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Romania

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Romania, a country of approximately 21.6 million persons, is a constitutional democracy with a multiparty, bicameral parliamentary system. The December 2004 election of President Traian Basescu had a few irregularities, but generally was judged free and fair, as was the May referendum which restored him to office following his suspension by the parliament in April. Civilian authorities generally maintained effective control of the security forces.

The government addressed some human rights problems during the year; however, abuses continued to occur. There were reports of police and gendarme harassment and mistreatment of detainees and Roma. Although slightly improved over previous years, prison conditions remained poor. The judiciary exercised its independence, but lacked the public's trust in its ability to impartially apply the law. Restrictions on freedom of religion became a greater concern following the adoption of a restrictive, discriminatory religion law in December 2006. In general, property restitution was slow during the year. While the government made some limited progress in the restitution of religious property seized during the communist era, it failed to adopt legislation to facilitate the return the Greek Catholic churches confiscated by the communist government in 1948. Corruption remained a widespread problem. There were continued reports of violence and discrimination against women, along with significant lapses in the protection of children's rights. Persons, mainly women and children, were trafficked for sexual exploitation, but also for labor and forced begging. The neglect of and inadequate assistance for persons with disabilities was a problem. Societal violence and discrimination against the Roma was pervasive. Homosexuals continued to suffer societal discrimination. Discrimination against persons living with HIV/AIDS, particularly children, was a serious problem.

RESPECT FOR HUMAN RIGHTS

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

a. Arbitrary or Unlawful Deprivation of Life

There were no reports that the government or its agents committed arbitrary or unlawful killings.

Human rights nongovernmental organizations (NGOs) asserted that the police made excessive use of firearms in cases of minor crimes.

There were no further developments in the case of a 22-year-old Romani man, Adrian Cobzaru, shot and killed by a police officer in Bucharest in September 2006 while he was allegedly stealing goods. The Bucharest police declined to disclose the results of an internal investigation regarding the use of a weapon by the officer. With legal support provided by the Roma Center for Social Intervention and Studies (Romani CRISS), an NGO that monitors the observance of Roma rights, Cobzaru's family filed a criminal complaint. At year's end, the complaint was pending at the prosecutor's office within the Bucharest Tribunal.

There were no further developments in the 2005 death of Dumitru Ciobu in police custody or the fatal shooting of Gheorghe Cazanciuc by police. Romani CRISS provided support for the filing of complaints to the European Court of Human Rights (ECHR) by the families of the victims of the police intervention in a Roma neighborhood in Buhusi, Bacau County, in 2002, during which police shot and killed two Roma and injured two others.

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 numerous credible reports of police mistreatment and abuse of detainees and Roma, primarily through excessive force and beatings by police. There were also reports of mistreatment of abandoned children with physical disabilities in state institutions and of prolonged incarceration for misbehavior within state orphanages.

In many cases of police violence against Roma, police claimed they used force in self-defense, responding to alleged hostility by Roma communities during police raids in search of criminal offenders. Romani CRISS and other NGOs continued to claim that police used excessive force against Roma and subjected them to brutal treatment and harassment.

For example, on April 6, criminal investigation police and the special intervention squad raided a Roma community in Liesti, Galati County, in an attempt to arrest a convicted thief. During the raid, police shot seven Roma with rubber bullets; four required hospitalization as a result. Police alleged they had to use the weapons because about 200 Roma assaulted them, while the Roma claimed that the police opened fire on curious bystanders who went outside to see what was happening.

On June 2, three policemen from Bucharest police precinct 22 allegedly assaulted a university lecturer, Serban Marinescu, who was attempting to file a complaint against a taxi driver. After a discussion with the taxi driver, the policemen did not allow Marinescu to submit the complaint, and instead handcuffed and beat him with their fists and kicked him. On July 30, the Association for the Defense of Human Rights in Romania-The Helsinki Committee (APADOR-CH) requested information from the chief of police on the results of the internal police investigation into this case. According to the police, this investigation was suspended pending the completion of the criminal complaint that Marinescu filed with the prosecutor's office. The criminal case was still pending at year's end.

On July 20, police and the special intervention squad raided a Roma community in the village of Ciurea, Iasi County, allegedly to arrest several convicted offenders. According to police reports, the Roma's violent reaction led police to fire warning shots which injured three Roma, allegedly by ricochet. The victims included two minor girls, aged 15 and 12. The police inspectorate began an investigation to ascertain whether the officers had used their weapons in accordance with regulations. In August the family of the 12-year-old filed a criminal complaint against two policemen for attempted murder and against Liviu Zamfirescu, the chief of the Iasi police inspectorate. The case was pending at year's end.

On August 30, a policeman from Bucharest police precinct 22 allegedly assaulted two young people who had come to police headquarters to file a complaint. An investigation into the alleged beating was in progress.

The criminal complaint filed in July 2006 by Maria and Lucian Tamaris against the police for abusive behavior remained pending; one of the officers involved was fired for harming the image of the police by violating police procedures, and five other officers were admonished.

No further updates were available on the investigations into the following alleged police beatings in recent years: the August 2006 beating of Bucharest student Alexandru Ungureanu; the 2005 beating of a Romani man in a bar in Moreni; the 2005 beating of two men in Buzau; the 2005 beating of Bucharest student Razvan Vasile Muraru in Tulcea County; and the 2005 police beating of four persons, two of them minors, in Tibana, Iasi County.

A police investigation into alleged abuse of Roma during a September 2006 altercation between police and Roma in Apalina, Mures County, concluded that police "inappropriately managed" the incident in which 36 Roma and one other person were injured; however, during the year the prosecutor's office in Targu Mures declined jurisdiction to prosecute police named by 49 Roma in their criminal complaint and sent the case to the prosecutor's office in the Reghin court of first instance (judecatorie), which decided that there was no abusive behavior.

Criminal complaints alleging police abuse remained pending in the following 2006 cases: the May case filed by five Roma in the village of Gepiu, Bihor County; the August complaints filed by five Roma in the village of Bontida, Cluj County; and the August case filed by Roma in Pata Rat, Cluj County.

In April Serban Pretor, a former state secretary, filed an ECHR complaint stemming from a 2004 incident in which Praetor was physically assaulted by two members of the Guard and Protection Service (SPP). The SPP is responsible for physical protection of the president, prime minister, prominent parliamentarians, and select visiting foreign dignitaries. It is a separate entity from the police, and reports directly to the National Defense Council, headed by the president. In October 2006, the Magistrates Court of Appeals in Constanta acquitted the two SPP officers and reduced the compensation to be paid to Pretor. The two failed to pay the court-ordered compensation.

There were no developments in the January 2006 complaint filed by the European Roma Rights Center (ERRC) against the government in the ECHR, alleging excessive and unjustified use of force by police against a Romani family in 2003, and an ineffective investigation of the incident. The Pandeles were allegedly abused by the police in Targu Frumos after protesting a municipal decision not to renew their license for a stand in the local market.

There were no developments in the appeal filed by the family of Nelu Balasoiu, who died after allegedly being tortured by police in Jilava prison in 2002; in July 2006 the prosecutor's office in Craiova decided to cease criminal prosecution of police responsible for the alleged torture.

On July 27, the ECHR ruled against the government in a 1999 case filed by a Romani man, Belmondo Cobzaru. The court determined that police officers treated the plaintiff inhumanely and the investigation was biased and incomplete. In 1997 three policemen beat up Cobzaru at police headquarters in Mangalia. The military prosecutor's office in Constanta dismissed Cobzaru's criminal complaint, and declined to prosecute the officers due to alleged lack of evidence.

Lesbian, gay, bisexual, and transgender rights NGOs complained that police singled out their community members for violence and harassment (see section 5).

Prison and Detention Center Conditions

Prison conditions remained harsh and generally did not meet European standards.

At year's end, 29,335 persons, including 525 minors, were in prison or juvenile detention facilities in a system with a capacity of 34,000. Unlike in previous years, overcrowding did not represent a serious problem.

Sanitation and hygiene in prisons did not meet international standards. Medical facilities were not sufficient to care for all prisoners and detainees. Heating and hot water were not available in several facilities. Many prisoners had lice and scabies, and reported insufficient availability of medications.

APADOR-CH reported that prison meals did not provide the minimum necessary calories, water at some prisons was unsuitable for drinking, and that access to healthcare was limited by a lack of doctors. According to an order issued by the National Authority of Penitentiaries, effective July 1, prison doctors were authorized to treat only prisoners and not the prison staff and their families. APADOR-CH had lobbied for such a rule for several years. NGOs also stated that insufficient daily activities, work opportunities, and educational programs continued to be problems. The government continued some efforts, including partnerships with NGOs, to alleviate harsh conditions and deter the spread of HIV and tuberculosis.

Media and human rights organizations reported that the abuse of prisoners by authorities and other prisoners continued to be a problem. Prisoners from the penitentiaries in Craiova, Turnu Severin, Jilava, Bistrita, Slobozia, Tulcea, Braila, Deva, Colibasi, and Arad complained to human rights NGOs that prison staff beat and punished them for minor infractions.

An unannounced visit by the justice minister to the Aiud penitentiary in March exposed poor hygiene in detention areas; mistreatment of prisoners by prison staff, including physical and verbal abuse; and use of Penitentiary Security Intervention Troops to maintain order. Unlike ordinary prison guards, intervention troops are a special squad comprised of direct-hire prison enforcers who intervene to control prison populations, sometimes through the application of nonlethal, physical force. As a result of these conditions, the prison director was dismissed.

APADOR-CH reported two deaths in the Colibasi penitentiary during the first four months of the year: a prisoner died as a result of a violent conflict with another inmate; another prisoner committed suicide. In May a prisoner died in a penitentiary in Arad following a fight with another inmate. In August a prisoner died in Gherla Penitentiary, reportedly due to a heart attack. In November a prisoner died in the Maximum Security Penitentiary in Bacau following the consumption of alcoholic beverages manufactured inside the prison.

APADOR-CH questioned the death of prisoner Ionel Garcea in the prison hospital of Rahova on July 19, asserting that medical negligence may have played a role in his death. APADOR-CH also called for the establishment of a joint medical commission of the ministries of justice and health to investigate the causes of deaths in prisons. The two ministries had agreed to such a commission in a joint order issued June 25, but the commission did not begin its activity by year's end.

APADOR-CH also criticized the practice of designating some prisoners as "cell representatives," a designation which provided such prisoners with special privileges beyond those enjoyed by the general prison population. This practice was repeatedly criticized by domestic and foreign organizations.

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.

After visiting 12 police detention facilities, APADOR-CH also criticized the conditions in such facilities, noting poor sanitation conditions, lack of natural light, and the absence of activities for those detained.

Many police detention facilities and some prisons did not provide for the confidentiality of discussions between prisoners or detainees and their lawyers in person or via telephone.

Pretrial detainees were sometimes held in facilities with convicted prisoners and treated similarly due to overcrowding. Juveniles were sometimes kept in cells with adults.

The government permitted prison visits by human rights observers, foreign government officials, and media representatives, and such visits took place during the year.

