

ROMANIA 2015 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. In November 2014 the country held presidential elections in which electoral observers noted irregularities, including insufficient polling stations for the large diaspora community. The country held parliamentary elections in 2012, which observers generally considered to be without irregularities. Civilian authorities maintained effective control over the security forces.

Major human rights problems included police and gendarme mistreatment and harassment of detainees and Roma. Government corruption remained a widespread problem. Systematic societal discrimination against Roma affected their access to adequate education, housing, health care, and employment opportunities.

Other human rights problems included poor prison conditions and continued attempts by some political figures to compromise the independence of the judiciary. The government failed to take effective action to return Greek Catholic churches confiscated by the communist-era government. Personal and professional threats to journalists undermined media freedom. There were continued reports of violence and discrimination against women. There were some anti-Semitic acts and statements, and media continued to publish anti-Semitic articles. Anti-Semitic, racist, xenophobic, and nationalistic views continued to be disseminated via the internet. Government agencies provided inadequate assistance to persons with disabilities and neglected persons with disabilities in institutions. Societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons and individuals with HIV/AIDS, particularly children, remained problems. Employers subjected men, women, and children to labor trafficking in agriculture, construction, domestic service, hotels, and manufacturing. Child labor was also a problem.

The judiciary took steps to prosecute and punish officials who committed abuses, but authorities repeatedly delayed lawsuits involving alleged police abuse, which in many cases resulted in acquittals.

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

a. Arbitrary or Unlawful Deprivation of Life

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

The trial of police officer George Stefan Isopescu was pending before the Bucharest tribunal as of the end of September. In March 2014 Isopescu, who was working at Bucharest Precinct 10, allegedly beat to death a 26-year-old Romani man, Daniel Gabriel Dumitrache, who worked as a “parking boy” earning income by finding parking spaces for drivers in exchange for tips.

On June 30, the Sibiu court sentenced police officer George Bogdan Grigoras to five years in prison for first-degree murder for shooting and killing a man in the village of Tapu, Sibiu County, in 2013. Both Grigoras and the County Police Inspectorate appealed the sentence, and the case was pending before the Alba Iulia Court of Appeals at the end of the year.

In 2012 the Institute for Investigating Communist Crimes and the Memory of the Romanian Exile received authority to initiate criminal investigations of communist-era crimes discovered through its research. On July 24, a former communist-era prison official, Alexandru Visinescu, whose trial began in August 2014 at the request of the institute, was sentenced to 20 years in prison for crimes against humanity. The sentence may be appealed.

b. Disappearance

There were no reports of politically motivated disappearances.

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

The constitution and law prohibit such practices, but there were reports from nongovernmental organizations (NGOs) and the media that police and gendarmes mistreated and abused prisoners, pretrial detainees, Roma, and other citizens, primarily through the use of excessive force, including beatings. The media reported such cases in Bucharest, Vinga, Botosani, Braila, Arad, and other localities. In most cases the police officers involved were exonerated.

On June 10, four gendarmes from the Second Battalion of the General Gendarmes Division of Bucharest Municipality verbally and physically abused an HIV-positive former drug addict who was receiving methadone-substitution treatment. Although he had a prescription, the gendarmes confiscated his medication for being illegal, used abusive language about his addiction, and detained him. They later released him without returning his medication. The man filed a complaint against the gendarmes with the prosecutor's office of the High Court of Cassation and Justice.

In May the Association for the Defense of Human Rights-Helsinki Committee (APADOR-CH) published a report on the situation in Racos, Brasov County, where a Romani community of more than 1,200 persons was located. Community members complained that police had terrorized and repeatedly beaten them over the previous three years and that the Brasov prosecutor's office had handled their complaints improperly, closing all cases. APADOR-CH criticized the failure of law enforcement authorities to investigate the situation thoroughly in Racos and take appropriate countermeasures. A subsequent report by APADOR-CH in August revealed that, of the 3,034 abuse complaints filed against police between 2012 and 2014, 14 went to court and the courts convicted police officers for abusive behavior in four of these cases.

