

ROMANIA 2019 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Romania is a constitutional republic with a democratic, multiparty parliamentary system. The bicameral parliament consists of the Senate and the Chamber of Deputies, both elected by popular vote. Observers considered presidential elections held on November 10 and 24 and parliamentary elections in 2016 to have been generally free and fair and without significant irregularities.

The Ministry of Internal Affairs is responsible for the General Inspectorate of the Romanian Police, the gendarmerie, border police, the General Directorate for Internal Protection (DGPI), and the Directorate General for Anticorruption (DNA). The DGPI has responsibility for intelligence gathering, counterintelligence, and preventing and combatting vulnerabilities and risks that could seriously disrupt public order or target Ministry of Internal Affairs operations. The minister of interior appoints the head of DGPI. The Romanian Intelligence Service (SRI), the domestic security agency, investigates terrorism and national security threats. The president nominates and the parliament confirms the SRI director. Civilian authorities maintained effective control over SRI and the security agencies that reported to the Ministry of Internal Affairs.

Significant human rights issues included: police violence against Roma; endemic official corruption; law enforcement authorities condoning violence against women and girls; and abuse against institutionalized persons with disabilities.

The judiciary took steps to prosecute and punish officials who committed abuses, but authorities did not have effective mechanisms to do so and delayed proceedings involving alleged police abuse and corruption, with the result that many of the cases ended in acquittals. Impunity for perpetrators of human rights abuses was a continuing problem.

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

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were reports that the government or its agents committed arbitrary or unlawful killings. On July 19, in the city of Vatra Dornei, three gendarmes tried for 10 minutes to immobilize physically a 55-year-old man suspected of

inappropriately touching a child and used tear gas spray against him. During the intervention, the man became unconscious and was taken to the hospital, where he died the following day. The Prosecutor's Office attached to the Iasi Military Tribunal started an investigation of the case, including the prosecution of a member of the gendarmerie for abusive behavior and abuse of power.

The Institute for Investigating Communist Crimes and the Memory of the Romanian Exile (IICCMRE) was authorized to submit criminal complaints related to alleged communist-era crimes. In June 2018 the IICCMRE submitted a criminal complaint to the Prosecutor's Office on alleged inhuman treatment between 1980 and 1989 in the Siret Neuropsychological Pediatric Hospital that resulted in 340 deaths.

In 2017 the trial began of former communist-era Securitate officials Marin Parvulescu, Vasile Hodis, and Tudor Postelnicu, accused of crimes against humanity before the Bucharest Court of Appeals. They were charged in the death of dissident Gheorghe Ursu, who was arrested and allegedly beaten to death by investigators and cellmates in 1985. In October the Bucharest Court of Appeals issued a nonfinal ruling acquitting Parvulescu and Hodis. Gheorghe Ursu's son announced he would challenge the decision before the High Court of Cassation and Justice.

In 2016 the Military Prosecutor's Office indicted former president Ion Iliescu, former prime minister Petre Roman, former vice prime minister Gelu Voican Voiculescu, and former Intelligence Service director Virgil Magureanu for crimes against humanity. They were accused of involvement in the 1990 "miners' riot," when thousands of miners were brought to Bucharest to attack demonstrators opposed to Iliescu's rule. According to official figures, the violence resulted in hundreds of injuries, illegal arrests, and four deaths. Media estimates of the number injuries and deaths were much higher. Prosecutors opened the preliminary phase of the case before the High Court of Cassation and Justice on November 29, where it remained underway.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

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

The constitution and law prohibit such practices, but there were reports from nongovernmental organizations (NGOs) and media that police and gendarmes mistreated and abused prisoners, pretrial detainees, Roma, and other vulnerable persons, including homeless persons, women, sex workers, and substance abusers, primarily with excessive force, including beatings. For example, journalists alleged that in September 2018 four agents of the Bucharest Sector 3 police used excessive force against two Romani teenagers caught fishing in a public park. As of September the Prosecutor's Office attached to the Bucharest Sector 3 court was investigating the case.

In February prosecutors in Bucharest Sector 5 opened a case against 15 employees and the director of the Rahova Penitentiary Hospital for allegedly beating several inmates between 2015 and 2018 and falsifying medical records to cover up the abuses. As of September the investigation of 16 defendants and seven suspects remained pending.

The NGO Romani Center for Social Intervention and Studies (Romani CRISS) stated that in 44 cases of police brutality against Roma over the previous 13 years, there were no convictions at the national level, often because prosecutors did not take the cases to court. The European Court of Human Rights (ECHR) ruled in a number of cases that the justice system had failed to deliver a just outcome in cases of police brutality, particularly against Roma and cases involving abuses in psychiatric hospitals. The average time for a ruling in cases of alleged police abuse of Roma was nearly four years. In April the ECHR issued a ruling on a case of excessive use of force by police and the gendarmerie during a 2011 raid in the village of Valcele, Covasna County, against a Romani family that, as a consequence, suffered several injuries that required medical care. The ECHR noted that the decisions to organize the police raid and to use force against the applicants were made based on the victims' ethnic origin. According to the court, authorities automatically connected ethnicity to criminal behavior, and thus their ethnic profiling of the victims was discriminatory. The ECHR also ruled that domestic authorities and courts dismissed the victims' allegations of discrimination against and criminalization of the Roma without an in-depth analysis of the relevant circumstances of the case.

Police officers were frequently exonerated in cases of alleged beatings and other cruel, inhuman, or degrading treatment. A widespread perception of police corruption and inefficiency contributed to citizens' lack of respect for police. Low salaries also contributed to making individual law enforcement officials susceptible to bribery.

According to the United Nations, three allegations of sexual exploitation and abuse by Romanian peacekeepers reported in 2017 and 2018 were pending. All cases involved military observers deployed in UN Stabilization Mission in the Democratic Republic of Congo. One case involved the alleged sexual abuse (rape) of a minor. The peacekeeper in question was repatriated by the United Nations. The other two cases involved alleged sexual exploitation (transactional sex). Investigations by Romanian authorities were pending.

Prison and Detention Center Conditions

Prison conditions remained harsh and overcrowded and did not meet international standards. The abuse of prisoners by authorities and other prisoners reportedly continued to be a problem.

Physical Conditions: According to official figures, overcrowding was a problem, particularly in those prisons that did not meet the standard of four square meters (43 square feet) per prisoner set by the Council of Europe. Conditions remained generally poor within the prison system, and observers noted insufficient spending on repair and retrofitting. According to the Ministry of Foreign Affairs, men and women, juveniles and adults, and pretrial detainees and convicted persons were not held together.

Media outlets, NGOs, and the ombudsperson reported that prisoners regularly assaulted and abused fellow inmates. In 2018 a total of 633 complaints against penitentiary staff had been lodged with the National Penitentiary Authority (NPA) for abuses of inmates' rights, acts of discrimination, mistreatment, and inappropriate behavior. According to the Ministry of Foreign Affairs, the NPA did not refer any of the complaints submitted by inmates in 2018 to prosecutors. Inmates have the possibility of filing complaints with law enforcement agencies and judges. The Ministry of Foreign Affairs reported that in 2018 judges admitted 317 complaints filed by inmates, compared with 506 in 2017.

A number of prisons provided insufficient medical care, and inmates complained that food quality was poor and sometimes insufficient in quantity. In some prisons heating and ventilation were inadequate. According to the Association for the Defense of Human Rights-Helsinki Committee (ADHR-HC), inmates did not have access to adequate counseling, and many psychologist and social worker positions were not filled. Persons with mental disorders did not receive sufficient care and were frequently isolated by other inmates. The ADHR-HC stated that the actual

number of persons who had mental health problems was three times higher than the number of inmates who received treatment for mental illness.

The ADHR-HC stated that some pretrial detention facilities had inadequate conditions, particularly in terms of hygiene and overcrowding. Such facilities were often located in basements and had no natural light and inadequate sanitation. In some pretrial facilities and prisons, there was no possibility for confidential meetings between detainees and their families or attorneys. The ADHR-HC also criticized the lack of HIV and hepatitis prevention measures.

Administration: Independent authorities did not always investigate credible allegations of inhuman conditions.

Independent Monitoring: The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year. The ombudsperson also visited prisons as part of his mandate to monitor places of confinement.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention, and the government generally respected these prohibitions. The law provides for the right of any person to challenge the lawfulness of his or her detention.