The February 2006 regulations for religious assistance in prisons allow unrestricted access of all religious groups to prisons. Orthodox priests no longer attended

meetings between representatives of other faiths and 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 Interior and Administrative Reform is responsible for the national police and the gendarmerie, as well as 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; the general anticorruption directorate; and the Special Protection and Intervention Group. The national police agency is the inspectorate general of police, which is divided into specialized directorates and has 42 regional directorates for counties and the city of Bucharest. The internal intelligence service also collects intelligence on major organized crime, major economic crimes, and corruption.

While police generally followed the law and internal procedures, police corruption remained a significant reason for citizens' lack of respect for the police and a corresponding disregard of police authority. Extremely low salaries, which were sometimes not paid on time, contributed to the susceptibility of individual law enforcement officials to bribes. According to human rights NGOs, forensic reports were frequently unreliable, often erring in favor of police and other officials. Instances of high-level corruption were referred to the national anticorruption directorate, resulting in 19 indictments from January through August. The ministry's anticorruption directorate continued to publicize its anticorruption telephone hotline to generate prosecutorial leads for corruption within the police.

Impunity for police abuse was a problem. Complaints of police misconduct were handled by the internal disciplinary council of the units where the reported officers worked. In 2006 (the most recent year in which figures were available), the Human Rights and Humanitarian Law Department in the General Police Inspectorate investigated nine cases of alleged violations of human rights by 18 officers. Separately, 61 corruption cases (15 police officers and 46 security agents) were identified in 2006. In 2006, the General Anticorruption Directorate of the Ministry of Administration and Interior also investigated 996 cases of corruption among its employees, a category separate from human rights violations.

Police reform continued during the year. The government, with support from law enforcement agencies from other countries, offered police training workshops on topics such as human rights and the proper treatment of criminal suspects. The police increased hiring of women and minorities. In February 2006 a Romani woman was hired as a police officer for the first time. According to police statistics released in August, there were 5,485 female police officers, representing over 10 percent of the total force, and 30 Roma officers.

Arrest and Detention

The law provides that only judges may issue detention and search warrants, and the government generally 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. The law requires that the government provide an attorney for all detained individuals. Detainees have a right of access to counsel and generally had prompt access to counsel and their families. Indigent detainees were provided with legal counsel at public expense.

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 detain persons for up to 24 hours. Human rights NGOs complained that authorities were frequently able to listen to discussions between detainees and their lawyers 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.

Amnesty

On February 7 and March 1, President Basescu issued pardons to a woman and a man suffering from serious illnesses and who were convicted for contempt of court rulings. On November 20, the president signed two decrees pardoning, for medical reasons, a former wrestling champion convicted of fraud and an 83-year-old man.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, and judges exercised this independence. The judiciary, however, lacked the public's trust that its judges were accountable and did not serve political or financial interests. Public opinion surveys consistently revealed a widespread perception of corruption and lack of fairness within the judiciary.

The law establishes a four-tier legal system, beginning with the lower court (judecatorie), followed by the intermediate court (tribunal), the appellate court, and the High Court of Cassation and Justice. There is a separate Constitutional Court, composed of nine members serving nine-year, non-extendable terms, with three members each appointed by the president, the senate and the Chamber of Deputies. The Constitutional Court validates electoral results and makes decisions regarding the constitutionality of laws, treaties, ordinances, and internal rules of the parliament. A prosecutor's office is associated with each court. The court having original jurisdiction over a case is determined by the nature of the offense and by the position a defendant may hold in public service.

NGOs and public officials were frequently critical of the judicial system during the year. One cause was the failure of the judiciary's oversight body, the Superior Council of Magistrates (CSM), to create procedures for addressing potential conflicts of interest among its members. The CSM practice of delegating magistrates to non-justice positions within the judiciary and appointing them to various government agencies also contributed to depleting the already understaffed courts and prosecutors' offices. The general prosecutor criticized the High Court of Cassation and Justice for frequently returning case files to prosecutors for additional investigations rather than ruling on the case as presented. Such requests for further investigation contributed to frequent delays in court procedures, thus raising the prospect of political influence. Critics also expressed concern over a lack of judicial impartiality, because some members of parliament continued to practice as defense attorneys, both personally and through their law firm associates.

Trial Procedures

Trials are open to the public. The law does not provide for trial by jury. The law provides for the right to counsel and a presumption of innocence until a final judgment by a court. 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 have the right to be present at trial, to consult with an attorney in a timely manner, to confront or question witnesses against them, to have a court-appointed interpreter, and to present witnesses and evidence on their behalf. Defendants and their attorneys have access to government-held evidence relevant to their cases. Both plaintiffs and defendants have a right of appeal.

The law provides for the investigation by civilian prosecutors of crimes by the national police and prison employees. Military prosecutors continued to try cases that involved "state security" in military cases. Other cases involving "state security" but not military issues were tried by civilian prosecutors. Crimes by the gendarmerie continued to fall under military jurisdiction. 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 such lengthy investigations only served to discredit the

reputations of their clients rather than hold them accountable for any actual wrongdoing.

In a landmark ruling in a military court case that included allegations against former president Ion Iliescu, the Constitutional Court ruled on June 20 that military prosecutors could not investigate cases involving civilians. The military prosecutor then divided the file and brought the case against the army personnel to court in August and turned over the case against the former president to the general prosecutor's office for re-examination. This continued the 17-year investigation into the 1990 miners' riots, which were allegedly organized by the authorities to break up student pro-democracy protests.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Following the end of communism, no law was ever passed to annul the sentences of political prisoners who had served prison terms during the Communist era; individuals had to endure a lengthy appeals process to have their communist-era criminal records expunged. In a September judgment involving a former political prisoner seeking reparations, the appeals judge cited a law that pre-dated the former prisoner's incarceration in ruling that the time limit for appeal had expired in the 1970s.

Civil Judicial Procedures and Remedies

Civil courts functioned in every jurisdiction of the country. Civil courts do not use a jury and function in a similar fashion as the criminal courts. Crime victims can assert civil remedies in either civil courts or criminal courts if they choose. This can result in a combined civil/criminal trial to resolve all issues arising from the criminal case. Civil courts are administered by the Ministry of Justice and the magistrates are overseen by the CSM. Civil courts operated with the same degree of judicial independence as criminal courts.

Although there were problems regarding efficient management of courts, CSM's statistics for 2006 showed that some 90 percent of trials were concluded in less than six months. Criminal trials tended to be even faster, on average, due to strict timelines established by the criminal procedure code.

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

Administrative and judicial remedies were available for violations of civil rights by government agencies.

Property Restitution

The 2005 law to improve the property restitution process clarifies the procedures for restitution and establishes new application deadlines and fines for officials who hinder the process. The law creates a property fund worth approximately $5 billion (14 billion lei) for the compensation of owners with properties that cannot be returned in kind. However, the fund was not yet listed on the stock exchange. On June 28, the government adopted an ordinance to enable the fund to be evaluated and then listed on the stock exchange by mid-2008. The ordinance also provides for cash payments in lieu of restitution of up to about $215,000 (500,000 lei), paid over a two-year period. Claims in excess of this amount will be paid with stock in the property fund. On November 20, the government paid the first cash compensation to 20 former owners. The restitution process was very slow during the year, and the large majority of restitution cases remained unresolved. But during the year some significant buildings were returned to their former owners, including the Peles and Pelisor Castles, which were restituted to former King Michael in March.

Former owners' organizations continued to assert that inertia hindered property restitution at the local level. In some cases, local government officials continued to delay or refuse to provide necessary documents to former owners filing claims. They also refused to turn over properties in which county or municipal governments had an interest.

The ECHR ruled in favor of the former owners in a large number of restitution cases, including at least 12 such cases during the year.

The number of restitution claims submitted increased greatly as a result of the 2005 law. Of the 201,750 claims filed for restitution of buildings, some 102,273 were resolved by the beginning of November, 37,962 of which were rejected; 42,629 cases qualified for compensation in stock from the Property Fund; and 15,597 claims were resolved by return of the properties in kind.

During the year the government did not encourage the Orthodox Church to return Greek Catholic churches and church properties confiscated by the communist state and given to the Orthodox Church.

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

The constitution prohibits such actions, and the government generally respected these prohibitions in practice.

The law permits the use of electronic interception both in criminal cases and for national security purposes. In exceptional circumstances (when there is a clear and present danger to national security), government institutions may begin interception without a judicial warrant. Following this, however, a request for authorization must be submitted within 48 hours. Although the penal procedure code provides that warrants may be issued only by judges, under the law on national security 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. There were reports of electronic interception used outside of these legal parameters.

In March the Director of the Foreign Intelligence Service (SIE), Claudiu Saftoiu, admitted before a parliamentary commission that the SIE tapped telephones, which would be illegal for the SIE. He later disavowed his statement, and subsequently resigned.

On May 11, the Bucharest Tribunal ordered the Romanian Intelligence Service (SRI) to pay approximately $21,500 (50,000 lei) in compensation to businessman Dinu Patriciu, who had sued the SRI for illegally tapping his telephones. The SRI appealed the ruling and an appeal was pending at year's end.

According to Romani CRISS, evictions of members of the Roma community continued to occur both in Bucharest and in other localities during the year.

Criminal complaints filed by Romani CRISS and Roma families whose homes in Bucharest suburb Chitila were demolished in January 2006 remained pending; the homes had been illegally erected on public land.

Also pending was a 2005 complaint by Romani CRISS in connection with police raids in a Romani community located on the outskirts of Cluj-Napoca, during which 10 Roma dwellings were set on fire.

The 250 Roma evicted from their homes in Piatra Neamt in August 2006 remained unable to return. They were evicted following a decision by the town's mayor to repair the block of apartments they were living in.

There were no further developments in the lawsuits regarding the 2005 eviction of 40 Romani families in Tulcea who were relocated to the premises of Tulcea harbor and

to old barracks formerly used for flood victims. In August with support from APADOR-CH and ERRC, the evicted Roma filed grievances seeking compensation. Approximately 250 Roma evicted in Zalau in 2005 continued to live in areas with poor conditions.

In May, the court of Harghita County accepted an appeal filed by Romani CRISS against an earlier court ruling not to prosecute the vice mayor of Miercurea Ciuc and sent the case to the prosecutor's office to begin proceedings; in 2005 the National Council for Combating Discrimination (CNCD) fined the mayor's office in Miercurea Ciuc, approximately $1,560 (4,000 lei) for the 2004 forced eviction and relocation of approximately 140 Roma to a hazardous area near a wastewater treatment facility. The Roma lacked alternative housing and continued to reside in that area.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The law 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 cases of authorities intimidating or censoring the press, or attacking journalists, although this occurred substantially less frequently than in previous years.

Laws restricting freedom of speech continued to cause concern among the media and NGOs. Insulting state insignia (the coat of arms, national flag, or national anthem) is an offense punishable by imprisonment; however, there were no prosecutions or convictions under this provision. On January 18, the Constitutional Court ruled that an August 2006 law decriminalizing "insult and defamation" was unconstitutional. The Constitutional Court declared that previously existing provisions in the penal code criminalizing insult and defamation should reenter effect. Domestic media organizations criticized that decision. The Organization for Security and Cooperation in Europe (OSCE) representative for press freedom also expressed concern, calling the ruling was a setback in achieving a free press and a more favorable working environment for the media.