The Piatra Neamt chief of police resigned in March after surveillance camera footage showed him slapping and kicking a 14-year-old girl at police headquarters. The Directorate for the Investigation of Organized Crimes and Terrorism initiated an investigation. An investigation also began of the police officer on duty the day of the beating, on suspicion that he had disseminated the camera footage. Both remained pending at the end of October.

Prison and Detention Center Conditions

Prison conditions remained harsh 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, and some prisons did not meet the standard of 43 square feet per prisoner, as set by the Council of Europe's Committee for the Prevention of Torture.

According to a report by the National Administration of Penitentiaries, 502 persons died in prisons in between 2010 and 2014, of whom 425 died due to medical

conditions, 73 committed suicide, three were killed, and one died from choking on food. As of the end of September, several deaths had occurred in prisons. On September 7, a teenager died after his cellmate severely beat him in pretrial detention in Tichilesti penitentiary. The deaths of two prisoners in the penitentiaries in Craiova and Colibasi were also reported.

According to media and NGO reports, guards assaulted prisoners and at times prisoners assaulted and abused fellow inmates.

Some prisons provided insufficient medical care, and food quality was poor and sometimes insufficient in quantity. In some prisons the heating and ventilation were inadequate, and there was poor lighting. APADOR-CH and the Association for Human Rights and People Deprived of Freedom reported that most prisons were overcrowded and noted inadequate conditions in some prisons, including insufficient medical care, poor food quality, mold in kitchens and cells, understaffing, an insufficient number of bathrooms, poor hygiene, insects, an insufficient number of doctors (including no psychologists in some prisons), lack of work, and inadequate educational activities. APADOR-CH also criticized the lack of adequate treatment with substitute substances for former drug addicts.

APADOR-CH stated that most police pretrial detention facilities had inadequate conditions. Such facilities were often located in basements and had no natural light or sanitary installations. In some pretrial facilities and prisons, there was no possibility for confidential meetings between detainees and their families or attorneys.

As of May the ECHR issued 16 rulings against the state, which had to pay compensation of 85,540 euros (\$94,100) for poor prison conditions and inhuman and degrading treatment in prisons.

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

On March 24, the European Court of Human Rights (ECHR) issued a ruling against the country for failing to conduct an effective investigation into the 2007 death of Ionel Garcea, a prisoner with psychiatric problems in the Rahova hospital prison. After Garcea repeatedly complained that prison guards assaulted him, he hammered nails into his own head in protest, and authorities hospitalized him several times after he was diagnosed with a psychiatric disease and other medical problems. He also tried to commit suicide and refused to take medicine. He died a

month after surgery to remove a nail from his head. Investigations are still pending in the case.

Independent Monitoring: The government permitted monitoring visits by independent human rights observers, and such visits occurred during the year.

d. Arbitrary Arrest or Detention

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

Role of the Police and Security Apparatus

The Ministry of Internal Affairs is responsible for the General Inspectorate of the Romanian Police; the gendarmerie; the border police; the Department of Intelligence and Internal Protection (DIPI), which oversees the collection of intelligence on organized crime and corruption; and the Directorate General for Anticorruption. The prime minister appoints the head of DIPI. The General Inspectorate of the Romanian Police is divided into functional directorates, and there are 42 regional directorates for the counties and the city of Bucharest. The Romanian Intelligence Service (SRI), the country's domestic security agency, investigates terrorism and national security issues. The president nominates, and parliament confirms, the SRI director. The SRI submits annual activity reports to parliament, which has a standing committee for SRI oversight. Internal disciplinary councils at the work locations of accused police officers handle complaints of misconduct.

Impunity was a problem. Police were frequently exonerated of allegations of beatings and other cruel, inhuman, or degrading treatment (see section 1.c.). Police corruption contributed to citizens' lack of respect for police and a corresponding disregard for police authority. Low salaries and the absence of incentives and bonuses led to personnel financial shortages and contributed to the susceptibility of individual law enforcement officials to bribery. Authorities referred instances of high-level corruption to the Directorate General for Anticorruption within the Ministry of Internal Affairs.