Arrest Procedures and Treatment of Detainees

By law only judges may issue detention and search warrants, and the government generally respected this provision. Authorities must inform detainees at the time of their arrest of the charges against them and their legal rights, including the right to remain silent and the right to an attorney. Police must notify detainees of their rights in a language they understand before obtaining a statement and bring them before a court within 24 hours of arrest. Although authorities generally respected these requirements, there were some reports of abuses during the year. Pending trial, if the alleged offender does not pose any danger to conducting the trial, there is no concern of flight or commission of another crime, and the case does not present a “reasonable suspicion” that the person would have committed the offense, the investigation proceeds with the alleged offender at liberty. Depending on the circumstances of the case, the law allows home detention and pretrial investigation under judicial supervision, which requires the person accused to report regularly to law enforcement officials. A bail system also exists but was

seldom used. Detainees have the right to counsel and, in most cases, had prompt access to a lawyer of their choice. Authorities provided indigent detainees legal counsel at public expense. The arresting officer is also responsible for contacting the detainee's lawyer or, alternatively, the local bar association to arrange for a lawyer. A detainee has the right to meet privately with counsel before the first police interview. A lawyer may be present during the interview or interrogation.

The law allows police to take an individual to a police station without a warrant for endangering others or disrupting public order. Police reportedly used this provision to hold persons for up to 24 hours. Since those held in such cases were not formally detained or arrested, authorities did not recognize their right to counsel. The ADHR-HC criticized this provision as leaving room for abuse.

Pretrial Detention: A judge may order pretrial detention for up to 30 days. A court may extend this period in 30-day increments up to a maximum of 180 days. Under the law detainees may hold courts and prosecutors liable for unjustifiable, illegal, or abusive measures.

e. Denial of Fair Public Trial

Lack of sufficient personnel, physical space, and technology to enable the judiciary to act swiftly and efficiently continued, resulting in excessively long trials.

The constitution provides for an independent judiciary. The Superior Council of Magistrates is the country's judicial governance body and is responsible for protecting judicial independence. It generally maintained transparency of operations and acted to suspend judges and prosecutors suspected of legal violations. There were reports, however, that the Judicial Inspectorate, an autonomous disciplinary unit within the council, was subject to increasing political influence and was occasionally used to investigate magistrates prosecuting or ruling against the governing coalition's officials or allies.

The government generally respected judicial independence and impartiality, but instances of political messaging targeting courts, prosecutors, or judges increased. Some prosecutors and judges complained to the council that media outlets and politicians' statements damaged their professional reputations. The council determined some politicians' public statements infringed on judicial independence.

Trial Procedures

The constitution and the law provide for the right to a fair and public trial, and an independent judiciary generally enforced this right.

Under the law defendants enjoy the right to the presumption of innocence, have the right to be informed promptly and in detail of the charges against them, and have the right to free linguistic interpretation, as necessary, from the moment charged through all appeals. Trials should take place without undue delay, but delays were common due to heavy caseloads or procedural inconsistencies. Defendants have the right to be present at trial. The law provides for the right to counsel and the right to consult an attorney in a timely manner. The law requires that the government provide an attorney to juveniles in criminal cases; the Ministry of Justice paid local bar associations to provide attorneys to indigent clients. Defendants may confront or question witnesses against them (unless the witness is an undercover agent) and present witnesses and evidence on their own behalf. The law generally provides for the right of defendants and their attorneys to view and consult case files, but prosecutors may restrict access to evidence for such reasons as protecting the victim's rights and national security. Both prosecutors and defendants have a right of appeal. Defendants may not be compelled to testify against themselves and have the right to abstain from making statements. Prosecutors may use any statements by defendants against them in court.

The law allows for home detention using electronic monitoring devices, but the government did not procure such devices, and persons were placed under home detention without them. A judge may detain a person for up to five years during a trial, which is deducted from the prison sentence if the person is convicted.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Civil courts are independent and function in every jurisdiction. Judicial and administrative remedies are available to individuals and organizations for violations of human rights by government agencies. Plaintiffs may appeal adverse judgments involving alleged violations of human rights by the state to the ECHR after exhausting the avenues of appeal in domestic courts.

Approximately 80 percent of court cases were civil cases. Caseloads were distributed unevenly, resulting in vastly different efficiency rates in different

regions. A lack of both jurisprudence and a modern case management system contributed to a high number of appeals as well as lengthy trials. Litigants sometimes encountered difficulties enforcing civil verdicts because the procedures for enforcing court orders were unwieldy and prolonged.

Property Restitution

According to the National Authority for Property Restitution (ANRP), the Jewish community is entitled to receive compensation for buildings and land that belonged to the Judaic religious denomination or legal entities of the Jewish community that were confiscated between September 6, 1940, and December 22, 1989. Individuals are entitled to compensation only for real estate confiscated between 1945 and 1989. The government has laws and mechanisms in place to address Holocaust-era property claims, and NGOs and advocacy groups reported some progress on resolution of such claims.

The law for returning property seized by the former communist and fascist regimes includes a “points” system to compensate claimants where restitution of the original property is not possible. Claimants may use the points to bid in auctions of state-owned property or exchange them for monetary compensation. The parliament intended the law to speed up restitution, but local authorities hindered property restitution by failing to complete a land inventory stipulated by law. The government twice extended the deadline for the inventory’s completion.

There were numerous disputes over church buildings and property that the Romanian Orthodox Church failed to return to the Greek Catholic Church, despite court orders to do so. The government did not take effective action to return churches confiscated by the post-World War II communist government. There continued to be lengthy delays in processing claims related to properties owned by national minority communities. Under the law there is a presumption of abusive transfer that applies to restitution of private property but not to religious or communal property. In many cases, documents attesting to the abusive transfer of such properties to state ownership no longer existed. Religious and national minorities are not entitled to compensation for nationalized buildings that were demolished.

Associations of former owners asserted that the points compensation system was ineffective and criticized the restitution law for failing to resolve cases fairly, as well as for lengthy delays and corruption. While the pace of resolving restitution cases at the administrative level increased, the number of properties returned

involving churches and national minorities was disproportionately low. As of August the government had approved the restitution of seven properties to religious denominations, approved compensation in 24 cases, and rejected 376 other claims. In 12 cases the filers renounced their claims. The number of cases resolved annually has remained approximately constant over the past three years, (an average of 1,300), but the number of positive decisions remained extremely low. Religious communities disputing these rulings continued having to go to court and incur additional costs. As of September there were 4,651 pending requests for restitution from religious denominations.

According to advocates of the Romanian Jewish community, the disappearance of entire document repositories, combined with limited access to other archives, prevented the Jewish community from filing certain claims before the legal deadlines. The ANRP rejected most restitution claims concerning former Jewish communal properties during its administrative procedure. The Caritatea Foundation, established by the Federation of Jewish Communities in Romania and World Jewish Restitution Organization (WJRO) to claim communal properties, reported it challenged these negative ANRP decisions in court. The WJRO also reported that the restitution of heirless private Jewish properties was not completed and that there was insufficient research concerning property that had belonged to Jewish victims of the Holocaust.

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

Although the constitution and law prohibit such actions, there were accusations by NGOs, politicians, and journalists that authorities failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government partially respected this right. Independent media organizations noted excessive politicization of the media, corrupt financing mechanisms, and editorial policies subordinated to the former elected ruling party and owners' interests. Reporters said their freedom of expression was also limited by restricted access to information of public interest issued by the previous government and public institutions, including expenses, contracts, or bids involving public funds,

and officials' academic records. Reporters and NGOs often had to sue state-controlled ministries, agencies, or local entities to access public information.

Freedom of Expression: The law prohibits denying the Holocaust and promoting or using the symbols of fascist, racist, xenophobic, or Legionnaire ideologies, the last being the nationalist, extremist, anti-Semitic interwar movement. Various government bodies, mainly the gendarmerie, continued to fine, place under temporary arrest, ban, or block individuals who protested in the streets against corruption, the government, the early release of inmates, or child abuse and for better health, education, and social services. When fines were challenged, some courts ruled in favor of the protesters. On May 5, in a high-profile case, the Bucharest Court rejected the gendarmerie's appeal in the case of Ioan Duia, who is deaf and mute and was fined 2,000 lei (\$500) by the gendarmerie for shouting slogans against the ruling party.