The independent media were more active than in previous years and expressed a wide variety of views without restriction. Politicians and others with close ties to various politicians and political groups either owned or indirectly controlled numerous media outlets in the provinces, and the news and editorial tone of these outlets frequently reflected the views of the owners. In some cases, oligarchs' control of media outlets was disguised through offshore holdings and other murky ownership arrangements. The tendency towards the concentration of national news outlets in the hands of a few wealthy businesspeople continued with the purchase of some outlets and the creation of others.

During the year there were a number of instances in which members of the public insulted and harassed journalists. However, public authorities and politicians were still responsible for many cases of harassment, though there were fewer reports of threats against journalists than in previous years.

On February 12, general manager Stelian Ungureanu and editor-in-chief Ramona Jitaru of local newspaper *Monitorul de Bacau* were assaulted by the mayor, the vice-mayor and several local councilors in Dofteana, Bacau County. The two journalists were beaten and threatened and their camera was damaged as they tried to photograph the mayor's car while it was stopped for inspection by the traffic police.

On April 7, before the start of a soccer match in Bucharest, supporters of the soccer club Steaua Bucharest attacked cameraman Robert Cristea from public television TVR and broke his camera. The assault took place in clear view of mounted gendarmes who did not intervene because they believed regulations prohibited them from dismounting their horses. Cristea was hospitalized with serious injuries.

On July 2, Gabriel Stoica, a journalist from Pro TV, was beaten and had his camera destroyed while he was filming two members of a feared mafia clan in Braila. Although a police car was close to the scene, officers did not intervene.

On September 12, parliament appointed Alexandru Sassu, a former official in the main opposition Social Democratic Party, president of the public television station, TVR. The decision displeased human rights organizations, as Sassu was the first politician to occupy the job since 1989. On October 11, Sassu cancelled broadcast of a tape featuring a minister allegedly taking a bribe from a former government minister. Media NGOs said that the cancellation was a case of political interference in the editorial decisions of TVR. When the editorial staff protested Sassu's decision, he restructured the news department, relieving the news director of her editorial authority. Those editors and producers hired by the news director were removed from the principal evening news program and were reassigned to other newscasts.

Unlike in previous years, there were no reports of vandalism against the homes of journalists, and police did not confiscate any publications for reasons of national security or arrest journalists for leaking classified information. Prosecutors dropped charges against journalists Marian Garleanu and Sebastian Oancea for leaking information.

The new religion law that went into effect in January includes a provision that forbids acts of "religious defamation" and "public offense to religious symbols." NGOs and the CNCD expressed concern that this provision broadly interpreted could infringe on freedom of speech and conscience.

Internet Freedom

There were no reported government restrictions on access to the Internet or reports that the government monitored e-mail or Internet chat rooms. The Internet was widely available in the country and costs decreased due to competition. Internet cafes were widely available nationwide.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The law provides for freedom of assembly, and the government generally respected this right in practice. The law provides that unarmed citizens can assemble peacefully, but states that meetings must not interfere with other economic or social activities and may not be held near locations such 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 will take place.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right in practice. 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.

The Pro Democracy Association and several other prominent NGOs criticized an August 2006 law stipulating that mayors and local officials who change their political party affiliations after being elected will lose their elected position. NGOs asserted that the law violates both freedom of association and citizens' fundamental right to choose their leaders.

c. Freedom of Religion

The constitution and the law provide for freedom of religion, and the government generally respected this right in practice; however, there were some restrictions, and several minority religious groups continued to claim credibly that government officials and Orthodox clergy impeded their proselytizing and interfered with other religious activities.

Under the provisions of a new religion law that became effective in January, the government implemented a discriminatory three-tiered system of recognition: "religious groups," "religious associations," and "religions." "Religious groups" are groups of individuals who share the same faith but do not receive any support from the state or tax exemptions. "Religious associations" are legal entities that do not receive government funding, have to be registered as such in a religious association registry, and are exempted from taxes only for places of worship. To register, religious associations must have 300 Romanian members and are required to submit members' personal data, in contrast to non-religious associations that can register with only three members. To receive "religion" status, a religious association must demonstrate 12 years of continuous religious activity and meet a membership threshold of 0.1 percent of the total population (approximately 22,000 members). The new religion law recognizes the same 18 religions that had this status prior to its adoption. The law was adopted despite strong domestic and international criticism that it discriminated against smaller minority religions by imposing impediments for such groups to obtain official recognition.

The law does not prohibit or punish assembly for peaceful religious activities; however, several minority religious groups continued to complain that local authorities and Orthodox priests prevented religious activities from taking place on various occasions, even when their organizers had been issued permits.

Jehovah's Witnesses and the Greek Catholic Church reported that, in some cases, local authorities either delayed or opposed granting construction permits for unjustified reasons. A Greek Catholic community in Pesteana faced continued discrimination and harassment following the decision of a group of villagers, along with the Orthodox priest, to switch to the Greek Catholic faith in 2005. Tensions continued during the reporting period due to the Orthodox Church's refusal to comply with a January 2006 court ruling allowing Greek Catholics access to the local cemetery, and the local authorities refused to issue a construction permit for a Greek Catholic church.

The Seventh-day Adventist Church reported difficulties in obtaining approval to use public halls for religious activities following pressure by Orthodox priests, especially in rural areas or small localities. The press and minority religious groups continued to report instances of Orthodox clergy harassing members of other faiths. On January 13, the mayor of Branisca, Hunedoara County, asked two members of Jehovah's Witnesses to leave the locality and told them that their preaching activity was illegal. The prosecutor's office investigated the Jehovah's Witnesses' complaint, but did not bring criminal charges against the mayor. Several religious groups made credible complaints that, in some instances, local police and administrative authorities tacitly supported sometimes violent societal campaigns against proselytizing. Members of various minority religions continued to report that their charitable programs in children's homes and shelters were perceived as proselytizing directed at adherents of the Orthodox Church; however, unlike in previous years, no conflicts were reported.

In Certeze, Satu Mare County, Orthodox priests reportedly pressured the local authorities to refuse to return a piece of land to the Greek Catholic Church and to issue a construction permit for a new church. Similar cases of refusal to return land occurred in Baisoara and Feleacu, Cluj County.

A Roman Catholic Csango community, an ethnic group that speaks a Hungarian dialect, alleged the Roman Catholic Bishopric of Iasi continued to oppose holding religious services in Hungarian, despite a 2005 CNCD decision that denying religious services in the mother tongue is a restriction on religious freedom.

Although the new religion law entitles religious denominations to bury their believers in other denominations' cemeteries if they lack their own cemetery and communal cemeteries, Orthodox priests reportedly denied permission to the Greek Catholic Church, the Seventh-day Adventist Church, the Baptist Church, and the Baha'i Faith to bury their members in either religious or secular cemeteries in numerous communities.

Several religious groups reported that, after the adoption of new regulations for religious activity in prisons in February 2006, the access of religious groups to detention facilities improved significantly. The 2006 regulations provide for unrestricted access of recognized religions and religious associations to any place of detention, even if their assistance is not specifically requested. The regulations also provide that prison representatives in charge of religious assistance should not be priests or representatives of any faith.

Only officially recognized religious groups have the right to teach religion in public schools. However, a number of recognized minority religious groups complained that they were unable to have classes on their faith offered in public schools. Attendance in religion classes was optional; however, the Baptist and the Greek Catholic churches reported cases of children who were pressured to attend Orthodox religion classes.

In November 2006 the CNCD, in answer to a complaint filed by a Buzau-based NGO, asked the Ministry of Education to remove religious symbols from schools, with the exception of classrooms where religious classes were taught. In December 2006 the Ministry of Education decided that parents, local communities, and school administrators should be empowered to decide on the presence or absence of religious icons in the classroom. On June 18, the Bucharest Court of Appeal rejected the Ministry's appeal of the CNCD decision. The Ministry again appealed the Appelate Court's ruling and the case was pending at year's end.

The 2005 restitution law permits religious denominations to reclaim previously nationalized properties that housed schools, hospitals, or cultural institutions; however, implementation of the law was slow during the year. Of the 14,716 claims for restitution of religious property since its establishment in 2003, the National Authority for Property Restitution (ANRP) had ruled on 2,929 properties, 1,188 of which were returned by the end of the year. Approximately 300 claims were rejected.

Property restitution was particularly important for the Greek Catholic Church, whose properties, including churches, were confiscated during the Communist regime. Most Greek Catholic churches were given to the Orthodox Church after their forced merger in 1948, and many other Greek Catholic Church properties were taken over by the government. Since 2003 the government returned 108 out of 6,723 total properties claimed by the Greek Catholic Church.

The Orthodox Church continued to resist the return of Greek Catholic churches it had acquired when the Greek Catholic Church was forcibly merged into the Orthodox Church in 1948. A 2005 law permits the Greek Catholic Church to take court action whenever its dialogue with the Orthodox Church over church restitution fails. Although this law was invoked and some cases were resolved in favor of the Greek Catholic Church, courts delayed hearings on many lawsuits filed by the Greek Catholic Church. In some lawsuits, the courts asked the Greek Catholic Church to submit the number of believers in the localities in question, even though there was no such legal requirement.

By year's end, the Orthodox Church had returned fewer than 200 of approximately 2,600 Greek Catholic churches and monasteries. With the exception of the leadership of the Orthodox Metropolitanate of Banat, all other Orthodox Church representatives opposed the restitution of Greek Catholic churches and refused to return properties, even when ordered to do so by a court. Tensions continued in many localities where the Orthodox Church refused to comply with court rulings that ordered restitution of churches to the Greek Catholic Church. On May 28, in Valanii de Munte, Bihor County, approximately 30 Orthodox priests and 80 parishioners prevented the enforcement of a final court ruling returning a church to the Greek Catholics.

The Orthodox Church continued to demolish Greek Catholic church buildings under various pretexts and also attempted other methods to shield churches from restitution. On April 5, using a frequently employed tactic of building new walls around the outer walls of the older church, the Orthodox Church demolished an 18th century Greek Catholic church in Badon, Salaj County. Authorities did not react to the Greek Catholic complaints about the illegal demolition. A similar case occurred in Taga, Cluj County in May 2006.

The historical Hungarian churches, including the Hungarian Roman Catholic and the Hungarian Protestant Reformed, Evangelical, and Unitarian churches, received a small number of their confiscated properties from the government. Since 2003 Hungarian churches received 655 of the approximately 2,700 properties they claimed under the law on return of religious property.

In Oradea, the Hungarian Reformed Church, the municipal office, and the Orthodox Church continued their dispute over possession of land used for a playground adjoining the Reformed Church high school. The municipality granted the land to a neighboring Orthodox Church despite repeated protests by the Reformed Church, which complained of discrimination; the case remained unresolved at year's end.

In September 2005, the Bucharest city government illegally approved a permit for construction of a building next to the Roman Catholic Saint Joseph's Cathedral, threatening to damage the cathedral's foundation. Despite domestic and international protests, including street demonstrations and messages from the Vatican and European Parliament, as well as complaints by the Roman Catholic Church, construction continued. In July, a court in Dolj County ruled to suspend construction and an appeal upheld the ruling. However, construction continued unabated.

The 2005 restitution law provided for a broader scope of claimable properties and compensation for demolished buildings. This law was potentially beneficial to the Jewish community, which filed over 3,700 restitution claims.