Arrest Procedures and Treatment of Detainees

The law provides that only judges may issue detention and search warrants, and the government generally respected this provision. The law requires authorities to

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. Authorities must bring detainees before a court within 24 hours of arrest. Although authorities generally respected these requirements, there were some reports of abuses during the year. The law provides for pretrial release and home detention at the discretion of the court. 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. The detainee has the right to meet privately with counsel before the first police interview. A lawyer may be present during the interview or interrogation. Detainees also had prompt access to their families.

The law allows police to take an individual to a police station without a warrant for endangering the public or other individuals or disrupting public order. There were allegations that police often used this provision to hold persons for up to 24 hours. Since those held in such cases were not formally detained or arrested, authorities determined their right to counsel did not apply. APADOR-CH criticized this provision as leaving room for abuse.

Pretrial Detention: A judge may order pretrial detention for periods up to 30 days, depending on the status of the case. While a court may extend this period in 30-day increments, total pretrial detention may not exceed 180 days. Under the law detainees may hold courts and prosecutors liable for unjustifiable, illegal, or abusive measures. According to human rights NGOs, in many cases authorities automatically extended pretrial detention, even if the reasons for the original arrest no longer existed.

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary. The government generally respected judicial independence but failed to provide sufficient personnel, physical space, and technology to enable the judiciary to act swiftly and efficiently, thereby resulting in excessively long trials.

The Superior Council of Magistrates is the country's judicial governance body. It generally maintained transparency of operations and acted promptly to suspend

judges and prosecutors under suspicion of legal violations. The number of high-level corruption trials remained steady during the year.

Trial Procedures

The constitution and the law provide for the right to a fair 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 if necessary. Trials are open to the public and should take place without undue delay, but in many cases delays occurred because of the heavy caseload or procedural inconsistencies. The law does not provide for trial by jury. Defendants have the right to be present at trial. The law provides for the right to counsel and 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 witnesses are undercover agents), present witnesses and evidence on their own behalf, and have a court-appointed interpreter. The law generally provides for the right of defendants and their attorneys to view and consult case files. The prosecution may restrict access to evidence for reasons such as 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 legal right to abstain from making statements with no negative legal consequence. 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. In May the Constitutional Court found the provisions regarding home arrest during criminal investigations and initial trials unconstitutional because they did not specify the maximum period allowed for house arrest. The court found this provision essentially allowed for an unlimited period, which infringed on the fundamental rights and freedoms of citizens. Shortly thereafter the government passed an emergency ordinance amending the law to provide a term of 30 days for house arrest warrants, which a judge may extend to a maximum of 180 days during a criminal investigation, after which the suspect must go free. A judge may detain a person for up to five years during a trial, which is deductible from the prison term if the person is convicted. Arrests generally took place during the investigative phase rather than during the

trial phase. The law separates the roles of various types of judges, including the preliminary judge, who examines evidence and pretrial motions; the judge for rights and liberties, who seeks to ensure the defendant's constitutional rights are not violated; and the trial judge, who is legally required to be separate from the judge for rights and liberties. Some courts, however, lacked a sufficient number of judges to separate these functions.

Prosecutors may introduce evidence, including evidence acquired from wiretaps, during their investigations and in their indictments. The media often reported this information, especially in corruption cases. Some judges and rule-of-law advocates complained that excessive media coverage of arrests and the use of pretrial detention resulted in unfair justice.

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 the domestic courts.

Approximately 80 percent of court cases in the country were civil cases. Caseloads were divided unevenly, which resulted in vastly different efficiency rates across the country. A lack of both jurisprudence and a modern case management system contributed to a high number of appeals as well as lengthy trials. Specialized commercial courts exist, although the number of such courts was insufficient to handle demand. Litigants sometimes encountered difficulties enforcing civil verdicts because the procedures for enforcing court orders were impractical and caused delays.

Property Restitution

The law for restituting property seized by the former communist and fascist regimes creates a "points" system (one point for each Romanian leu of property value) to compensate claimants for whom restitution of the original property is not possible. The 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 and aimed at in-kind restitution whenever practicable, but local authorities hindered land restitution by failing to complete a land inventory by the deadline stipulated in the law, and the central government facilitated delays by twice extending the deadline for the inventory's completion.