Press and Media, Including Online Media: While independent media were active and expressed a wide variety of views without overt restriction, politicians or persons with close ties to politicians and political groups either owned or indirectly controlled numerous media outlets at the national and local levels. The news and editorial stance of these outlets frequently reflected their owners' views and targeted criticism at political opponents and other media organizations.

During the year investigations into alleged attacks by Romanian gendarmerie against reporters remained stalled, and the case was transferred from one prosecutor's office to another. In August 2018, 15 reporters were subjected to physical, verbal, and tear gas assaults while covering a major anticorruption and antigovernment protest.

Violence and Harassment: Dozens of reporters throughout the country continued to be harassed, sued, or threatened by the authorities they investigated or by their proxies. On March 22, former justice minister Tudorel Toader refused to renew accreditation for private ProTV's reporter Ovidiu Oanta and Realitatea TV's Ionela Arcanu, both of whom covered justice issues. Toader invoked a law stating that an accreditation can be refused if the reporter "disturbs the activity of that institution." The two journalists were known for their tough questions during his news conferences. Following NGO and independent media protests and allegations that the minister might have violated the constitution, Oanta's accreditations were returned. Arcanu was reaccredited on May 8, after Toader left office.

On April 15, journalist Emilia Șercan, who investigated cases of plagiarism by government officials, reported that she had received death threats. She filed a criminal complaint, and on September 18, DNA prosecutors charged the former rector of the National Police Academy, Adrian Iacob, and the former deputy rector, Mihail-Petrica Marcoci, with instigating blackmail and instructing police officer Gheorghe Adrian Barbulescu to issue death threats against the reporter to stop her investigations. On December 10, Bucharest Court sentenced Barbulescu to one year in prison. Because he collaborated with prosecutors and disclosed the superiors who ordered him to issue the threats, he was not sent to jail. Instead, the court mandated that he would be monitored by the probation service for two years. The ruling in Barbulescu's case was not final.

On June 11, reporter Diana Oncioiu of the Let There Be Light (Sa Fie Lumina) media project received death threats while she was investigating the sexual abuse of students at Husi Theological Seminary in Vaslui County. An unknown individual told the reporter that her head would be “ripped off” if she continued to document private matters of the Romanian Orthodox Church. Following the reporter's criminal complaint, police identified the suspect as Dragos T., a former student of the Husi Seminary. In September, however, prosecutors decided not to pursue criminal charges against Dragos T., as the threats “were not premeditated but a spontaneous gesture” and ordered him to perform 50 days of community service. In *Dela0.ro*, Oncioiu published an investigation into sexual child abuse cases that found courts determined three out of four cases were considered consensual. In November the Superior Council of Magistrates chair Lia Savonea requested the Judicial Inspection to investigate whether another article by Oncioiu published in *Dela0.ro* affected “judicial independence” and “magistrates' impartiality.” The Judicial Inspectorate's investigation against the reporter and the outlet remained pending.

Internet Freedom

The government did not systematically restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority. During the year, however, many individuals in various counties continued to be fined for criticizing or using derogatory language on Facebook, mainly against interior ministry employees or agencies. On January 21, the Satu Mare police told local media that they fined three individuals 200 lei (\$50) each for insulting police officers for parking their cars in parking spaces designated for persons with

disabilities. Following the fine, the Facebook page featuring instances of illegal parking was disabled.

Academic Freedom and Cultural Events

On June 26, the National Union of Police Agents (SNAP) sued the members of rap and hip-hop band Parazitii and their music production house to force them to withdraw a song criticizing police. The union asked for damages of 100,000 euros (\$110,000) and public apologies for using insulting language. The band's lawyer asserted that the trial constituted censorship of an artistic act. On August 12, the Bucharest Court rejected SNAP's complaint as groundless and asserted that it could not claim damages in the name of police as it represented only 8,000 of the 65,000 police employees. SNAP appealed the decision.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedom of association, but the government occasionally restricted freedom of peaceful assembly.

Freedom of Peaceful Assembly

The constitution provides for freedom of peaceful assembly, which the government has generally respected. The law provides that unarmed citizens may assemble peacefully but also stipulates that meetings must not interfere with other economic or social activities and may not take place near such locations as hospitals, airports, or military installations. In most cases organizers of public assemblies must request permits in writing three days in advance from the mayor's office of the locality where the gathering is to occur.

In October 2018 the Supreme Court ruled that public gatherings, including protests, must be declared in advance when they are to be held in markets, public spaces, or in the vicinity of institutions "of public or private interest." The decision was mandatory. Activists opposed these restrictions, stating that by announcing the protests, those who take to the streets will be forced to take responsibility not only for themselves, but also for larger groups or for instigators to violence who may be brought there to compromise peaceful anticorruption protests. Civic organizations also warned that in Bucharest authorities granted public spaces for longer periods to NGOs with no activity only as a pretext to refuse permits to protest to legitimate organizations.

In August 2018 a protest at Victoria Square in Bucharest attracted approximately 100,000 protesters. According to the Ministry of Interior, several hundred persons allegedly attempted to get close to the cabinet office building and threw objects at gendarmes. Media and civic groups reported the number of violent protesters was much lower, amounting to several dozens of persons. Gendarmes used tear gas and water cannon indiscriminately, harming peaceful protesters, some of whom were children or elderly. NGOs, observers, and journalists noted gendarmes launched tear gas canisters in adjacent areas of the square against persons who did not pose a threat. Gendarmes also used violence against protesters who left the protest and were on adjacent streets. Numerous broadcast television reports showed members of the gendarmerie punching, kicking, and hitting peaceful protesters, with their batons. Several protesters suffered injuries caused by shrapnel from exploding tear-gas canisters.

More than 770 criminal complaints concerning violent incidents during the August 2018 protest that allegedly constituted excessive force against peaceful protesters were submitted to law enforcement. During the year investigations into alleged attacks by gendarmerie against protesters remained stalled, and the case was transferred from one prosecutor's office to another.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right. The law prohibits fascist, racist, or xenophobic ideologies, organizations, and symbols.

In August 2018 the government adopted an ordinance that authorizes the Ministry of Public Finances to check whether NGOs use the funds redirected by citizens from their income tax according to the organizations' primary goals. The ADHR-HC asserted this measure would allow the government to harass NGOs.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement

The constitution and law provide for the freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

In-country Movement: The internal movement of beneficiaries of international protection and stateless persons was generally not restricted. Asylum seekers may be subject to measures limiting their freedom of movement and to detention in specific circumstances. The law and implementing regulations provide that the General Inspectorate for Immigration may designate a specific place of residence for an applicant for asylum while authorities determine his or her eligibility, or may take restrictive measures, subject to approval by the prosecutor's office, that amount to administrative detention in "specially arranged closed areas."

According to the Office of the UN High Commissioner for Refugees (UNHCR), as of October no such cases of asylum detention were recorded during the year.

Applicants who do not qualify for asylum are treated as aliens without a right to stay in the country and may be taken into custody pending deportation. According to the law, those applying for asylum while in public custody were released from detention if granted access to the ordinary procedure. Detention in public custody centers is subject to regular review and should not exceed six months unless there are specific circumstances, in which case detention may be extended for up to 18 months. Applicants for or beneficiaries of international protection in certain circumstances, particularly those declared "undesirable" for reasons of national security, may be subject to administrative detention in public custody centers.

The government may grant "tolerated status" to persons who do not meet the requirements for refugee status or subsidiary protection, but who cannot be returned for various reasons. These reasons include cases where stateless persons are not accepted by their former country of habitual residence or where the lives or well-being of returnees could be at risk. Persons with "tolerated status" have the right to work but not to benefit from any other social protection or inclusion provisions, and the government restricted their freedom of movement to a specific region of the country.

e. Internally Displaced Persons

Not applicable.

f. Protection of Refugees

Abuse of Migrants, Refugees, and Stateless Persons: According to UNHCR, several incidents of harassment, discrimination, and crimes against refugees and migrants were reported throughout the year in Bucharest and other parts of the country, although most incidents were not reported because of fear, lack of information, inadequate support services, and inefficient redress mechanisms.

The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, and other persons of concern, which could include irregular migrants potentially in need of international protection.