Societal Abuses and Discrimination

According to the 2002 census, the Jewish population numbered 5,785. Acts of anti-Semitism, including vandalism against Jewish sites, continued. In many such cases, the Federation of Jewish Communities notified the authorities, but perpetrators were often not identified. The Center for Monitoring Anti-Semitism, an NGO, noted that authorities tended to play down such incidents, repeatedly attributing the acts to children, drunkards, or persons with mental disorders, often without any proof or investigation.

Various acts of desecration or vandalism of Jewish property occurred during the year. On January 1, the Center for the Study of the History of Romanian Jews was vandalized and the Federation of Jewish Communities filed a complaint with the police. On January 12, a group of minors vandalized an old Jewish cemetery in Tulcea; the prosecutor's office declined to prosecute them. On February 11, four minors vandalized 22 tombs in a Jewish cemetery in Bucharest, causing damage of approximately $3,700 (9,200 lei). The police asked the prosecutor's office to not bring charges against the minors. On October 15, the grave of a writer was vandalized in one of the Jewish cemeteries in Bucharest. On October 22, unidentified persons stole two menorahs from the chapel of one of the Jewish cemeteries in Bucharest.

There were no further developments in the March 2006 vandalism of 20 tombs in the Jewish cemetery in Resita; the May 2006 case of two minors who drew swastikas on the walls of the Lutheran church in Cluj; the May 2006 appearance of swastikas and anti-Semitic graffiti on the walls of a house in Bucharest; and the June 2006 appearance of swastikas on several buildings in downtown Cluj.

The case of four juveniles who drew swastikas and anti-Semitic slogans on tombstones in two cemeteries in Suceava in 2005 and whose prosecution for vandalism and dissemination of fascist, racist, and xenophobic symbols began in December 2006, remained pending.

During the year, the extremist press continued to publish anti-Semitic articles. The Legionnaires (successors of the Iron Guard, an extreme nationalist, anti-Semitic, pro-Nazi group that existed in the country in the interwar period) continued to republish inflammatory books from the interwar period. Authorities occasionally investigated and prosecuted offenders, but all court cases resulted in acquittals.

During the year, anti-Semitic views and attitudes were expressed on the talk shows of private television stations, which failed to respond to complaints filed by Jewish organizations regarding such views. Extremists continued to publicly deny that the Holocaust occurred in the country or that the country's leader during World War II, Marshal Ion Antonescu, participated in Holocaust atrocities in Romanian-administered territory. In January the Federation of Jewish Communities and a Jewish NGO filed a criminal complaint against a professor who consistently denied the occurrence of the Holocaust in Romania through media appearance and in his books.

The New Right and other nationalist organizations continued to sponsor marches, followed by religious services, to commemorate Corneliu Zelea Codreanu, the founder of the Legionnaire movement and other fascist leaders. During the year, commemorations of Codreanu and the Legionnaire movement took place on June 24 in Bucharest, September 13 in Galati, September 22 in Predeal, and November 24 in the vicinity of Bucharest.

There was no further action regarding the June 2006 complaint, filed by the Federation of Jewish Communities based on the law that forbids racist, xenophobic, and pro-Nazi propaganda, against three nationalist organizations that sponsored a public religious service to commemorate the 60th anniversary of Marshal Antonescu's death.

In March the Federation of Jewish Communities released a declaration expressing sadness and surprise at a December 2006 ruling by the Bucharest Appellate Court, which partially exonerated Marshall Antonescu and some others convicted for war crimes. Antonescu and his government were directly responsible for widespread atrocities and mass murder against Romanian Jews and Roma during World War II.

In its April annual report, the Simon Wiesenthal Center included Romania in the category of countries that paid insufficient attention to or were unsuccessful in efforts to investigate Nazi war criminals.

The government continued to make progress in its effort to expand education on the history of the Holocaust in the country. The government included the Holocaust in compulsory history courses covering World War II in 7th grade; as a full chapter in the 9th grade history curriculum; as part of World War II history in 10th grade; as a specific theme in 11th grade; and in the chapter on national minorities in the 12th grade curriculum. An optional course on the "History of the Jews and Holocaust" was also offered to 12th graders.

On various occasions throughout the year, high-level officials continued to make public statements against extremism, anti-Semitism, and xenophobia, and criticized Holocaust denial.

On June 6, the government earmarked approximately $170,000 (400,000 lei) for the rehabilitation of 14 synagogues by the end of the year.

During the year, the leader of the extreme nationalist Greater Romania Party (PRM), Corneliu Vadim Tudor, continued to make statements and write articles containing strong anti-Semitic attacks. In a speech on March 23, Tudor denied that any Holocaust activities had occurred in the country. On May 24, the president withdrew by decree the Star of Romania medal from Tudor. Tudor challenged the decree, and on June 26 a Bucharest court suspended its enforcement until the lawsuit was resolved.

On April 18, Edward Iosiper, ambassador-designate to Israel, appeared before the parliament for his confirmation hearing. According to press reports, Iosper's hearing had anti-Semitic overtones. Two PRM members of parliament demanded to know whether Iosiper felt "Jewish or Romanian." They continued this line of questioning without any intervention by other members of the parliament's foreign affairs committee. Iosiper was subsequently approved as ambassador to Israel.

During the year, the government earmarked approximately $4 million (9.9 million lei) for construction of a Holocaust memorial in Bucharest.

An April 2006 law to combat anti-Semitism and prohibit fascist, racist, and xenophobic organizations includes the persecution of Roma in addition to Jews in its definition of the Holocaust, since approximately 14,000 Roma were killed in the country during that period. However, authorities failed to enforce the law against participants in a June 9 anti-gay parade, who used Nazi symbols and slogans.

The country commemorated National Holocaust Day on October 9 with events in several cities that were attended by key dignitaries, including the president.

On October 22, the president apologized for the deportation of thousands of Roma during the World War II, the first time a government official did so publicly. He also awarded the Order of Faithful Service to three Romani Holocaust survivors.

For a more detailed discussion, see the *2007 International Religious Freedom Report*.

d. Freedom of Movement, Internally Displaced Persons,

Protection of Refugees, and Stateless Persons

The law provides for these rights, and the government generally respected them in practice.

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 in accordance with the 1951 UN Convention relating to the Status of Refugees and its 1967 protocol, and the government has established a system for providing protection to refugees. An August 2006 law on asylum prohibits the expulsion, extradition, or forced return of any asylum seeker at the country's border or from within the country's territory, but denies protection to people who participated in terrorist acts, crimes against humanity, or other serious offenses.

In practice, the government provided protection against refoulement, the return of persons to a country where there is reason to believe they feared persecution; however, the Office of the UN High Commissioner for Refugees (UNHCR) considered the time limits provided by the law for submitting appeal applications and court procedures to be too short.

The government cooperated with the UNHCR and other humanitarian organizations in assisting refugees and asylum seekers. The UNHCR stated that government-sponsored programs for integrating refugees continued to improve.

On June 20, the National Office for Refugees merged with the Authority for Aliens to create the Romanian Immigration Office, a new central authority for immigration, asylum, and alien integration policy.

According to the Authority for Aliens, there were 223 stateless persons of foreign and Romanian origin in 2006. While some of these stateless persons were born in Romania, limited information was available on the nature of this problem. The law provides for birth registration as a basic right; however, some children were not registered at birth and were rendered de facto stateless by their lack of and inability to obtain identity documents.

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

The country held national elections for parliament in November 2004 and for the presidency in December 2004. The parliamentary and first round of presidential elections were characterized by widespread irregularities, including the non-use of electoral cards, possible multiple voting, and claims of fraud during the electronic tabulation of votes. In the second round of presidential elections in December 2004, the government reduced the possibility for multiple voting, but some irregularities occurred.

Since the 2004 elections, the country was governed by a coalition including the National-Liberal Party, Democratic Party (PD), and others. In April, however, the PD was expelled from the coalition. While the remaining government coalition controlled only 23 percent of parliamentary seats, it remained in power with tacit support of the Social Democrats, the main opposition party that holds a single party plurality in parliament.

Following expulsion of PD party members from the cabinet, parliament voted to suspend President Basescu from office, against the non-binding advice of the Constitutional Court, for allegedly violating the constitution. While the president was suspended, parliament voted to lower the threshold for removing the president permanently from office. However, in a May 19 referendum, 74 percent of voters rejected the removal of the president from office, thereby restoring Basescu to the presidency.

The May 19 referendum had minor irregularities, but was considered generally free and fair. Campaigning during the referendum raised some questions as to the non-transparent sources of campaign financing and the limitations on access to broadcasting and print media.

The November 25 European Parliament election was generally seen as free and fair, albeit characterized by lack of voter interest and low turnout.

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. These 25,000 "founding members" must be from at least 18 counties, including Bucharest, with a minimum of 700 people 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 of ethnic minorities can also field candidates in elections if they meet requirements similar to those for political parties. The law defines "national minorities" as only those ethnic groups represented in the council of national minorities and provides that these organizations meet requirements that are more stringent than those of minority groups already represented in parliament. Such organizations must provide the Central Electoral Bureau a list of members numbering at least 15 percent of the total number of persons belonging to that ethnic group, according to the most recent census. If 15 percent represents more than 25,000 persons, then at least 25,000 names from at least 15 counties, with no fewer than 300 persons from each county, must be submitted. Human rights NGOs criticized these requirements as discriminatory and aimed at eliminating competition to the mainstream organizations representing Hungarians and Roma, namely the Democratic Alliance of Hungarians in Romania (UDMR) and the Roma Party-Pro Europe.

While the law does not restrict women's participation in government or politics, societal attitudes presented a significant barrier. In parliament 31 of 331 deputies and 14 of 137 senators were women. Following the April dismissals of the ministers of justice, European integration, and environment, there were no female ministers in the 18-member cabinet (the government cut the number of cabinet members from 24 to 18 in April). On December 17, a woman, Norica Nicolai, was nominated to become the new justice minister, but her confirmation and swearing-in did not take place before year's end. Only one of the prefects (governors) of the 42 counties was a woman.

The law grants each recognized ethnic minority one representative in the chamber of deputies if the minority's political organization cannot obtain the 5 percent of the

votes needed to elect deputies outright. Organizations representing 18 minority groups received deputies under this provision. There were 50 members of minorities in the 468−seat parliament. There were four members of minorities in the cabinet; three were ethnic Hungarians and one ethnic Armenian. There were no members of minorities on the High Court.

Due to the political fragmentation of the Romani community, only one Romani organization, the Roma Party-Pro Europe, was represented in parliament. Low Romani voter turnout due to lack of awareness, means, or identity cards further exacerbated the problem.

Ethnic Hungarians, represented by the UDMR, were the only ethnic minority to gain parliamentary representation by surpassing the 5 percent threshold. Competing ethnic Hungarian associations alleged that their attempts to register were unfairly blocked by the more influential existing party.

Government Corruption and Transparency

Reports of corruption and the government response to corruption remained a focus of public discussion, political debate, and media scrutiny. According to Transparency International, there was a high public perception of corruption; one third of Romanians admitted that they offered bribes to obtain various public services during the year. NGOs and the media continued to note that no major case of high-level corruption had yet resulted in judgments involving prison sentences. There were, however, some convictions of lower level officials for corruption.