There were numerous disputes over church buildings and property that the Orthodox Church failed to return to the Greek Catholic Church in violation of valid court orders to do so. The government also did not take effective action to return the Greek Catholic churches confiscated by the post-World War II communist government. In January, following a 2014 ruling of the Ploesti Court of Appeals, the local council of Sfantu Gheorghe took over the Miko School, which the former communist government had expropriated from the Reformed Church. Viewing the move as renationalization, the Reformed Church filed a complaint with the ECHR. There were also complaints that restitution of communal and individual property confiscated during World War II and the communist years proceeded too slowly. Amendments to address properties forcibly "donated" during these eras and to grant priority status to Holocaust survivors passed both chambers of parliament in November but were part of a larger legislative package that the Constitutional Court struck down in December for unrelated reasons. Associations of former owners asserted that the points compensation system was ineffective and continued to criticize the restitution law for failing to resolve the problem in a fair manner and generating lengthy delays and corruption.

f. Arbitrary 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 illegally engaged in electronic eavesdropping. The annual report of the SRI states that it completed 44,000 legal wiretaps, or nearly 122 per day, in 2014.

The law permits the use of electronic eavesdropping in cases involving organized crime, national security, and other serious offenses. By law the investigating prosecutor must first obtain a warrant from a judge. In exceptional circumstances, when delays in getting the warrant would seriously affect a criminal investigation, prosecutors may begin surveillance for 48 hours without a judicial warrant but must then submit a request within 24 hours for retroactive authorization. When there is a threat to national security, the law permits the prosecutor general to request authorization from the president of the High Court of Cassation and Justice for issuance of a warrant for an initial period of six months and to request

extensions for up to two years in three-month increments. Some human rights NGOs noted the contradiction between the two laws with regard to the requirement for judicial approval of wiretaps.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The constitution provides for freedom of speech and press, and the government generally respected these rights. An independent press, largely independent judiciary, and functioning democratic political system combined to promote freedom of speech and press.

Freedom of Speech and Expression: The law prohibits insulting the state insignia (the coat of arms, national flag, or national anthem); denying the Holocaust; using fascist, racist, or xenophobic symbols; commemorating individuals who committed crimes against mankind; or promoting fascist, racist, or xenophobic ideologies. On July 27, the parliament amended the law criminalizing Holocaust denial and the promotion of the fascist Legionnaires' Movement to stipulate prison sentences of up to three years. Some journalists and analysts criticized the law for not addressing denial of communist crimes as well. Others warned that its text is ambiguous and may infringe upon other freedoms, including the publication of books.

Press and Media Freedoms: The law's restrictions on insulting state insignia; religious defamation; denying the Holocaust; using fascist, racist or xenophobic symbols; commemorating individuals who committed crimes against mankind; or promoting fascist, racist, or xenophobic ideologies apply to the print and broadcast media as well. While independent media were active and expressed a wide variety of views without overt restriction, politicians and 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 tone of these outlets frequently reflected the views of the owners. There were also allegations that owners suppressed stories at odds with their interests or threatened the authors of such stories.

Media outlets controlled by politicians Dan Voiculescu (the founder of the Conservative Party, who was in prison for corruption and under investigation for blackmail) and Sebastian Ghita (a member of the Social Democratic Party who was under investigation for corruption) repeatedly attacked journalists who

reported on their businesses or on the government's activities against them. The two politicians owned television and radio stations that hosted most of the talk shows featuring members of the governing coalition.

In March, Antena 3 anchor Mircea Badea posted threats on his Facebook page against journalists Silviu Sergiu, chief of the *Evenimentul Zilei* political section, and freelance investigative reporter Stelian Negrea. Over the previous several years, the two reporters carried out extensive investigations into Voiculescu's collaboration with the communist-era Securitate secret police and other businesses. Also on air, Badea, along with Antena 3 director Mihai Gadea, insulted Negrea and his wife, Realitatea TV journalist Eli Roman, by mocking Roman's pregnancy. Negrea and Roman filed complaints with the National Audiovisual Council (CNA) and the National Council for Combating Discrimination (CNCD). Seven local NGOs and the Association of European Journalists supported their complaint. Neither the CNCD nor the CNA reached a decision on the case during the year.