Refoulement: The law establishes exceptions to the principle of nonrefoulement and the withdrawal of the right to stay following a declaration of a person as “undesirable.” This may occur, for example, when classified information or “well founded indications” suggest that aliens (including applicants for asylum, or persons granted asylum) intend to commit terrorist acts or favor terrorism. Applicants for protection declared “undesirable” on national security grounds were taken into custody pending the finalization of their asylum procedure and then deported.

Access to Asylum: The law provides access to asylum procedures to foreign nationals and stateless persons who express their desire for protection, which may be in the form of refugee status or temporary “subsidiary protection” status. The asylum law prohibits the expulsion, extradition, or forced return of any asylum seeker at the country’s border or from within the country’s territory, but this was not without exception, particularly in cases that fell under the country’s national security and terrorism laws.

UNHCR reported receiving several allegations of denial of access to the country, pushbacks, and deviations from asylum procedures at border areas.

Safe Country of Origin/Transit: The law provides for the concept of safe countries of origin. This normally referred to EU member states but could also include other countries approved by the Internal Affairs Ministry at the recommendation of the General Inspectorate for Immigration. Procedurally, the government would normally reject applications for asylum by persons who had arrived from a safe country under accelerated procedures, or who already benefited from international protection granted in such a country. Exceptions are allowed in cases where the factual situation or evidence presented by the applicant shows the existence of a well founded fear of persecution or serious risk. Between January and October,

one asylum application by an EU national was rejected at the administrative level of the asylum procedure; no information regarding the legal basis for the rejection was available.

The law also refers to the concept of a safe third country. The law extends to irregular migrants who transited and were offered protection in a third country considered safe or who had the opportunity at the border or on the soil of a safe third country to contact authorities for the purpose of obtaining protection. In such cases authorities could deny access to asylum procedures if the designated safe third country agreed to readmit the applicant to its territory and grant access to asylum procedures.

Freedom of Movement: The law incorporates four “restrictive” measures under which the internal movement of applicants for asylum may be limited. The first two establish an obligation to report regularly to the General Inspectorate for Immigration or to reside at a regional reception center. A third restrictive measure allows authorities to place applicants in “specially arranged closed areas” for a maximum of 60 days, either to access the asylum procedure or if the asylum seeker is deemed to pose a danger to national security. There was no case of an asylum applicant being placed in a specially arranged closed area through October. Authorities may also place asylum applicants in administrative detention in a public custody center if they are subject to a transfer to another EU member state under the Dublin Regulations or if they have been declared “undesirable” for reasons of national security, pending their removal from the country.

According to UNHCR, irregular migrants, persons declared as “undesirable,” asylum seekers deemed to pose a “risk of absconding,” as well as other categories of foreigners may face detention in public custody centers. Under provisions of the law to limit “abuse to the asylum procedure,” irregular migrants who submitted their first application for international protection while in custody were released from detention only if granted access to the ordinary asylum application procedure. The provisions raised concerns among UN agencies and civil society due to the ambiguity in the phrases “abuse of the asylum procedure” and “risk of absconding.”

The period of detention in a public custody center could be prolonged up to a maximum of 18 months.

Employment: While persons granted international protection have the legal right to work, job scarcity, low wages, lack of language proficiency, and lack of

recognized academic degrees and other certifications often resulted in unemployment or employment without a legal contract and its related benefits and protections. Obtaining a legal work contract remained difficult for various reasons, including tax concerns and the reluctance of employers to hire refugees.

Access to Basic Services: Effective access by persons with refugee status or subsidiary protection to education, housing, lifelong learning and employment, public health care, and social security varied across the country, depending on the level of awareness of various public and private actors responsible for ensuring access to these services.

Durable Solutions: According to UNHCR, the country has become an emergent resettlement country, having agreed to resettle small quotas of refugees every year. For 2018-19, the quota pledged by the government was to accept 109 Syrian refugees, to be resettled from Turkey (69) and Jordan (40) with the support of UNHCR and the International Organization for Migration. As of October these cases had already been processed and were pending transfer by the end of the year.

Beneficiaries of international protection continued to face problems with local integration, including access to vocational training adapted to their specific needs, counseling programs, and naturalization. According to UNHCR, refugee integration programs relied almost exclusively on NGOs, with coordination from the General Inspectorate for Immigration. The support services or targeted integration and inclusion programs provided by local governments to refugees were limited. Access to education was problematic, and several school inspectorates refused to organize Romanian language classes. According to several reports, schools across the country, including in large cities such as Bucharest, delayed enrollment of refugee children in school for several months.

Recipients of subsidiary protection complained of problems regarding their freedom of movement to other countries due to the additional visa requirements. UNHCR reported that refugees saw citizenship acquisition as a cumbersome, costly, and difficult process, with some requirements, particularly related to the applicant's financial situation, that were difficult to meet.

g. Stateless Persons

According to UNHCR, as of June there were 337 stateless persons with valid residence documents in the country. These included legal residents under the aliens' regime, stateless persons of Romanian origin, as well as 112 persons

granted some form of international protection. Data on stateless persons, including on persons at risk of statelessness and persons of undetermined nationality, were not reliable due to the absence of a procedure to determine statelessness, the absence of a single designated authority responsible for this purpose, and the lack of adequate identification and registration of persons with unknown or undetermined nationality.

The law includes favorable provisions for stateless persons of Romanian origin to reacquire citizenship. Nevertheless, a significant gap persisted due to the lack of safeguards against statelessness for children born in the country, who would be stateless because their parents either were themselves stateless or were foreigners unable to transmit their nationality.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: On November 10 and 24, the country held presidential elections that were considered free and fair and without significant irregularities. In 2016 the country held parliamentary elections that election observers also considered free and fair. Amendments to election legislation signed into law in July improved conditions for Romanian citizens residing abroad to exercise their right to vote, including early voting, voting by mail, and extended voting hours at polling stations.

Political Parties and Political Participation: The law requires political parties to register with the Bucharest Tribunal and to submit their statutes, program, and a roster of at least three members. Critics asserted that certain requirements undermine the freedom of association. These include the requirement that parties field candidates--by themselves or in alliance--in at least 75 electoral constituencies in two successive local elections, or that they field a full slate of candidates in at least one county or partial slates of candidates in a minimum of three counties in two successive parliamentary elections. A party's statutes and program must not include ideas that incite war; discrimination; hatred of a national, racist, or religious nature; or territorial separatism.

Participation of Women and Minorities: No laws limit participation of women or members of minorities in the political process, and they did participate. Societal attitudes presented a significant barrier, and women remained underrepresented in positions of authority. As of December 1, there were 72 women in the 329-seat Chamber of Deputies and 19 women in the 136-seat Senate.

Under the constitution each recognized ethnic minority is entitled to a representative in the Chamber of Deputies. An organization is required, however, to receive votes equal to 5 percent of the national average number of votes cast by district for a deputy to be elected. The list of organizations that benefit from these provisions is limited to those that are already part of a National Council of Minorities, which consists of organizations already in parliament. The law sets more stringent requirements for minority organizations without a presence in parliament. To participate in elections, such organizations must provide the Central Electoral Bureau a membership list equal to at least 15 percent of the total number of persons belonging to that ethnic group, as determined by the most recent census. If this number amounts to more than 20,000 persons, the organization must submit a list with at least 20,000 names distributed among a minimum of 15 counties plus the city of Bucharest, with no fewer than 300 persons from each county. Some organizations and individuals, particularly Romani activists, claimed this rule was discriminatory.

Ethnic Hungarians, represented by the Democratic Union of Hungarians in Romania political party, were the sole ethnic minority to gain parliamentary representation by surpassing the 5 percent threshold of all valid votes cast nationally, the threshold set for political parties. One Romani organization, Roma Party-Pro Europe, had a single representative in parliament.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials. Nevertheless, corrupt practices remained widespread despite several high-profile prosecutions. There were numerous reports of government corruption during the year.

According to World Bank indicators and other expert opinion, corruption remained a problem. Bribery was common in the public sector. Laws were not always implemented effectively, and officials sometimes engaged in corrupt practices with impunity.