The National Anticorruption Directorate (DNA) was the exclusive institution responsible to investigate and prosecute high-level corruption, including cases involving members of parliament and government officials. While under pressure from the then-new justice minister, Tudor Chiuariu, the DNA's organizational structure and leadership remained intact within the nominal authority of the prosecutor general's office; it maintained a distinct budget and its prosecutors continued to operate under the exclusive authority of the DNA Chief Prosecutor.

The DNA indicted 201 defendants in 89 cases during the first half of the year, including several former and current officials at senior levels of government. During the year it began investigations of three current ministers and three former ministers in four cases. During the first half of the year, the courts rendered 39 final convictions in cases involving 62 defendants, including a mayor, three judges, and various mid-ranking officials. The courts rendered an additional 40 convictions against 80 defendants, which were subject to appeal.

Twenty-five defendants in 12 DNA cases were also acquitted during the first half of the year. Two-thirds of these acquittals resulted from parliament's decriminalization of an offense related to the improper issuing of bank credits. This change in the law was meant to reflect the widespread privatization of the country's banking system; with banks now in private hands, violation of a bank's internal lending norms should no longer be viewed as "official" corruption. However, the law was also given retroactive effect, thereby shielding numerous officials who had engaged in corrupt practices within Romania's formerly public banks. Prosecutors and judges found they could no longer pursue corruption charges when the predicate offense had been removed from the criminal code. Several of the acquitted were accused of contributing to Romania's banking collapse in the late 1990s.

The DNA was authorized to prosecute corruption without regard to the political affiliation of the accused. Opposition politicians, however, continued to allege that investigations of high level officials tended to focus on members of former administrations, contributing to questions about the office's impartiality.

During the suspension of the president in May, the new justice minister requested the dismissal of the chief prosecutor of high level corruption cases. The timing and manner of this move, though legal, raised questions of political interference in ongoing prosecutorial investigations. Three officials within the Ministry of Justice resigned in protest, and the media, NGOs, and foreign observers questioned whether prosecutorial independence was sufficiently protected. The CSM delayed its consultative advice until after it conducted a 45-day inspection of the DNA. An unidentified CSM member divulged details of the confidential investigation to the press to discredit the DNA and compromised at least one ongoing investigation into high-level corruption. There were widespread reports that the CSM investigation resulted in publicizing DNA's operational secrets, including its means of collecting evidence in ongoing investigations.

In September, the DNA asked the president to approve the launch of a criminal investigation against the justice minister and a former minister for information technology for allegedly facilitating an illegal transfer of public property to private individuals in April. In response, the justice minister proposed and the government adopted an emergency ordinance dismissing the presidential commission responsible for issuing an advisory report on corruption allegations to the president. The president subsequently challenged the emergency ordinance in the Constitutional Court, which at the end of November ruled the ordinance unconstitutional. Moreover, in its decision, the court stated that the president had full authority to approve, without the advice of any other body, a request for initiating a criminal investigation against a current or former minister. As a result of the court's ruling, the justice minister resigned in early December.

The DNA enhanced its coordination with antifraud units set up within various ministries. The Interior Ministry's Anticorruption General Directorate, which investigates alleged corruption within the ministry, maintained an anticorruption telephone hotline to receive tips regarding corrupt officers from the general public. The Antifraud Department attached to the prime minister's office continued to investigate cases involving the misuse of European Union (EU) funds. The Ministry of Defense also maintained its own antifraud section.

In July the Constitutional Court declared that an ordinance permitting the DNA to initiate criminal investigations against former ministers without presidential or parliamentary authorization was unconstitutional. Such authorizations were previously required only prior to investigations against current members of the government. This procedural ruling resulted from an appeal in a case against former prime minister Adrian Nastase who challenged the DNA's authority to investigate him. Consequently, the DNA awaited a court determination as to whether it had to begin the criminal investigation against him anew.

In May parliament passed a law establishing a National Integrity Agency (ANI) to audit officials' declarations of assets, incompatibilities, and conflicts of interests. The law establishing the ANI stipulated that it would identify "illicit" wealth, meaning that proof of illegal activity would be required before an investigation could be initiated. At the end of May, the government amended the ANI law by emergency ordinance, lowering the standard of investigation to proof of "unjustified" wealth, defined as a change in assets that cannot be justified based on an official's legitimate sources of income. The ANI is authorized to examine annual asset declarations, but not bank accounts or other assets of individuals without their permission. An investigation may proceed only while an official continues to hold office. Anonymous tips of an official's unjustified accumulation of assets cannot be used as grounds to initiate investigations.

The law provides for access to government information related to official decision-making; however, human rights NGOs and the media reported that the law was poorly and unevenly applied. Procedures for releasing information were arduous and varied greatly by public institution. On numerous occasions NGOs and journalists took cases to court to obtain information.

The government ordered the intelligence services to release the files of the Communist-era Securitate intelligence service, but many observers claimed the review of individual files of officials by the National College for the Study of Securitate Archives (CNSAS) served only select political interests. There were also complaints that the CNSAS did not have full access to all of the Securitate-era files and did not provide individuals, including former political prisoners, their complete Securitate files. There was broad speculation that the continued presence of former Securitate members in the intelligence services and among the political parties hindered release of these files.

There also were reports that local authorities occasionally impeded journalists, NGOs, and the general public from accessing public information that could have proved detrimental to select political interests.

Section 4 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. Unlike in previous years, there were no reports of intimidation or harassment of NGOs.

The ombudsman's office to protect citizens' constitutional rights had limited power and no authority in cases requiring judicial action. During the first nine months of the year, the office handled 5,118 complaints.

The CNCD is an independent governmental agency that is under parliamentary control. During the year the CNCD received 787 public complaints of discrimination, of which 264 were resolved. Approximately 110 of the cases involved alleged discrimination on the basis of nationality and ethnicity; 15 complaints reported discrimination on religious grounds. The CNCD received 70 complaints regarding discrimination against Roma in the areas of the right to personal dignity (32 complaints), education (10 complaints), equal access to employment (nine complaints), and access to public places (four complaints). The 2006 antidiscrimination law stipulates increased fines for discriminatory attitudes: $156 to $1,560 (400 to 4,000 lei) for discrimination against individuals and approximately $230 to $3,120 (600 to 8,000 lei) for discrimination against groups of persons or communities.

Both chambers of parliament have a human rights committee, but since these committees were comprised of political party representatives, their recommendations often simply reflected the parties' views.

Section 5 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 provisions effectively in some circumstances, and women, Roma, and other minorities were often subject to discrimination and violence.

Women

Rape, including spousal rape, is illegal. The prosecution of rape cases was difficult because it required 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 to personally file a criminal complaint against the abusive spouse and does not permit other parties, such as 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. There were 459 rape convictions in 2006. NGOs provided counseling and shelters for rape victims.

Violence against women, including spousal abuse, continued to be a serious problem, and 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 include provisions for the issuance of restraining orders. NGOs reported that domestic violence was common. According to a 2004 National Reproductive Health survey, 27.7 percent of women reported being verbally abused, 20.9 percent reported physical abuse, and 3 percent reported sexual abuse during 2003. A report released in August by the Romanian Group for Human Rights Defense stated that some 9,300 persons reported they had been victims of domestic violence since the beginning of the year, with the most cases registered in Bucharest. The criminal code imposes aggravated sanctions for violent offenses committed against family members.

Very few cases of domestic abuse were prosecuted in the courts. Many cases were resolved before or during trial when 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 fine the abusive spouse for disturbing public order. In 2006 there were 145 cases of domestic violence in court.

In 2006 the National Agency for Family Protection (ANPF), within the Ministry of Labor, Family, and Equal Opportunities, allocated approximately $105,000 (295,237 lei) to NGOs to tackle domestic violence. Of these funds, approximately $33,018 (92,747 lei) were spent by the end of 2006 to create six new shelters for victims, support eight existing shelters, and create five centers for rehabilitation and social reintegration of abusers. A total of 50 shelters and 54 counseling centers existed; however, they were insufficient and unevenly distributed, and some parts of the country lacked any kind of assistance. Many shelters were frequently closed due to insufficient funding. During the year the National Domestic Violence Coalition, composed of more than 30 NGOs, worked with ANPF to organize a number of domestic violence awareness campaigns. The government funded 26 public institutions that provided counseling and support to domestic abuse victims. In addition, 52 NGOs from all regions of the country worked on domestic violence.

Prostitution is illegal, but was prevalent. Police implicitly tolerated most cases by limiting their intervention to fining prostitutes for loitering or disturbing the peace. There were anecdotal reports that sex tourism existed in Bucharest and other major cities. No laws existed to punish clients of prostitution, unless the prostitute was a minor and the client admitted knowing that fact before the act.

There were reports of trafficking in women and children.

The law prohibits any act of gender discrimination, including sexual harassment; however the population's awareness of the problem continued to be low. No effective programs existed to educate the public about sexual harassment.

The law grants women and men equal rights, including under family law, property law, and in the judicial system. In practice, the government did not enforce these provisions, nor did authorities focus attention or resources on women's issues. Women had a higher rate of unemployment than men and occupied few influential positions in the private sector. According to a survey released by the Partnership for Equality Center in September, differences between the salaries of women and men continued to exist in all sectors of the economy. As a rule, women had lower levels of education and worked in lower-paid employment areas.

Romani culture strongly discouraged women from working outside the home. Romani women often lacked training, marketable skills, or relevant work experience. According to an Open Society Institute (OSI) report released in 2006, only 26 percent of Romani women interviewed were part of the workforce. A 2005 survey by the United Nations Development Program (UNDP) found that the unemployment rate of Romani women between ages 25 and 54 was four times higher than that of non-Romani women. Romani women also were three times as likely to be unemployed compared to Romani men. The average monthly income of women surveyed by OSI was $41 (106 lei).

The ANPF is responsible for advancing women's concerns and family policies. During 2006-07, the ANPF spent approximately $460,000 (1,080,000 lei) to support domestic violence prevention services in partnership with civil society and to develop services for the social reintegration of family violence victims and of perpetrators.

The law on equal opportunities for men and women was amended in July 2006 to extend protections to public employees as well as private sector employees. The amended law gives a female employee returning from maternity leave the right to return to her previous or similar position.

Children

The government publicly committed itself to children's rights and welfare, but competing priorities, bureaucratic inefficiency, and poorly allocated resources prevented this commitment from being fulfilled in practice.

Birth registration was not universal, and some children were denied public services as a result. The most common reason that some children were not registered at birth was that parents did not declare the child's birth to authorities. This was sometimes because parents lacked identity documents or residence papers, or the birth took place abroad in countries where parents were illegally present. Most such children did have access to schools, and authorities assisted in obtaining birth documents for unregistered children. However, the access of such children depended on the decision of school authorities. Romani CRISS called for a change in the law to provide free access of children without identity documents to school and the obligation of school authorities to help them obtain these documents. Undocumented children also faced difficulties in getting access to health care. There were also reports of mistreatment of physically disabled abandoned children in state institutions and of prolonged incarceration for misbehavior within state orphanages.

Public education was free and compulsory through the 10th grade or age 16. After the 10th grade, schools charged fees for books, which discouraged lower-income children, particularly Roma, from attending. The UN Children's Fund (UNICEF) reported that approximately 90 percent of primary school-age children attended school. Conditions within the schools were often not conducive to learning. In September approximately 10,000 of the country's 24,000 schools did not meet the minimum sanitary conditions. Some schools ran two half-day schedules to accommodate more students.