Violence and Harassment: During the year politicians and citizens sometimes insulted or harassed journalists. Authorities failed to resolve complaints made by journalists.

Both former prime minister Victor Ponta and his adviser and former spokesperson, Mirel Palada, publicly disparaged journalists working for outlets that criticized government policies. In April Palada insulted four media outlets (Realitatea TV, *Hotnews*, *Gandul*, and Nasul TV) for publicizing a gaffe by the culture minister, who called *Hamlet* "one of the greatest writers of humankind." On Facebook Palada labeled the reporters "Dirt bags. Bastards. Do not forget who you deal with now... I curse them on Facebook, screw these filthy guys...."

During the year former prime minister Ponta issued several insults and unproven accusations in his news conferences or on Facebook against journalists and media outlets investigating his private businesses, criticizing his government's activity, or carrying out anticorruption campaigns. He accused journalists from outlets such as *Ziare.com*, *Hotnews*, *Gandul*, and *Romania Libera* of being members of the intelligence services, of being paid with "dirty" money, or of evading taxes. Journalists and media NGO representatives asserted that Ponta sought to damage the credibility of independent reporters and intimidate them in their reporting.

Censorship or Content Restrictions: In January the parliament's electoral code committee limited media access to its meetings, despite parliamentary rules that require a plenum decision in order to be enforced. Chamber of Deputies President

Valeriu Zgonea asserted that the meetings were closed to the media “in order for [them] to be productive.”

On September 23, the parliament rejected the 2014 annual report of Romanian Public Television (TVR), which in turn required the entire TVR board and President-Director General Stelian Tanase to be dismissed. Before the vote in parliament, Tanase revealed in a TVR interview that former deputy prime minister Gabriel Oprea pressured him on three different occasions to censor TVR news reporting on accusations of plagiarism against Oprea. Tanase also wrote on his blog that, after pressuring him, Oprea met with former prime minister Ponta and Social Democratic Party leader Liviu Dragnea and decided his removal.

Libel/Slander Laws: Under the law libel and insult are civil, not criminal, matters. In February, Ondine Ghergut, an investigative journalist for the newspaper *Romania Libera*, announced she had won her appeal in a lawsuit brought by former prosecutor Marcel Sanpetru in 2011 for reporting corruption accusations pending against Sanpetru. In 2014 a court ordered Ghergut to pay damages and trial expenses of 15,000 lei (\$3,600) and publish the court’s sentence in seven newspapers, which would have cost her 300,000 euros (\$330,000).

On July 7, the ECHR ruled in favor of journalist Ioan Morar and ordered Romanian authorities to pay 24,445 euros (\$26,900) in compensation for a court’s unjust ruling. The case stemmed from Morar’s publication in 2004 of a letter warning a Romanian writer living abroad that a Romanian-American citizen, Victor Gaetan, was an officer of the communist-era Securitate secret police. Gaetan sued Morar for defamation in a Bucharest court. In 2005 the court found for Gaetan and ordered Morar to pay him damages. Morar appealed to the ECHR, alleging the ruling violated freedom of expression as provided in the European Convention of Human Rights.

Internet Freedom

While the government did not restrict or disrupt access to the internet or censor online content, there were reports the government monitored private online communications without appropriate legal authority. According to International Telecommunication Union statistics, approximately 68 percent of the country’s population used the internet.

In June the parliament adopted a law that, together with a decision by the National Gambling Office (ONJN), forced internet service providers to block access to

“blacklisted” remote gambling websites and redirect users to a website hosted by the Special Telecommunications Service (STS). The STS is a military organization and part of the national defense system. The Association for Technology and Internet (ApTI), an internet freedom NGO, noted the government adopted ONJN’s decision without public debate and that ONJN waited a month after the decision’s adoption to publish it online. ApTI and five other human rights, media, and digital freedom NGOs (Active Watch, APADOR-CH, Center for Independent Journalism, the Romanian Center for Investigative Journalism, and Foundation Ceata) warned that the ONJN decision established the censorship of internet content and created censorship tools that could be expanded to other domains. They asserted it also violated the right to privacy of electronic communication, generated e-security problems, and left internet service providers liable to civil suits for blocking websites.