Corruption: The DNA continued to investigate and prosecute corruption cases involving political and administrative officials throughout the year. In June the Senate rejected the DNA's request to open a criminal investigation of Senate President Calin Popescu Tariceanu for bribery, and in September the Senate rejected the DNA's request to open a criminal investigation of former health minister Florian Bodog for abuse of office. In February the High Court convicted and sentenced former Constanta mayor Radu Mazare and 31 other codefendants to nine years in prison for fraudulent real estate transactions. In May the High Court convicted speaker and party chair Liviu Dragnea to three and one-half years in prison for instigation to abuse of office.

Verdicts in corruption cases were often inconsistent, with sentences varying widely for similar offenses. Enforcement of court procedures lagged mostly due to procedural and administrative problems, especially with respect to asset forfeiture.

A series of emergency ordinances and other legislative amendments to judicial statutes enacted in 2018 created several conflicting provisions and triggered legislative confusion and public protests from a significant number of judges and prosecutors during the year. While the former government repealed some of provisions, it left in place provisions establishing the Section to Investigate Offenses in the Judiciary, an entity that judicial and law-enforcement stakeholders publicly criticized as having the potential to intimidate judges and prosecutors.

Corruption was widespread in public procurement. A 2016 law provides for a comprehensive software mechanism to flag potential conflicts of interest in public procurement, but the law was not implemented. Bribery was common in the public sector, especially in health care. Individual executive agencies were slow in enforcing sanctions, and agencies' own inspection bodies were generally inactive. Despite the emphasis on prevention in the latest *National Anticorruption Strategy*, individual agencies and the government did not take significant action in this area.

Financial Disclosure: The law empowers the National Integrity Agency (ANI) to administer and audit financial disclosure statements for all public officials and to monitor conflicts of interest. The law stipulates that the agency may identify "significant discrepancies" between an official's income and assets, defined as more than 45,000 lei (\$11,250), and allows for seizure and forfeiture of unjustified assets. The mechanism for confiscation of "unjustified assets" was cumbersome. Through September 15, ANI identified three cases of "significant discrepancies" totaling 3.3 million lei (\$825,000). Through September 15, ANI identified 97 cases of incompatibilities, 26 cases of conflicts of interest, and eight cases with

strong indications of criminal or corruption offenses. During the year ANI reviewed 14,000 public procurement procedures and issued 25 integrity warnings.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses 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 generally met with human rights NGOs and were cooperative and sometimes responsive to their views.

There were some reports that government officials were reluctant to cooperate with NGOs that focused on institutionalized persons with disabilities or to accept NGO criticism of institutions for persons with disabilities. In 2017 the Ministry of Labor and Social Justice ceased to allow representatives of the Center for Legal Resources (CLR) to visit institutions for persons with disabilities, stating that the ministry's agreement with the CLR would not be renewed. In March the National Center for Mental Health and Antidrug Fight, a governmental agency subordinated to the Ministry of Health, revoked a recently issued authorization allowing the CLR to visit institutions for persons with disabilities. The CLR is an NGO that reports on alleged abuse of institutionalized persons with disabilities.

Government Human Rights Bodies: The Office of the Ombudsperson has limited power and no authority to protect citizens' constitutional rights in cases requiring judicial action. The Office of the Ombudsperson is the only institution that may challenge emergency ordinances in the Constitutional Court and did so for several controversial ordinances. The ombudsperson is the national preventive mechanism implementing the optional protocol to the UN Convention against Torture. This gives the ombudsperson the power to conduct monitoring visits to places where individuals are deprived of their liberty, including prisons, psychiatric hospitals, and asylum centers. As of September the ombudsperson issued 77 recommendations to penitentiaries, schools, law enforcement agencies, and other governmental institutions.

In 2017 the government established the Office of the Children's Ombudsperson empowered to examine human rights complaints made by children or their legal representatives. In 2016 parliament established the Council for Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities. The council was authorized to make unannounced visits in centers and hospitals for persons with disabilities to check if the rights of these persons were respected,

issue recommendations, and submit criminal complaints. As of September the council had issued 37 reports during the year with recommendations based on visits to residential centers for persons with disabilities. Observers reported the council's recommendations and reports were inaccurate and noted that conditions had not improved. Human rights activists and media regarded the institution as ineffective and believed that the inspectors who drafted the reports lacked the necessary human rights expertise.

Each chamber of parliament has a human rights committee tasked with drafting reports on bills pertaining to human rights. On several occasions members of these committees expressed the views of their political parties rather than addressing problems impartially.

The National Council for Combating Discrimination (CNCD) is the government agency responsible for applying domestic and EU antidiscrimination laws. The CNCD reports to parliament. The CNCD operated with the government's cooperation and, for the most part, without government or party interference. According to the CNCD, the institution did not receive adequate resources. Observers generally regarded the CNCD as effective, but some criticized it for a lack of efficiency and political independence.

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

Women

Rape and Domestic Violence: Rape, including spousal rape, is illegal. The law provides for three to 10 years' imprisonment for rape and two to seven years' imprisonment for sexual assault. If there are no aggravating circumstances and the attack did not lead to death, police and prosecutors may not pursue a case on their own, but they require a victim's complaint, even if there is independent physical evidence.

The criminal code classifies family violence as a separate offense and stipulates that when murder, battery, or other serious violence is committed against a family member, the penalty is increased. The code also states that, if the parties reconcile, criminal liability is removed.

Violence against women, including spousal abuse, continued to be a serious problem that the government did not effectively address. The law provides for the issuance of provisional restraining orders by police for a maximum of five days

and restraining orders by a court for a maximum of six months upon the victim's request or at the request of a prosecutor, the state representative in charge of protecting victims of family violence, or, if the victim agrees, a social service provider. Violation of a restraining order is punishable by imprisonment for one month to one year. The court may also order an abuser to undergo psychological counselling. The FILIA Center for Gender Studies and Curriculum Development--an NGO that aims to promote gender equality--stated that police lacked procedures for the implementation and monitoring of restraining orders.

Police condoned violence against women and girls. In April the head of the Bacau County Police Inspectorate stated during a radio show that, if a husband hits his wife intentionally or unintentionally during the night and then he calms down, the victim should not call police on the emergency hotline. Several human rights activists reported that some police officers try to dissuade victims of rape from pressing charges against their aggressors and, in some cases, refuse to register criminal complaints submitted by victims. In August media outlets reported the case of a woman who went to a police precinct in Bucharest to press charges immediately after she was raped. According to the victim's testimony, police officers repeatedly asked her whether she was certain that she wanted to press charges, whether she sought revenge, and whether she was aware that she would destroy the alleged aggressor's life by pressing charges.

Courts prosecuted very few cases of domestic abuse. Many cases were resolved before or during trial when the alleged victims dropped their charges or reconciled with the alleged abuser.

Sexual Harassment: Criminal law prohibits sexual harassment, which it defines as repeatedly asking for sexual favors in a work or similar relationship. A victim's complaint is necessary to initiate a criminal investigation. Penalties range from fines to imprisonment of three months to one year. The law on equal opportunities for men and women defines sexual harassment as the occurrence of unwanted behavior with a sexual connotation, which can be expressed physically, verbally, or nonverbally and has the effect or result of damaging a person's dignity and, in particular, the creation of a hostile, intimidating, degrading, humiliating, or offensive environment. Civil fines range from 3,000 to 10,000 lei (\$750 to \$2,500).

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization.

Discrimination: Under the law women and men enjoy equal rights. Women experienced discrimination in marriage, divorce, child custody, employment, credit, pay, owning or managing businesses or property, education, the judicial process, and housing. The law requires equal pay for equal work, but there was a 3.5-percent gender pay gap according to EU data. Segregation by profession existed, with women overrepresented in lower-paying jobs. There were reports of discrimination in employment.

Children

Birth Registration: Children derive citizenship by birth from at least one citizen parent. Although birth registration is mandatory by law, it was not universal, and authorities denied some children public services as a result. Most unregistered children had access to schools, and authorities assisted in obtaining birth documents for unregistered children, but the education of unregistered children depended on the decision of school authorities. The law provides simplified birth registration for children whose mothers do not have proper documentation to register their children.

Child Abuse: Child abuse, including emotional, physical, and psychological violence and neglect, continued to be serious problems. Media outlets reported several severe cases of abuse or neglect in family homes, foster care, and child welfare institutions. The government has not established a mechanism to identify and treat abused and neglected children and their families.