The highest level of education achieved by most children was secondary school, although Romani students had lower rates of attendance at all education levels.

A general health insurance plan covers all children until age 18 or until graduation from secondary school. All schools have medical units which supply first aid and carry out vaccination campaigns. Boys and girls had equal access to medical care in schools. All medical costs for children are waived.

Child abuse and neglect continued to be serious problems, and public awareness of the issue remained poor. Media reported several severe cases both in families and in child welfare institutions. In 2006 child welfare services received approximately 12,000 calls and written notifications of child abuse and neglect. As a result 2,300 children were separated from their abusive families, and another 5,700 children and their families received services. However, community-based social services remained unevenly distributed, raising serious concerns about the lack of accessibility of children and families to basic social services.

The legal age of marriage is 18, but girls as young as 15 may marry in certain circumstances. Illegal child marriage was common within certain social groups, particularly the Roma. While there were limited statistics available on the extent of the problem, a UNDP survey found that 35 percent of Romani girls were married before reaching the age of 16. In January the government's National Roma Agency recommended that the government devise a plan to increase the Romani population's knowledge about child protection and family legislation. An information campaign targeting traditional Roma communities began in March.

Trafficking in girls for the purpose of sexual exploitation was a problem. There also were isolated cases of children who prostituted themselves for survival without third-party involvement, and some instances of boys as victims of trafficking.

In a report published in April with support from UNICEF, the Center for Legal Resources documented violations of basic human rights in institutions for children and youth with mental disabilities. Such violations ranged from the lack of adequate services to limitations of individual freedom or placement of children under two years of age without mental disabilities in such institutions. Government investigations in those institutions confirmed the abuses, which resulted in disciplinary personnel actions.

While the law protects children from abuse and neglect, the government has not established a mechanism to identify and treat abused and neglected children and their families. The abandonment of children in maternity hospitals remained a problem with over 2,216 left in hospitals by their parents in 2006, according to official statistics. NGOs claimed the official statistics did not accurately account for many abandoned children; many children living in state institutions were never officially recognized as abandoned.

The National Authority for the Protection of Children's Rights (ANPDC), in coordination with the Ministry of Health, made some progress in discouraging child abandonment through prenatal counseling and training of hospital personnel. However, children's rights NGOs and local child welfare officials reported that these efforts were insufficient to resolve the continued high number of abandonment cases, resulting in many essentially healthy children being kept in hospitals because family reintegration or foster placement was unavailable. According to the Children's High Level Group study on the prevention of child abandonment, 60 percent of children abandoned by their parents were left in hospitals, while the remaining 40 percent were abandoned in other places, including on the street.

The 2005 child welfare law and its implementation continued to create confusion among entities responsible for child welfare and to prolong the time that a child spent in the child welfare system before being reunited with biological parents or being adopted. NGOs and child protection authorities continued to report that judges, police, and social workers generally lacked clear instructions from the central government, training, and the resources necessary to implement the legislation. During the year the decision-making process improved slightly due to a better working relationship between courts and county child welfare departments. But thousands of children remained institutionalized or in foster care rather than legally approved for adoption. There were credible reports of attempts to force family reunification for abandoned children in cases where biological family members explicitly stated they did not want the children or in which there was a high risk of child abuse or child labor.

There were many reports of abandoned children being forced to wait for several years in institutions or foster care while authorities searched for their biological parents to formalize their abandonment in court. The government claimed there were only 883 children available for adoption in the country in December 2006, and over 1,680 families that wanted to adopt children. However, this number represented only a fraction of the estimated 6,000 children placed in state care each year. These low figures were due to the state's non-recognition of the physical abandonment of children. There was no time limit on parents' absence for the children to be legally recognized as abandoned. Instead, government policy aimed to reintegrate children into biological families even years after physical abandonment. Many foster parents wishing to adopt children already in their care were forced to wait for the abandoning parents' statement of abandonment in court before the children could be declared legally adoptable. Some expressed fears that the foster children who had spent years in their care could be taken back by the biological parent or relatives and forced into begging on the street.

The public child welfare system tracked approximately 102,000 children. More than half of these lived with extended families or in foster care, and approximately 26,600 lived in public and private institutions. The government continued to build smaller residential units for children in need of protection, including children with disabilities. The number of children in institutions continued to drop, from 31,000 in 2005 to 25,580 by September. The foster care system expanded to care for 20,120 children as of September compared with 16,800 children in 2005.

Abandoned children under two years of age were only allowed to be placed in foster care, or placed with other families, including for adoption, if reunification with biological parents failed. Roma children, who were disproportionately represented among abandoned children, continued to suffer racial discrimination and were rarely adopted by Romanian families.

The law requires that young people in state care who reach the age of 18 be given assistance in seeking employment. Since 2003, child welfare authorities implemented a system for providing labor market information, skills training, or job placement services for older children in residential care.

Child labor was a problem.

A National Statistics Institute survey released in 2003 on children's activities--the only nationwide survey to document the extent of child labor--found that between 40,000 and 80,000 children were involved in activities identified as the worst forms of child labor as defined by the International Labor Organization (ILO), including begging, drug dealing, stealing, prostitution, hazardous labor in agriculture, and victims of trafficking. Over 90 percent of these children were from rural areas. Street children in urban areas were the most vulnerable to sexual exploitation. Child labor was widespread in Romani communities, where children engaged in activities such as begging, street vending, and windshield washing.

While the government did not maintain official estimates on the number of children living on the streets, a UNICEF report published in September estimated that there were approximately 2,000 nationwide, of whom 500 permanently lived in the streets of Bucharest. NGOs working with homeless children believed there were two or three times that number. NGOs noted that the number decreased only because the children have grown up, but they remain on the streets, often sniffing bags paint solvent to suppress hunger.

The government continued to administer four national programs for the protection of children's rights, with funding from the state budget. The programs focused on closing large state-run institutions for children, developing services for children with disabilities, implementing the national professional standards of child welfare services and monitoring children's rights, creating and developing community social services to support family cohesion, and preventing neglect of children whose parents were working abroad. During the year ANPDC allowed the national child welfare offices to begin to compete with NGOs for the implementation of these programs. SERA Romania, a local NGO, contested this decision in court asserting infringement of the 2005 law regarding public funding for non-profit activities. As a result, two of the four national interest programs were put on hold pending a court ruling on the case.

Trafficking in Persons

The law prohibits trafficking; however, trafficking in persons continued to be a serious problem. The law defines trafficking as the use of coercion to recruit, transport, harbor, or receive persons for exploitation. Coercion includes fraud or misrepresentation. Exploitation includes slavery, forced labor, prostitution, being a subject in pornography, organ theft, or other conditions that violate human rights. For minors under the age of 18, it is not necessary to prove coercion.

The country was a point of both origin and transit for trafficking in persons. While the majority of trafficking cases involved international trafficking between the country and Western Europe--particularly Italy and Spain--cases of domestic trafficking were also reported. Victims--primarily women and children--were trafficked for purposes of sexual exploitation, labor exploitation, and forced begging. In the first six months of the year, the government identified 936 victims of trafficking, 408 males, and 528 females. Of all reported victims, 150 were minors.

Women between the ages of 18 and 25 were most likely to become victims of trafficking for sexual purposes. Children were more likely to become victims of trafficking if they came from orphanages, single parent homes and/or lived in a dysfunctional family environment (e.g. families with financial difficulties, abuse, or alcoholism).

Traffickers ensured the victims' compliance through threats, violence, and the confiscation of travel documents.

Government officials reported that small groups of Romanian citizens were the most common operators of trafficking rings; several domestic prostitution rings were also known to be active in trafficking victims into, through, and from the country. In recent years the number of women and minors involved in trafficking as recruiters has increased.

Most victims were trafficked through or out of the country under seemingly legal means. Traffickers used employment agencies and travel companies as fronts for their activities. It was not difficult for traffickers to obtain legal work papers for the victims they intended to traffic. Most women trafficked for sexual exploitation were recruited either by persons they knew or by responding to newspaper advertisements.

Unlike in previous years, there were no allegations of involvement by border guards or other officials in cases of trafficking. Following the country's entry into the EU on January 1, the vast majority of trafficking victims left the country through legal means, thereby eliminating the need for traffickers to rely on bribing officials.

The sentencing guideline for convicted traffickers is three to 12 years. The law provides for five to 15 years' imprisonment for trafficking in minors, for multiple victims, if a victim suffers serious bodily harm or health problems, or if the trafficking is done by a public servant during his or her official duties. A sentence of 15 to 25 years is mandated for trafficking that leads to the death or suicide of the victim. These penalties are increased by two to three years if the trafficker belongs to an organized crime group and by five years if coercion is applied against minors.

Under 2005 revisions to the law, victims of trafficking who are arrested for prostitution or begging cannot be prosecuted for these offenses. In practice, however, victims were frequently not recognized as victims of trafficking upon arrest and were therefore treated as criminals. Only after a period of investigation were they typically declared "victims."

The National Antitrafficking Agency (ANITP), which has 15 regional centers, is responsible for collecting all information related to trafficking in persons and coordinating government efforts to combat trafficking and treat trafficking victims. Regional centers coordinated victim/witness cooperation with law enforcement and helped victims access social services. Foreign donors supported training programs on victim/witness coordination offered during the year. Such programs helped victims better negotiate the cumbersome judicial system and led to more frequent convictions of traffickers. However, victims continued to face discrimination from the society at large, especially in small villages, due to cultural biases against women who are victims of trafficking.

ANITP also administered a national trafficking database to expedite identification of victims and improve victim assistance. This led to fewer instances in which victims were identified only after being charged as offenders, which had been a significant problem in past years.

During the first half of the year, the International Organization for Migration (IOM) assisted 70 victims, of whom 63 were female, and 7 were minors. In 2006 IOM assisted 137 victims, 15 percent of whom were minors. IOM assisted the return of 44 from Italy and 33 from Spain. In previous years, Bosnia-Herzegovina and Macedonia were the destination countries for a high number of victims, but that number decreased significantly in recent years. The increase in trafficking victims destined for Italy and Spain paralleled the increase in overall migration of young Romanians who travel to these countries for low-wage jobs.

The law requires the government to protect trafficking victims, but implementation of the law remained weak and uneven. Reports of law enforcement officials losing contact with identified victims were common. Some identified victims reportedly chose not to press charges to avoid bureaucratic judicial procedures. Although the government trained border police to encourage victims to identify themselves, few victims were willing to do so. There were reports that repatriated victims faced social discrimination in their home countries.

A technical secretariat, established by ANDPC in 2005 and charged with implementing a national action plan to fight child trafficking and exploitation, carried out activities related to repatriation, protection, and social reintegration of unaccompanied Romanian children in difficulty in other countries, regardless of whether such children were victims or offenders. Between January and September, Romanian diplomatic missions reported that 269 Romanian children were abandoned in nine European countries. Most of these children were found in Italy and Spain. According to the National Authority for the Protection of Children’s Rights, by October, 62 of these children had been repatriated. Most of the other children are receiving child welfare services in the countries where they were found.

During the year the government worked with domestic and international NGOs to build public awareness of trafficking risks and to improve and expand the services offered to victims. Public officials, including the president, made public statements during the year about the trafficking problem.