Academic Freedom and Cultural Events

There were no government restrictions on cultural events.

b. Freedom of Peaceful Assembly and Association

Freedom of Assembly

The constitution provides for freedom of assembly, and the government generally respected this right. 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. Organizers of public assemblies must request permits in writing three days in advance from the mayor’s office of the locality where the gathering would occur. There were reports that some protesters had difficulty obtaining permits.

Freedom of Association

The constitution provides for freedom of association, and the government generally respected this right. The law prohibits fascist, communist, racist, or xenophobic ideologies, organizations, and symbols. During the year the government passed a law on political parties that critics asserted violates the right of association by requiring a party to field candidates in a large number of constituencies in order to participate in an election (see section 3, Elections and Political Participation).

c. Freedom of Religion

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

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

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

In-country Movement: The internal movement of asylum seekers was generally not restricted. The law provides, however, that the General Inspectorate for Immigration may designate a specific place of residence for an alien while authorities determine his or her refugee status, when such a designation is justified by the public interest, national security, public order, health, public morals, or the protection of the rights and freedoms of other persons. Individuals falling within some of these categories, particularly those declared “undesirable” for reasons of national security, are subject to administrative detention in public custody centers.

Following the arrival of 70 migrants via the Black Sea in February, authorities charged several who applied for asylum with illegal entry and placed them under judicial control, a measure to restrict free movement that may apply in criminal cases.

Authorities treated rejected asylum seekers as aliens who no longer have a right to stay in the country and may take them into custody prior to deporting them. Such aliens were released from detention if granted access to a new asylum procedure. The government may grant “tolerated status” within the country’s borders to asylum seekers who do not meet the requirements for refugee status or subsidiary protection, but who cannot be returned for technical reasons, such as uncertain nationality or because of a crisis in their countries of origin.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government established a system for providing protection to refugees.

The law provides for granting access to asylum procedures to foreign nationals and stateless persons who express their desire for protection by the government in the form of refugee status, subsidiary protection status, or temporary protection. The asylum law, based on EU legislation, prohibits the expulsion, extradition, or forced return of any asylum seeker at the country's border or from within the country's territory, but this is not without exception, particularly in cases that fall under the country's terrorism laws.

UNHCR noted no impediments regarding access to asylum procedures or discrimination in access during the year, in relation to specific populations. Nevertheless, there were a few isolated reports that administrative and judicial authorities rejected applications for protection by Syrian nationals who had entered the country illegally in February via the Black Sea. The government also prosecuted heads of households among the Black Sea migrants, both for smuggling their own family members and for illegal entry.

In March the government rejected as manifestly unfounded the asylum applications of two Turkish nationals accused of espionage by the Turkish government in accelerated procedures.

Safe Country of Origin/Transit: The law provides for the concept of safe countries of origin. This normally refers to EU member states but includes a list of countries approved by the Interior Ministry, at the recommendation of the General Inspectorate for Immigration, and published in accordance with the law. The government would normally reject such applications under accelerated procedures as manifestly unfounded, except in cases where the factual situation or evidence presented by the applicant shows the existence of a well-founded fear of persecution. In the case of the latter, the government is required to grant the applicants access to ordinary procedures. The law fails to provide exceptions for the serious risk of harm that would warrant the grant of subsidiary protection.

The law also refers to the concept of a safe third country. The provisions in the law related to this concept are wide and extend to aliens 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 may deny access to asylum procedures if the designated safe third country agrees to readmit the

applicant to its territory and grant him or her access to the asylum procedure. The Interior Ministry is required to create a list of safe third countries.

