whose children carry out hazardous activities are required to attend parental education programs or counseling and can be fined between 100 and 1,000 lei (\$32 to \$320) for failure to do so. Persons who employ children for hazardous tasks can be fined 500 to 1,500 lei (\$156 to \$468).

Minors over the age of 15 who are enrolled in school are also prohibited from performing activities that might endanger their health, morality, or safety. The activities are included on a list approved in 2007 pursuant to an EU directive.

Children under the age of 16 who work have the right to continue their education, and the law obliges employers to assist in this regard. Children aged 15 to 18 may only work six hours per day and up to 30 hours per week, provided their school attendance is not affected. In practice, however, reports indicated that many children did not attend school while working. Minors cannot work overtime or during the night, and they have the right to an additional three days of annual leave.

Child labor, including begging, selling trinkets on the street, and washing windshields, remained widespread in Romani communities, especially in urban areas. Children as young as five engaged in such activities.

The DGPC in the Ministry of Labor, Family, and Social Protection is mandated with monitoring and coordinating all programs for the prevention and elimination of the worst forms of child labor.

Of the 964 confirmed cases of child labor reported in 2009, 604 (62.7 percent) were in urban areas and 360 (37.3 percent) in rural areas; 434 of the victims were girls (45 percent) and 530 were boys (54 percent); 749 victims (77.7 percent) were under 14 years of age and 215 (22.3 percent) were between 15 and 18. The confirmed cases involved bonded labor (65 cases), begging (642 cases), victims of domestic trafficking (42 cases), external trafficking (29 cases), working without a labor contract (44 cases), forced labor (45 cases), prostitution (23 cases), working in the street (41 cases), and other illicit activities (22 cases). See also the Department of State's annual *Trafficking in Persons Report* at [www.state.gov/g/tip](http://www.state.gov/g/tip).

The Ministry of Labor, Family, and Social Protection can impose fines and close factories for child labor exploitation. However, enforcement of all but extreme violations tended to be lax. Employers who violated child labor laws were generally fined by the Labor Inspectorate but were not prosecuted in court. There were no reports during the year of anyone being charged in court with violating child labor laws; in practice judges did not consider violations of the child labor law to be criminal offenses.

The law requires schools to notify social services immediately if children miss class to work. Social services have the responsibility to reintegrate such children into the educational system. The government conducted information campaigns to raise awareness of child labor and children's rights among children, potential employers, school officials, and the general public.

e. Acceptable Conditions of Work

Beginning in January 2009 the gross minimum wage was 600 lei (approximately \$187) for a full-time schedule of 170 hours per month, or approximately 3.75 lei (\$1.17) per hour. The minimum wage for skilled workers was 20 percent higher. During the year the minimum wage was briefly raised to 705 lei (\$220 a month), then reduced to the previous level of 600 lei (\$187) in order to comply with the country's agreement with the International Monetary Fund (IMF).

In the first six months of the year, based on a new Unitary Salary Law that came into force on January 1, the minimum wage for public sector employees was 705 lei (\$220) per month. Following the country's agreement with the IMF, the government invoked a constitutional provision for enacting special temporary measures under extraordinary circumstances to cut salaries of public sector employees by 25 percent as of July 1.

The minimum monthly wage did not provide a decent standard of living for a worker and family. The Ministry of Labor, Family, and Social Protection successfully enforced minimum wage rates. In practice many employers paid supplemental salaries under the table to reduce both the employees' and employers' tax burdens. However, this practice negatively affected employees' future pensions and their ability to obtain commercial credit.

The law provides for a standard workweek of 40 hours or five days. Workers are entitled to overtime pay for weekend or holiday work or work in excess of 40 hours, which may not exceed 48 hours per week averaged over one month. The law requires a 24-hour rest period in the workweek, although most workers received two days off per week. The Ministry of Labor, Family, and Social Protection effectively enforced these standards. Union leaders complained that overtime violations were the main problem facing their members, since employees were often required to work more than the legal maximum number of hours and the overtime compensation required by law was not always paid. This practice was especially prevalent in the textile, banking and finance, and construction sectors. Union officials alleged that a majority of on-the-job accidents occurred during such compulsory, uncompensated overtime.

The law provides penalties for work performed without a labor contract in either the formal or informal sectors of the economy. Employers who use illegal labor may be jailed or fined up to 100,000 lei (\$31,200). During the year enforcement was lax, due not only to corruption within the Labor Inspectorate but also because

both employers and employees could benefit from lower taxes by working without a labor contract or by receiving a supplemental salary under the table.

The Ministry of Labor, Family, and Social Protection is responsible for establishing and enforcing safety standards for most industries but lacked trained personnel to do so effectively. Employers often ignored the ministry's recommendations, which were usually implemented only after an accident occurred. Workers had the right to refuse dangerous work but seldom invoked it in practice.