The ANDPC, the national antidrug agency, and territorial general directorates for social assistance and children's protection implemented a program in several cities to monitor child labor. The project established a system of services for the protection, rehabilitation, and social reintegration of child victims of domestic and international trafficking.

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 during the year.

The law mandates accessibility for persons with disabilities to buildings and public transportation. In practice, the country had few facilities specifically designed for persons with disabilities. In a 2006 study, the national agency for persons with disabilities inspected 325 important local state institutions, such as prefecture buildings, county council buildings, and museums, and found that 73 percent of these structures lacked adequate accommodations for persons with disabilities. Few public and private facilities voluntarily installed accessible features.

As of March 31, the government reported that approximately 438,000 adults and 55,000 children were registered as persons with disabilities. Of this number, almost 17,000 adults and 193 children were receiving special care in residential institutions. The country had 149 residential institutions for adults with disabilities. NGOs estimated that there were some 300,000 persons with intellectual disabilities, and close to three million total persons with disabilities.

An Amnesty International (AI) report released in May 2006 criticized the conditions in psychiatric hospitals, which continued to fall below international standards. The country had 38 psychiatric hospitals, four of which were considered secure facilities for convicted criminals, and 66 outpatient mental health facilities, most of which were not in operation.

According to reports by human rights NGOs, the placement, living conditions, and treatment of patients in many psychiatric wards and hospitals did not meet international human rights standards and were below professional norms. Most psychiatric hospitals had poor hygiene, insufficient heating, and insufficient food rations. Some hospitals lacked running water, were heavily overcrowded, lacked a sufficient number of beds, and had no mechanism for complaints of abuse. Patients were in many cases secluded in rooms with metal bars on the windows based on arbitrary decisions of the staff. Conditions in psychiatric wards did not improve during the year.

Although the government adopted an action plan regarding persons with mental disabilities in 2005, NGOs asserted that this plan failed to improve conditions in psychiatric institutions; most aspects of the plan were not implemented. The provision of community-based mental health care services remained inadequate.

A May 2006 NGO report by Mental Disability Rights International (MDRI) harshly criticized the government for its treatment of children with mental and physical disabilities. MDRI found that children were being detained in adult facilities, some children were kept in permanent restraints, and abuse and neglect were commonplace throughout the country's mental institutions and healthcare facilities.

The Center for Legal Resources, a local NGO, reported that minors with mental disabilities were routinely mistreated in state care institutions. These children were subjected to both verbal and physical abuse, including being tied to their beds, beaten, and threatened that they would be sent to psychiatric hospitals. Some minors were sent to psychiatric hospitals without the consent of the minors' legal guardians. According to human rights NGOs, there was no system to ensure that the rights of children with mental disabilities were observed in state care institutions.

National/Racial/Ethnic Minorities

A study released in June by the Institute of Public Policies and Romani CRISS pointed to the danger of online discrimination and hate speech on the discussion forums of four national dailies. The study revealed that hate speech was mostly directed against Roma and homosexuals.

On August 1, the government established an institute to study national minority issues, to research the history, culture, religion, and government-implemented policies regarding national minorities. The institute will also conduct surveys and polls regarding national minorities.

Discrimination against Roma remained a serious problem. NGOs reported that Roma were denied access to, or refused service in, many public places. Romani groups complained that police brutality, including beatings and harassment, was routine. On December 11, Roma were evicted from a tent camp illegally built close to the belt road of Bucharest sector 6. In January and August 2006, police forcibly beat and evicted Roma from their homes.

According to a Roma Inclusion Barometer, launched by the Soros Foundation Romania in February, Roma continued to feel discriminated against in society; over 50 percent viewed themselves as disadvantaged in interactions with local government, the police, and the healthcare system. Forty-one percent of Roma believed that they were treated worse than other ethnic groups in the education system.

The annual AI report on global human rights issues, released in May, gave particular attention to the Roma, who continued to face discrimination in all areas including employment, education and housing.

In December the Civic Alliance of Romanian Roma published a progress report assessing government actions during the first two years of the Decade of Roma Inclusion (2005-2015). The report indicated that the government had made significant progress in the areas of health care and education for Roma, but had not established programs to address the continued lack of jobs and housing.

Roma faced persistent poverty with poor access to government services, few employment opportunities, high rates of school attrition, inadequate health care, and pervasive discrimination. Although some government initiatives have shown positive results, Roma activists viewed many programs as replacing Roma culture with a deepening culture of dependence.

A 2004 European Commission report estimated that the Roma population numbered between 1.8 and 2.5 million persons, although the most recent official census of 2002 reported the significantly lower number of 535,000. According to NGOs, government figures were low because many Roma either did not reveal their ethnicity or lacked any form of identification.

According to data from the 2002 census, the average number of years that Roma spent in school was 6.8 for the population over ten years of age. The national average was 11.2 years, almost double the rate of Roma school participation. Only 0.19 percent of the Roma population had a university education, compared to 7 percent for the general population. The disparity between Roma and non-Roma was even more striking at the level of secondary school where the completion rate for the general population was 64.2 percent and for the Roma population was only 29.1 percent. According to the Roma Inclusion Barometer, 23 percent of the Roma were illiterate, and 95 percent did not complete high school.

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. There were reports of Romani children 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 from other students and even in separate schools. During the 2006-2007 school year, Romani CRISS identified 23 cases of Romani children segregated from other students in schools in Gorj, Dolj, Brasov, Cluj, Neamt, Constanta, Salaj, Harghita, Sibiu, and Mures counties. At the beginning of the year, Romani CRISS filed five complaints with the CNCD regarding the segregation of Romani students in schools in Craiova, Dolj County; Roman, Neamt County; Dumbraveni, Sibiu County; and Atid, Harghita County. On May 24, the CNCD decided that the segregation of Roma students at the school in Craiova represented a discriminatory act. The other four complaints were pending.

On July 19, the Ministry of Education issued an order forbidding the school segregation of Romani students, a decision requested by Romani CRISS long ago.

According to OSI, ethnic Roma were five times as likely as members of the majority population to live below the poverty line. OSI also estimated that approximately 60 percent of Roma lived segregated from the majority population in communities with substandard housing and without basic governmental services such as schools, adequate healthcare, running water, electricity, and waste disposal.

Exclusion from the administrative and legal system was a problem for Roma communities. During the year, according to OSI research, 4.9 percent of Roma lacked a birth certificate. Among non-Roma citizens, less than one percent lacked a birth certificate. Similarly, 6 percent of Roma, compared to 1.5 percent of non-Roma, lacked identity cards. 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 also disproportionately unemployed and underemployed.

On June 6, the government approved the establishment of a commission, comprised of Romani and non-Romani experts in Roma history, to study the historical period of Roma slavery and to draft a report on this issue by the end of the year.

Stereotypes and use of discriminatory language against Roma were widespread; journalists and even high-ranking officials frequently made discriminatory statements. On May 19, suspended president Traian Basescu used the term "stinking gypsy" to describe a television reporter. In answer to a complaint by Romani CRISS, the CNCD decided the president's statement was discriminatory and admonished him. The president lost his appeal of the court's decision. Romani CRISS filed similar complaints against Social Democrat parliamentarian Vasile Dancu, who, on June 18, pointed to the "difference between Social Democracy and Gypsy-like attitudes," and Prime Minister Calin Popescu Tariceanu, whose comments reportedly associated Roma with criminality on July 2. On July 17, the CNCD decided that the prime minister's statement was not a discriminatory act but Romani CRISS appealed the decision. A decision was pending in Dancu's case. On November 2, Foreign Minister Adrian Cioroianu stated on television, with reference to some Roma who committed crimes abroad, that the government "should buy land in the Egyptian desert to place there those who embarrass us." Nine NGOs demanded Ciroianu's resignation, the CNCD issued a statement condemning his statement, and Romani CRISS filed a complaint with the CNCD. On November 15, the CNCD decided it could not rule on the complaint because it had already adopted a position the case when it publicly blamed Cioroianu.

In January 2006 the CNCD decided that an anti-Romani speech made by Corneliu Vadim Tudor, the leader of the extreme right Greater Romania Party, was in breach of the antidiscrimination law; in September 2006 the CNCD fined the New Right (Noua Dreapta), an organization with extremist and xenophobic views, and three of its leaders for discriminatory articles against the Roma on the organization's Web site.

Based on a 2003 CNCD ruling that the owner of a public bar committed a discriminatory act by posting a notice denying access to Roma, the victims filed a complaint, and a court in Botosani ruled in 2006 that the defendant should provide access to Roma to the bar and pay moral damages amounting to $230 (600 lei) to the plaintiffs.

On August 21, a violent conflict broke out between ethnic Hungarians and Roma in Apata village, Brasov County. Private security guards reportedly observed Roma stealing crops from a farm. A mob of approximately 150 ethnic Hungarians quickly formed, and the mob, reportedly armed with axes, clubs, and stones, entered the Roma neighborhood and broke the windows of several Roma houses. About 130 gendarmes and police were called in to diffuse the near-riot. Three people were slightly injured, no one was hospitalized. The two groups blamed each other for the conflict. To defuse future tensions, county and local authorities established joint teams, comprised of land owners and Roma representatives, to patrol the area in order to prevent any theft of crops. An investigation of the incident was in progress at year's end.

On April 26, the ECHR took note of the government's acceptance of responsibility for violent incidents in Casinul Nou, Harghita County in 1990, which resulted in the burning of 29 Roma houses, and in Plaiesii de Sus, Harghita County in 1991, during which one Roma was killed and 27 Roma houses were set on fire. In addition, the government agreed to pay compensation of approximately $180,000 (133,000 euros) to the victims and to implement a program to improve interethnic relations in the two localities.

Despite a 2005 ruling in favor of the Roma, in April 2006 a court in Ludus ruled against the seizure of perpetrators' property to compensate Romani victims of mob violence in the village of Hadareni in 1993 that resulted in the deaths of four persons and the burning of 13 Romani houses. On January 19, the Mures County court rejected an appeal of this ruling. In September Roma representatives filed a new complaint with the ECHR, stating that their rights to a fair trial and property were infringed upon.

An ongoing national program existed to identify Roma without birth certificates and/or identification documents and to help them obtain such documents. Progress was, however, slow.

Between March and December, the ANR carried out an information campaign for Romani women aimed at increasing access to health care.

Ethnic Hungarians were considered by the government to be the largest ethnic minority, comprising 1.4 million persons according to the 2002 census. There are also approximately 60,000 ethnic Ukrainians, 60,000 ethnic Germans, and other minorities in smaller numbers. In the Moldavia region where the Roman Catholic Csango minority resided, the community continued to operate government-funded Hungarian-language school groups; 988 students in 14 localities received Hungarian language classes during the 2007-08 academic year. However, 66 students did not receive Hungarian-language classes following an intimidation campaign waged by the school and local authorities that made the parents withdraw the applications for such classes.