Employment: Asylum seekers have the right to work starting one year after they submit their first asylum application. This period begins again if the alien obtains access to a new asylum procedure. Even when granted the right to work, many asylum seekers face problems finding legal work, mainly due to the limited validity of their identification documents and lack of awareness among potential employers of their right to work.

Refugees and beneficiaries of subsidiary protection do not face any legal obstacles to accessing employment. By law persons granted protection have the right to work under the same conditions as citizens and do not require additional work permits or other documents. 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.

Access to Basic Services: According to the law, persons granted refugee or subsidiary protection status benefit from the same rights as citizens, apart from the right to vote. This entails legal access to all levels of education, housing, lifelong learning and employment, public health care, and social security. Nevertheless, the ability of eligible persons to exercise these rights varied throughout the country.

During the asylum procedure, applicants for international protection may be provided housing in one of six open reception centers located throughout the country or reside outside these centers if they have the means to do so. The government did not provide asylum seekers sufficient financial and material assistance to meet their basic needs, particularly in the case of asylum seekers with special needs or vulnerabilities. This situation was aggravated by limitations on asylum seekers' right to work and gaps between EU-funded projects, which often occurred annually. Asylum seekers had limited options for meaningful activities, such as language classes, cultural orientation, and skills training. Authorities did not provide sufficient social, psychological, and medical assistance for asylum seekers, including victims of trauma and torture, and they were dependent on NGO-implemented projects for such help.

Durable Solutions: Durable solutions included local integration, voluntary repatriation, and resettlement.

Refugees and beneficiaries of subsidiary protection continued to face problems with local integration, including accessing housing, employment, education, vocational training adapted to their specific needs, counseling programs, and information on citizenship. Obtaining a legal work contract remained difficult for various reasons, including tax concerns. Persons granted refugee status may apply for citizenship after five years of continuous legal residence in the country. These conditions, however, do not apply to beneficiaries of subsidiary protection status, who are required to have eight years of continuous legal residence.

By law refugees and beneficiaries of subsidiary protection may request assistance for voluntary repatriation.

Resettled refugees have rights identical to those of other recognized refugees within the country. They also qualify for assistance for resettled refugees funded by the EU.

Temporary Protection: The government granted subsidiary protection to persons who may not qualify as refugees and provided it to an estimated 214 persons as of September 30.

Stateless Persons

According to statistics compiled by UNHCR, there were 299 stateless individuals residing in the country as of December 2014. These included legal residents under the aliens regime, persons granted some form of protection, and stateless persons of Romanian origin. Concerns remained as to the reliability of data on stateless persons, including persons at risk of statelessness, in the country, 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/or registration of persons with unknown or undetermined nationality. Stateless persons officially registered as such within the country have rights afforded to them by applicable law.

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

There was also a risk of statelessness among persons born in the country who eluded the birth registration system for a variety of reasons, particularly extreme poverty, including members of the country's Roma minority. For children born in the country, local authorities issuing birth certificates often included the parents' citizenship without assessing the potential legal conflicts. This led to situations in which the child's presumed citizenship did not offer effective protection and the state in question did not recognize it, as reported by several Syrian families. This lack of birth registration rendered children significantly more vulnerable to statelessness because it left them without proof of birthplace, parentage, and other key facts needed to establish their status under the law.

Section 3. Freedom to Participate in the Political Process

The law provides citizens with the ability to choose their government in free and mostly fair periodic elections based on universal and equal suffrage, and citizens exercised that ability.

Elections and Political Participation

Recent Elections: The country held presidential elections in November 2014. There were some reports of irregularities, particularly because the government amended the electoral law to allow citizens to cast votes outside their place of residence. Some electoral observers alleged the governing party used this loophole to increase votes artificially in some remote villages. Limited polling stations for citizens living outside the country were a major problem. There were numerous reports of members of the Romanian diaspora waiting in long lines to vote at embassies in capitals across Europe and of thousands of persons being unable to vote before polls closed. The reports triggered nationwide protests.

The country held national parliamentary elections in 2012, which observers noted had some irregularities but judged to be generally free and fair.