Early and Forced Marriage: The legal age of marriage is 18 for both men and women, but the law permits minors as young as 16 to marry under certain circumstances. Illegal child marriage was reportedly common in certain social groups, particularly among some Romani communities. Media outlets and NGOs reported cases of Romani girls as young as 11 being sold into marriage by their families. Child protection authorities and police did not always intervene in such cases. There were no public policies to discourage child marriage.

Sexual Exploitation of Children: The law provides one- to 10-year prison sentences for persons convicted of sexual acts with minors, depending on the circumstances and the child's age. Sexual intercourse with a minor who is 13 to 15 years of age is punishable by a one- to five-year prison sentence. Sexual intercourse with a person younger than 13 is punishable by a two- to seven-year prison sentence and deprivation of some rights. The law also criminalizes sexual corruption of minors (which includes subjecting minors to sexual acts other than

intercourse or forcing minors to perform such acts), luring minors for sexual purposes or child prostitution, and trafficking in minors. Pimping and pandering that involve minors increase sentences by one-half. The law allows authorities to maintain a registry of individuals who had committed sexual offenses against or exploited adults and children. As of September the register was not operational.

Child pornography is a separate offense and carries a sentence, depending on the circumstances, of up to seven years' imprisonment, which may be increased by one-third if the perpetrator was a family member or someone in whose care the child was entrusted or if the life of the child victim was endangered.

Institutionalized Children: During the year there were several media reports of abuses in placement centers for institutionalized children, including sexual abuse, physical violence by colleagues or staff, and trafficking in persons. Numerous reports noted a lack of adequate food, clothing, medical treatment, and counselling services. In 2016 prosecutors indicted members of an organized crime network who were recruiting girls from orphanages in Iasi for sexual exploitation. In 2017 the Iasi Tribunal convicted the defendants and sentenced them to prison terms ranging from three to seven years for trafficking in minors. The defendants appealed the ruling, but a court of appeal confirmed the conviction in September.

According to media reports and NGOs, in 2018 psychiatrists administered psychotropic drugs to thousands of children in residential institutions or in foster care in order to control their behavior. According to official estimates, one-third of the institutionalized children, including those with disruptive behavior, attention-deficit, or hyperactivity disorder, were under psychotropic medication, but observers believed the number to be much higher.

By law unaccompanied migrant children are housed in placement centers, where they have access to education and benefits other children receive. The detention of families with children is allowed by law, with preservation of family unity used as justification. Several such cases were recorded during the year.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at <https://travel.state.gov/content/travel/en/International-Parental-Child-Abduction/for-providers/legal-reports-and-data/reported-cases.html>.

Anti-Semitism

According to the 2011 census, the Jewish population numbered 3,271. Representatives of the Jewish community stated that according to their estimates, the Jewish population numbered approximately 7,000. Acts of anti-Semitism occurred during the year.

The law prohibits public denial of the Holocaust and fascist, racist, anti-Semitic, and xenophobic language and symbols, including organizations and symbols associated with the indigenous Legionnaire interwar fascist movement. The oppression of Roma as well as Jews is included in the definition of the Holocaust.

Streets, organizations, schools, or libraries continued to be named after persons convicted for war crimes or crimes against humanity, according to the Elie Wiesel Institute for the Study of the Holocaust in Romania. For example, Radu Gyr was a commander and anti-Semitic ideologist of the fascist Legionnaire movement convicted of war crimes. The Wiesel Institute requested the renaming of Radu Gyr street in Cluj-Napoca. As of September the local government had not changed the name of the street.

Material promoting anti-Semitic views and glorifying legionnaires also appeared in media outlets, including on the internet, and several government officials made trivializing comments about the Holocaust. During an August 2 ceremony commemorating the killing of Roma during the Holocaust, former minister of culture Valer-Daniel Breaz described the Holocaust as one of the “delicate moments, not to call them difficult or unpleasant, during which some minorities suffered.” The leaders of the Jewish community, academics, Romani and human rights activists, as well as several politicians criticized Breaz for his statements. Jewish community president Aurel Vainer stated that he disapproved of Minister Breaz’s statements and that the killings committed during the Holocaust should not be ignored or minimized. Jewish Member of Parliament Silviu Vexler stated the language used by Breaz was unacceptable and that Holocaust trivialization is dangerous.

Messages promoting Holocaust denial and relativism appeared on the internet. In April, Andrei Caramitru, a prominent member of the Save Romania Union Party, posted on his Facebook page a message that claimed the Social Democratic Party was responsible for mass emigration and deaths following car accidents and corruption in the health sector. According to Caramitru, these represent a Holocaust against Romania that was worse than what happened to the country during the Second World War. Caramitru later apologized for his Facebook post.

In April media outlets reported a case of vandalism at a Jewish cemetery in Husi, where unknown individuals destroyed dozens of headstones. Law enforcement officials identified three suspects, and as of September the investigation was pending.

In August 2018 anti-Semitic and other offensive messages were painted during the night on the childhood home of Auschwitz survivor and Nobel laureate Elie Wiesel in Sighetu Marmatiei. The local office of the national police started an investigation of the incident and identified one suspect. In April the case was closed because a psychiatric expert found the suspect was unable to take responsibility for his actions.

The high school course *History of the Jews--The Holocaust* was optional. During the 2017-18 school year, 2,256 pupils took the course.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government did not fully implement the law, and discrimination against persons with disabilities remained a problem.

The law mandates that buildings and public transportation be accessible for persons with disabilities. The country continued to have an insufficient number of facilities specifically designed to accommodate persons with disabilities who could have extreme difficulty navigating city streets or gaining access to public buildings. Persons with disabilities reported a lack of access ramps, adapted public transportation, and adapted toilets in major buildings.

Discrimination against children with disabilities in education was a widespread problem due to lack of adequate teacher training on inclusion of children with disabilities and lack of investment to make schools accessible. Most children with disabilities were either placed in special schools or not placed in school at all. According to the NGO the European Center for the Rights of Children with Disabilities (ECRCD), abuses against children in special schools, including

violence by staff, occurred frequently. Several reports by the ECRCO indicated that children with disabilities placed in regular schools faced abuse and discrimination from classmates and staff.

The CLR identified a series of problems in centers for persons with disabilities or psychiatric sections, including verbal and physical abuse of children and adults, sedation, excessive use of physical restraints, lack of hygiene, inadequate living conditions, and lack of adequate medical care. In September the CLR announced that at the Center for the Recovery of Persons with Disabilities in Sighetu Marmatiei, eight persons with disabilities were kept in cages while three other persons were tied to their beds. The CLR also indicated the lack of specialized personnel and inadequate hygiene at the center. Following media reports about the situation and an inspection by the county agency for social inspection and payments, the patients were transferred to other centers. According to the CLR, between 2017 and September 2018, some 1,447 institutionalized persons with disabilities, including 40 children and 609 persons younger than age 70, died while in the care of residential centers and psychiatric sections and hospitals. In August a patient interned at the Sapoca Psychiatric Hospital in Buzau County attacked several persons with an infusion stand, killing six and wounding seven.

The National Authority for the Protection of Persons with Disabilities, under the labor ministry, coordinated services for persons with disabilities and drafted policies, strategies, and standards in the field of disabilities rights.

National/Racial/Ethnic Minorities

Discrimination against Roma continued to be a major problem. Romani groups complained that police harassment and brutality, including beatings, were routine. Both domestic and international media and observers reported societal discrimination against Roma. NGOs reported Roma were denied access to, or refused service in, many public places. Roma also experienced poor access to government services, a shortage of employment opportunities, high rates of school attrition, and inadequate health care. A lack of identity documents excluded many Roma from participating in elections, receiving social benefits, accessing health insurance, securing property documents, and participating in the labor market. According to the Ministry of Interior, 102,854 persons older than age 14 did not have identity documents. Romani rights activists reported that most of these persons were Roma who cannot acquire legal identity documents because they resided in informal settlements and housing. Roma had a higher unemployment

rate and a lower life expectancy than non-Roma. Negative stereotypes and discriminatory language regarding Roma were widespread.

Despite an order by the Ministry of Education forbidding segregation of Romani students, several NGOs continued to report that segregation along ethnic lines persisted in schools. In November representatives of the “Pro Europe Roma Party” NGO and human rights activists stated that in a public school in the city of Iasi, Romani children went on break at different hours of the day than ethnic Romanians in order to avoid interaction between the two groups. Activists also stated that at another public school in Iasi, Romani students were placed in segregated classrooms located in a separate building.