The Bolyai Initiative Group, a group of young professors from the Cluj-based Babes-Bolyai University (UBB) who supported the reopening of the Hungarian-language state-owned Bolyai University, and the Hungarian Civic Union (UCM) had no further success in pursuing allegations of discrimination against ethnic minorities in the teaching of the Romanian language in schools. On August 8, President Traian Basescu stated that ethnic Hungarian students in the counties where ethnic Hungarians represent the majority population should be taught Romanian as a foreign language. The issue of the absence of bilingual signs in Hungarian and Romanian at the UBB was not addressed by the school following the dismissal of two ethnic Hungarian UBB faculty members in November 2006 for trying to install such signs. In January, a UDMR senator submitted a motion to the Council of Europe regarding discrimination of ethnic Hungarians in institutions of higher education. In April, the Bolyai Initiative Group sent requests for the establishment of separate Hungarian-language faculties within the UBB to the European Parliament and the OSCE. On June 18, the UDMR submitted a declaration to the European Parliament calling for the reopening of Bolyai University (which, had previously operated as a separate, state-funded Hungarian-language university).

Other Societal Abuses and Discrimination

NGOs reported that police abuse and societal discrimination against homosexuals 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.

Approximately 400 people participated in the annual "march of diversity" gay pride parade in Bucharest on June 9. The local authorities mobilized hundreds of police to protect the participants, but there were still verbal and violent physical attacks against the marchers. One group of protesters threw stones, trash, and firecrackers at march participants, and also attacked the police. Police arrested over 100 people, including 13 minors. Five young men were charged with violent actions and 50 persons received fines for misconduct. Some participants in a counterdemonstration organized by the New Right and some religious organizations displayed symbols of the Iron Guard and wore t-shirts displaying a portrait of Legionnaire leader Codreanu. Although the law forbids the display and promotion of Nazi and neo-Nazi symbols, the authorities did not take any legal action against the counter-demonstrators.

Following repeated requests by the Accept Association, an NGO promoting lesbian, gay, bisexual, and transgender rights, police announced that an investigation was initiated in March regarding the case of six participants in the 2006 "march of diversity" who were assaulted by a group of youths on the subway.

Among persons held in police detention, an increasing number of young men who other inmates perceived as being homosexual complained of harassment and of being subjected to violence by other inmates, while authorities failed to effectively protect them.

In June Georghe Becali, the owner of a soccer team and head of the right-extremist New Generation Party, launched a strong attack against gays in a public address, calling on them not to attend his team's soccer matches.

In July a Bucharest court ruled in favor of a person who accused the Distrigaz Sud gas utility of discrimination in access to services on grounds of sexual orientation. A Distrigaz Sud employee verbally harassed the plaintiff when the latter came to pay Accept Association's utility bill. The plaintiff was then physically assaulted by a company security guard. The court ordered Distrigaz Sud to pay the victim moral damages of approximately $1,300 (3,000 lei). Accept Association and the victim also complained to the CNCD and a decision of that body remained pending.

The authorities rarely enforced laws prohibiting discrimination against persons with HIV. Discrimination against persons with HIV/AIDS impeded access to routine medical and dental care. Breaches of confidentiality involving individuals' HIV status were common and rarely punished.

An August 2006 Human Rights Watch (HRW) report noted widespread discrimination faced by children with HIV/AIDS and authorities' failure to protect children from discrimination, abuse, and neglect. According to the report, fewer than 60 percent of the children and youths with HIV/AIDS attended school. Most HIV/AIDS infections were the result of contaminated blood transfusions and other medical procedures in the late 1980s and early 1990s. Doctors often refused to treat children and youths with HIV/AIDS. Medical personnel, school officials, and government employees did not keep the confidentiality of information about the children, which caused the children and families to be denied services such as schooling. In some situations the children and their parents were threatened by parents of other children to keep them out of school. There were also reports that children without any mental disability were placed in centers for children with mental disabilities because they were HIV/AIDS-positive.

Children had no legal right to learn of their HIV status without parental consent, and adolescents often lacked the ability to make informed decisions on medical treatment, education, and employment. Over half of HIV-infected adolescents were sexually active; they frequently experienced reduced access to facilities for reproductive healthcare and the prevention of HIV and sexually transmitted infections. A June 2006 HRW report found that, although the country was the first in Eastern Europe to provide universal access to antiretroviral therapy, stigma and discrimination against persons with HIV/AIDS frequently impeded their access to education, medical care, government services, and employment. The government lacked a strategy to manage the transition of HIV-positive children living in institutions or foster care after they turned 18. Fewer than 60 percent of HIV-positive children and adolescents attended some form of schooling.

The law set penalties for knowingly transmitting HIV.

During the year the government cooperated with international organizations to implement a national AIDS strategy by conducting conferences and disseminating brochures to raise public awareness of the disease.

Section 6 Worker Rights

a. The Right of Association

All workers, except certain public employees, have the constitutional right to associate freely and to form and join labor unions without prior authorization, and they freely exercised this right. However, employees of the Ministry of Defense, most employees of the Ministry of Interior and Administrative Reform, most employees of the Ministry of Justice, prison personnel, and intelligence personnel were not allowed to unionize.

The majority of workers belonged to one of the five main national trade union confederations. Approximately 40 to 50 percent of the workforce was unionized, a decrease of approximately 10 percent from 2006. According to trade unions, this decline was due to the increasing number of small and medium enterprises in which employees do not join unions, the shuttering of factories, and multinational companies' discouraging their employees from becoming union members.

The right to form unions was generally respected in practice, and many employers created enterprise-friendly unions. Union officials said that union registration requirements stipulated by law were complicated but generally reasonable. However, unions objected to the requirement that they submit lists of prospective union membership with their registration application. Since employers also had access to this list, union officials feared that this could lead to reprisals against individual employees, hindering the formation of new unions. Unlike in previous years, there were no reports of government interference in labor negotiations, trade union activities, collective bargaining, or strikes.

The law has specific provisions against union discrimination, which were generally respected.

b. The Right to Organize and Bargain Collectively

The law allows unions to conduct their activities without interference, and the government protected this right in practice. The law provides workers the right to bargain collectively, but government control of many industrial enterprises and the absence of independent management representatives at these entities hindered collective bargaining. Approximately 80 percent of the total workforce was covered by collective labor contracts at the branch and unit levels. A national collective labor contract for 2007-2010 was concluded in January among the main employers' associations, trade unions, and the government. However, contracts resulting from collective bargaining were not consistently enforced. The wages of public employees were guided by a minimum wage stipulated by law and a pay scale specific to each ministry that was based on that ministry's annual budget.

While the law permits strikes by all workers except judges, prosecutors, related Ministry of Justice staff, and employees of the ministries of defense, internal affairs, and the intelligence service, lengthy and cumbersome requirements made it difficult to hold strikes legally. Unions may strike only if all arbitration efforts have failed and if employers have been given 48 hours' notice. Unions complained that they must submit their grievances to government−sponsored conciliation 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.

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.

d. Prohibition of Child Labor and Minimum Age for Employment

Child labor remained a problem. Although a 2005 law provides protection from exploitation for children, the government did not consistently enforce the measure in practice.

The minimum employment age is 16 years, but children may work with the consent of parents or guardians at age 15. Minors are prohibited from working in hazardous conditions. Employment of children under 15 years old is prohibited under the Labor Code. Employment of youths over the age of 15 enrolled in compulsory education is also prohibited for certain activities included on a list approved in June. Working children under the age of 16 have the right to continue their education, and the law obliges employers to assist in this regard. In practice, however, many children were reported to occasionally forego attending school while working. Children aged 15 to 18 may work no more than six hours per day and no more than 30 hours per week, provided that their school attendance is not affected. They cannot work overtime or during the night, and have the right to an additional three days of annual leave. Employers formally implicated in most cases of child labor exploitation were fined, but there was no case of imprisonment and judges did not consider child labor accusations as crimes. The labor inspectorate within the Ministry of Labor stated that in 2006

its inspectors carried out inspections on 100,200 employers. Out of 16,571 persons found without legal employment documents, 206 were youths aged 15 to 18.

The National Authority for Child Rights Protection began to monitor child labor cases based on a methodology established, tested, and consolidated with the technical and financial support of ILO's International Program on the Elimination of Child Labor. Statistics for June-December 2006 showed 595 reports of child labor, 514 of which were confirmed; 302 of the cases were in urban and 212 in rural areas; 202 were girls and 312 boys; 337 of these children were subsequently withdrawn from child labor.

A 2005 law concerning protection and promotion of the rights of the child requires schools to immediately notify social services of children missing classes to work. Social services are authorized to work with schools to reintegrate such children into the educational system. The government also conducted information campaigns to raise awareness among children, potential employers, and the general public.

The national authority for protection of children's rights, set up in 2005 by the government, under the Ministry of Labor, Family and Equal Opportunities can impose fines and close factories for child labor exploitation, but enforcement tended to be lax except in extreme cases. Despite the prevalence of child labor, there were no reports of anyone being charged or convicted during the year under any of the child labor laws.

Children were trafficked for the purpose of sexual exploitation.

Child labor, including begging, selling trinkets on the street, or washing windshields, remained widespread in Romani communities; children engaged in such activities could be as young as five years old. There was official recognition of the problem, and the country continued to show progress in eliminating the worst forms of child labor.

In 2006 the National Authority for the Protection of Child Rights allocated approximately $213,600 (600,000 lei) for the development of special services for child victims of abuse, neglect and exploitation, including child labor, trafficking in children and child refugees. However, no NGOs submitted proposals to implement programs in this field. An additional $2.35 million (6.6 million lei) was allocated for the development of a network of community-based social services for children and families. The programs implemented by several NGOs in five counties (Caras Severin, Galati, Hunedoara, Mehedinti and Salaj) included: the establishment of 26 day care centers for children at risk, the training and employment of 77 social community workers, and the establishment of 91 community consultative councils trained in children's rights issues.

e. Acceptable Conditions of Work

The latest collective labor contract published in January stipulated a gross minimum monthly wage of $190.00 (440 lei) for a full time schedule of 170 hours per month, which translated into approximately $1.12 (2.59 lei) per hour. The minimum wage for skilled workers is 20 percent higher. The minimum monthly wage of approximately $190 (440 lei) did not provide a decent standard of living for a worker and family. Minimum wage rates were generally observed and enforced by the Ministry of Labor, Family and Equal Opportunities. In practice, many employers paid supplemental salaries under the table to reduce both the employee and employer's tax burdens. However, this practice negatively impacted employees' future pensions and their ability to obtain commercial credit.

The law provides for a standard workweek of 40 hours or five days. Overtime is to be paid 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 Equal Opportunities effectively enforced these standards. Union leaders complained that overtime violations were the main problem facing their membership, as 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 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 this compulsory, uncompensated overtime. Employers' organizations responded that overtime regulations were overly rigid and did not accommodate fluctuations in work patterns.

In August 2006 the government amended the labor code regarding collective layoffs and part-time contracts to bring the law into line with EU directives. Rules governing contracts for part-time or temporary work were made more flexible and allowed contracts for any period of time. The amendments also modified rules for collective layoffs, including mandatory union consultation.

The law stipulates penalties for work performed without a labor contract in both the formal and informal sectors of the economy. Employers who use illegal labor may be jailed or fined up to $43,500 (100,000 lei).

The Ministry of Labor, Family and Equal Opportunities had authority to establish and enforce safety standards for most industries, but lacked trained personnel to enforce them. Employers often ignored the ministry's recommendations, which were usually only applied after an accident occurred. Workers had the right to refuse dangerous work assignments but seldom invoked it in practice. Union officials stated that enforcement of safety measures improved after Romania's EU accession in January, especially at newly-established work sites. Inspections took place more often, particularly in high risk industries and companies with higher accident rates in comparison with their peers.

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