Researchers and activists reported a significant number of the remaining Romani Holocaust survivors who applied for a pension were denied because of unreasonable administrative barriers raised by the pension offices, problematic standards, lack of knowledge about the Holocaust and Roma, and burdensome requirements. According to researchers, despite historical evidence, in hundreds of cases authorities considered that Roma were resettled and not deported, and consequently granted them smaller pensions.

In April the driver of a minibus operated by a transportation company in the city of Zalau denied a Romani woman and her two children access to the vehicle and hit her repeatedly with a wooden stick. After she called the 112 emergency line to report the incident, the operator insulted the victim and used racial slurs against her. According to Romani CRISS, the attack was racially motivated. As of September the case was pending investigation before the prosecutor’s office in Zalau. As of September the Special Telecommunications Service, the body that operates the emergency line, was investigating the behavior of the operator.

Ethnic Hungarians continued to report discrimination related mainly to the use of the Hungarian language. There were continued reports that local authorities did not enforce the law, which states that in localities where a minority constitutes at least 20 percent of the population, road signs must be bilingual. According to the Miko Imre Legal Service, during Romania’s qualifying matches for the 2020 European Football Championship in June that took place in Norway and Malta, Romanian fans continuously shouted anti-Hungarian slogans, including, “Out with the Hungarians from the country!”

Several politicians and government officials made derogatory remarks about ethnic Germans and equated German ethnicity with Nazism and the Holocaust. On

August 5, Dana Varga, an advisor to former prime minister Viorica Dancila, posted on her Facebook page pictures comparing President Klaus Iohannis, an ethnic German, to Adolf Hitler. The leadership of the Jewish community, the Elie Wiesel Institute, Romani rights activists, and several members of the opposition condemned Varga's actions.

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

The law prohibits discrimination based on sexual orientation. NGOs reported that societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons was common, and there were some reports of violence against them. On some occasions police condoned violence against LGBTI persons. The NGO ACCEPT reported that during the year a person living near their headquarters continuously verbally harassed LGBTI persons who visited the NGO and its employees, and destroyed the property of a transgender woman. In June, ACCEPT submitted a criminal complaint, but as of September, police had not taken any measures.

Discrimination in employment occurred against LGBTI persons. On June 22, a pride march with approximately 10,000 participants took place without incident in Bucharest. Before the event approximately 100 persons took part in a counter protest.

The law governing legal gender recognition for transgender persons was vague and incomplete. In some cases authorities refused legal gender recognition unless an individual had first undergone sex reassignment surgery. Access to adequate psychological services was also limited because some psychologists refused to accept transgender patients.

HIV and AIDS Social Stigma

Although the law provides that HIV-infected persons have the right to confidentiality and adequate treatment, authorities rarely enforced it. Authorities did not adopt regulations that were necessary to provide confidentiality and fair treatment, and discrimination against persons with HIV/AIDS impeded access to routine medical and dental care.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the rights of workers to form and join independent labor unions, bargain collectively, and conduct legal strikes. Unions can affiliate with regional, national, or EU union federations, but they may affiliate with only one national organization. The law prohibits antiunion discrimination and allows workers fired for union activity to challenge in court for reinstatement. The law provides for protection of freedom of association and collective bargaining, but unions complained there was little enforcement to protect against violations of these rights.

Civil servants generally have the right to establish and join unions. Employees of the Ministry of National Defense, certain categories of civilian employees of the Ministries of Interior and Justice, judges, prosecutors, intelligence personnel, and senior public servants, including the president, parliamentarians, mayors, prime minister, ministers, employees involved in security-related activities, and president of the Supreme Court, however, do not have the right to unionize. Unions complained about the requirement that they submit lists of union members with their registration application. Since employers also had access to the list, union officials feared this could lead to reprisals against individual unionized employees, particularly dismissals, hindering the formation of new unions.

The law requires employers with more than 21 employees to negotiate a collective labor agreement but provides no basis for national collective labor agreements. Employers refusing to initiate negotiation of a collective bargaining agreement can receive fines. The law permits, but does not impose, collective labor agreements for groups of employers or sectors of activity. The law requires employers to consult with unions on such topics as imposing leave without pay or reducing the workweek due to economic reasons.

Unions may strike only if they give employers 48 hours' notice, and employers can challenge the right in court, effectively suspending a strike for months. Military personnel and certain categories of staff within the Ministry of Internal Affairs, such as medical personnel, are not permitted to strike. Although not compulsory, unions and employers can seek arbitration and mediation from the Labor Ministry's Office for Mediation and Arbitration. In one case unions criticized the ministry for failing to intervene effectively during a six-week strike at a household appliances production plant in Satu Mare in northwestern Romania. Workers were demanding a two-lei (\$0.50) per hour increase in wages; unions claimed that the employer made little effort to engage constructively with employees.

Companies may claim damages from strike organizers if a court deems a strike illegal. The law permits strikes only in defense of workers' economic, social, and professional interests and not for the modification or change of a law. As a result, workers may not challenge any condition of work established by law, such as salaries for public servants, limiting the effectiveness of unions in the public sector.

Unions complained that the legal requirement for representativeness, which states that the right to collective bargaining and to strike can be asserted only by a union that represents 50 percent plus one of the workers in an enterprise, is overly burdensome and limits the rights of workers to participate in collective bargaining and to strike. In the absence of this clear majority, an employer can appoint a worker representative of its choosing to negotiate the agreement. Some companies created separate legal entities to which they transferred employees, thereby preventing them from reaching the threshold for representation.

Unions complained that the government's general prohibition on union engagement in political activities was intended to prohibit unions from entering unofficial agreements to support political parties. The law provides for this control due to past abuses by union officials. Authorities could exercise excessive control over union finances, although the government asserted that national fiscal laws apply to all organizations. The International Labor Organization's Committee of Experts on the Application of Conventions and Recommendations identified fiscal laws as an area of concern.

Official reports of incidents of antiunion discrimination remained minimal, as it was difficult to prove legally that employers laid off employees in retaliation for union activities. The CNCD fines employers for antiunion discrimination, although it lacks the power to order reinstatement or other penalties. In 2018 the CNCD issued fines in 19 cases involving access to employment and profession, which includes antiunion discrimination and collective bargaining agreement infringement. The law prohibits public authorities, employers, or organizations from interfering, limiting, or preventing unions from organizing, developing internal regulations, and selecting representatives. Penalties were insufficient to deter violations, and employees must usually seek a court order to obtain reinstatement.

The government and employers generally respected the right of association and collective bargaining.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Nevertheless, there were reports such practices continued to occur, often involving Roma, persons with disabilities, and children. The government did not effectively enforce the law and took limited measures to prevent forced or compulsory labor. The law criminalizes forced labor, but penalties have been insufficient to deter violations.

According to the Ministry of Internal Affairs, 100 of the 497 victims of trafficking officially identified in 2018 were exploited specifically for labor purposes. Of these, 42 were trafficked for agricultural work and 26 victims were forced into begging.

Men, women, and children were subjected to labor trafficking in agriculture, construction, domestic service, hotels, and manufacturing. Organized rings, often involving family members, forced persons, including significant numbers of Romani women and children, to engage in begging and petty theft (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits the worst forms of child labor. The minimum age for most forms of employment is 16. Children may work with the consent of parents or guardians at age 15 if the activities do not endanger their health, morality, or safety. The law prohibits persons younger than 18 from working in hazardous conditions, includes a list of dangerous jobs, and specifies penalties for offenders. Some examples of hazardous jobs for children include those posing a high risk of accident or damage to health, exposure to psychological or sexual risk, night shifts, exposure to harmful temperatures, and those requiring use of hazardous equipment. Parents whose children carry out hazardous activities are required to attend parental education programs or counseling and may be fined if they fail to do so.

Minors who work have the right to continue their education, and the law obliges employers to assist in this regard. Minors between the ages of 15 and 18 may work a maximum of six hours per day and no more than 30 hours per week, provided their school attendance is not affected. Businesses that impose tasks

incommensurate with minors' physical abilities or fail to respect restrictions on minors' working hours can face fines. Many minors reportedly did not attend school while working. Minors have the right to an additional three days of annual leave.

The law requires schools to notify social services immediately if children miss class to work, but schools often did not comply. Social welfare services have the responsibility to reintegrate such children into the educational system.

The Ministry of Labor and Social Protection may impose fines and close businesses where it finds exploitation of child labor. The National Authority for the Protection of the Rights of the Child and Adoption (ANPFDC) in the Labor Ministry has responsibility for investigating reports of child labor abuse, but enforcement of child labor laws tended to be lax, especially in rural areas with many agricultural households and where social welfare services lacked personnel and capacity to address child labor violations. The ANPFDC is responsible for monitoring and coordinating all programs for the prevention and elimination of child labor.

The government did not effectively enforce laws, and penalties were not sufficient to deter violations. Government efforts focused on reacting to reported cases, and the ANPFDC dedicated limited resources to prevention programs. According to the ANPFDC, 260 children were subject to child labor in 2018. The incidence of child labor was widely believed to be much higher than official statistics reflected. Child labor, including begging, selling trinkets on the street, and washing windshields, remained widespread in Romani communities, especially in urban areas. Children as young as five engaged in such activities, and cases were usually documented only when police became involved. Children whose parents work abroad remain vulnerable to neglect and abuse. In 2018 a total of 92,027 children had at least one parent working abroad. In nearly a fifth of these cases, both parents were abroad. Of the 260 documented cases of child labor in 2018, authorities prosecuted only one alleged perpetrator, while an additional 135 cases remained under investigation at the end of 2018.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination with respect to employment and occupation because of race, sex, gender, age, religion, disability, language, sexual orientation or gender identity, HIV-positive or other communicable disease status, social status, or refugee or stateless status. The government did not enforce these

laws effectively, reacting to claims of discrimination rather than adequately engaging in programs to prevent discrimination. Although the CNCD and the Labor Inspectorate investigated reported cases of discrimination, penalties were insufficient to deter violations.

Discrimination in employment or occupation occurred with respect to gender, disability, and HIV status. Discrimination against Roma and migrant workers also occurred. With respect to employment discrimination, the CNCD processed 365 cases in 2018 and 278 in the first half of the year. The CNCD addressed cases in both the public and private sectors.

According to Eurostat, the pay gap between men and women in the country was 3.5 percent in 2017. While the law provides female employees re-entering the workforce after maternity leave the right to return to their previous or a similar job, pregnant women and other women of childbearing age could still suffer unacknowledged discrimination in the labor market.

Although systematic discrimination against persons with disabilities did not exist, the public had a bias against persons with disabilities. NGOs worked actively to change attitudes and assist persons with disabilities to gain skills and employment, but the government lacked adequate programs to prevent discrimination. The law requires companies or institutions with more than 50 employees to employ workers with disabilities for at least 4 percent of their workforce or pay a fine for lack of compliance. Before the ordinance was adopted, the law allowed companies not in compliance with the quota to fulfill their legal obligation by buying products from NGOs or firms, known as “sheltered units,” where large numbers of persons with disabilities were employed. NGOs reported that sheltered units lost an important source of income as a result. Local labor offices had limited success in facilitating employment for persons with disabilities, finding employment for 402 individuals in 2018 and 85 during the first quarter of the year.

NGOs reported that patients suffering from cancer and tuberculosis faced unacknowledged discrimination in the workplace. Almost one-third of employees with cancer reported they postponed informing their employer of their illness; after treatment, 17 percent reported a substantial reduction in job duties and responsibilities upon returning to work. The law supports tuberculosis patients by providing monthly food allowances, medical leave, and psychological support but does not contain measures to protect patients from workplace discrimination.

As authorities allow greater numbers of non-EU citizens to live and work in the country, reports of discrimination against migrant workers have become more prevalent. In Arad local workers went on strike in solidarity with their colleagues from India after a rail car manufacturer deducted the transportation costs from India to Romania as a lump sum from monthly wages without prior notice to the employees. After media reported that a major construction company in Bucharest housed many Vietnamese workers in unsuitable conditions, the company canceled their labor contracts, claiming the workers made public statements against company regulations and damaged its public image. The Health Inspectorate subsequently fined the company 45,000 lei (\$11,000) for providing housing to non-EU workers that failed to meet sanitary conditions.

e. Acceptable Conditions of Work

The law provides for a national minimum wage that is greater than the official estimate for the poverty income level. The minimum wage has nearly tripled in nominal terms since 2012. In addition a government decision issued in December 2018 introduced a differentiated minimum wage, decreeing that employees with a university degree and at least one year on the job must receive at least 13 percent more than other minimum wage workers earn. The government also introduced a significantly higher minimum wage for construction workers. Up to 60 percent of employees earn the minimum wage according to the Labor Ministry. Authorities enforced wage laws adequately, although a significant informal economy existed. According to Eurostat data, in 2018 nearly a third of the population (32.5 percent) was at risk of poverty or social exclusion. Despite minimum wage increases, nearly one in seven employed Romanians was at risk of poverty.

The law provides for a standard workweek of 40 hours or five days. Workers are entitled to overtime pay for weekend or holiday work or work of more than 40 hours. An employee's workweek may not exceed 48 hours per week on average over a four-month reference period, although exceptions are allowed for certain sectors or professions. The law requires a 48-hour rest period in the workweek, although most workers received two days off per week. During reductions in workplace activity for economic or technical reasons, the law allows employers to shorten an employee's workweek and reduce the associated salary. Excessive overtime may lead to fines for employers if workers file a complaint, but complaints were rare. The law prohibits compulsory overtime.

The law gives employers wide discretion regarding the performance-based evaluation of employees. The law permits 90-day probationary periods for new employees and simplifies termination procedures during this period.

The law provides for temporary and seasonal work and sets penalties for work performed without a labor contract in either the formal or the informal economy. In accordance with EU regulations, the maximum duration of a temporary contract is 36 months.

The Labor Ministry, through the Labor Inspectorate, is responsible for enforcing the law on working conditions, health and safety, and minimum wage rates, but it does not effectively enforce all aspects consistently. The inspectorate was understaffed and inspectors underpaid; consequently, the inspectorate had high turnover and limited capacity. Minimum wage, hours of work, and occupational safety and health standards were not effectively enforced in all sectors. The construction, agriculture, and small manufacturers sectors were particularly problematic sectors for both labor underreporting and neglecting health and safety standards. The Labor Inspectorate increased inspections in 2018, identifying 14,568 undeclared workers and fining employers 119.2 million lei (\$29.8 million). Through June the Labor Inspectorate identified 5,004 undeclared workers and fined employers 50.5 million lei (\$12.6 million).

According to trade union reports, many employers paid supplemental salaries under the table to reduce both tax burdens for employees and employers alike. To address underreported labor, in 2017 the government increased the minimum required payroll taxes that employers must pay for their part-time employees to equal those of a full-time employee earning minimum wage. In addition the Labor Inspectorate collaborated with the National Authority for Fiscal Administration to conduct joint operations to check employers in sectors prone to underreported labor, including the textile, construction, security, cleaning, food preparation, transportation, and storage industries. These investigations often focused on underpayment of taxes rather than workers' rights.

The government did not effectively enforce overtime standards. Union leaders complained that overtime violations were the main problem facing their members, since employers often required employees to work longer than the legal maximum without always receiving mandatory overtime compensation. This practice was especially prevalent in the textile, banking and finance, and construction sectors.

The Ministry of Labor and Social Protection is responsible for establishing occupational health and safety standards, and the Labor Inspectorate inspects employers for compliance with regulations. The high number of violations suggested that the penalties were insufficient to deter violations. In 2018 inspectors focusing on workplace safety conducted 49,979 inspections, imposed 2,687 fines, and applied sanctions ranging from making recommendations for remedial actions to closing workplaces and suspending the use of equipment. Workers could remove themselves from situations they deemed dangerous to their health or safety without jeopardy to their employment. Not all workplace accidents were investigated by labor inspectors. Companies investigated minor incidents, while labor inspectors investigated more severe ones, typically those that resulted in fatalities or in multiple injuries. If appropriate, incidents may be referred for criminal investigation. Union leaders stated that labor inspectors only superficially investigated workplace accidents, including ones involving fatalities, and inspectors often wrongly concluded that the victims were at fault in most fatal accidents.