Political Parties and Political Participation: A law passed in May requires political parties to register with the Bucharest Tribunal and to submit their statutes, program, and a roster of at least three members. Prior to adoption of the law, authorities required political parties to have at least 25,000 members to obtain legal status. Critics of the new law asserted that certain requirements violate the right to 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.

Organizations representing ethnic minorities may also field candidates in elections provided the minorities in question are "national minorities," defined as ethnic groups represented in the Council of National Minorities. These organizations must meet requirements similar to those for political parties. The law sets more stringent requirements for organizations representing minorities without a presence in parliament than it does for those with a presence. To participate in elections, the former must provide the Central Electoral Bureau a list of members equal to at least 15 percent of the total number of persons belonging to that ethnic group, as determined by the most recent census. If 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.

Participation of Women and Minorities: While the law does not restrict women's participation in government or politics, societal attitudes presented a significant barrier, and women remained underrepresented in positions of authority. For example, as of September 1, there were 53 women in the 383-seat Chamber of Deputies and 12 women in the 167-seat Senate. A majority of magistrates were women, however, including the president of the High Court of Cassation and Justice.

Under the constitution each recognized ethnic minority is entitled to a representative in the Chamber of Deputies, even if the minority's organization cannot obtain the five percent of the vote needed to elect a deputy outright. An organization is required, however, to receive votes equal to 10 percent of the nationwide average number of votes necessary for a deputy to be elected. Organizations representing 18 minority groups received deputies under this provision in the 2012 elections. There were 42 members representing ethnic minorities in parliament: eight in the Senate and 34 in the Chamber of Deputies.

Ethnic Hungarians, represented by the Democratic Union of Hungarians in Romania umbrella party, were the sole ethnic minority to gain parliamentary representation by passing the 5-percent threshold. Only one Romani organization, the Roma Party-Pro Europe, had representation in parliament (one member). A

lack of voter awareness, the inability to demonstrate an established domicile, and lack of identity documents contributed to a low voter turnout among Roma.

Section 4. Corruption and Lack of Transparency in Government

While the law provides criminal penalties for corruption by officials, the government did not implement the law effectively, and officials, including judges, sometimes engaged in corrupt practices with impunity. Bribery was common in the public sector. Immunity from criminal prosecution enjoyed by existing and former cabinet members who were also members of parliament sometimes blocked investigations. According to World Bank indicators, corruption was a problem.

Corruption: The National Anticorruption Directorate (DNA) continued to investigate corruption cases involving political, judicial, and administrative officials at a steady pace throughout the year. The parliament often voted against lifting the immunity of its members for prosecution for corruption. Then prime minister Ponta was indicted in September, on charges of forgery, money laundering, and tax evasion. He resigned his position in November due to various factors. As of September 1, courts issued 197 final convictions to 661 defendants in cases investigated by the DNA, compared with 228 final convictions against 895 defendants in the same period of 2014. Among the defendants convicted were one minister, four members of parliament, and five judges, including one from the High Court of Cassation and Justice. As of September 1, courts ordered the forfeiture of 26.5 million euros (\$29.2 million) as a result of DNA cases. The courts acquitted 64 defendants through September 1. Verdicts in corruption offenses were often inconsistent, with sentences varying widely for similar offenses. Enforcement of court procedures lagged due to procedural problems, especially in regards to asset forfeiture.

On October 30, a fire erupted during a music concert in the Colectiv nightclub in Bucharest, killing 63 persons and injuring 151. Pyrotechnics during the performance ignited polyurethane soundproofing foam covering parts of the building's internal structure. Press reported a delayed and confused emergency service response. Protests began in Bucharest on November 3, with more than 30,000 participants blaming the fire on widespread corruption and some carrying banners saying, "Corruption kills." Demonstrators called for the resignation of Prime Minister Victor Ponta, Interior Minister Gabriel Oprea, and Bucharest Sector Mayor Cristian Popescu Piedone, who was responsible for granting an operating license to the club without a fire department permit. The Ponta

government resigned on November 4. Despite the resignation protests continued in Bucharest and other cities, gradually declining in numbers through November 8.

Conflicts of interest, disrespect for standards of ethical conduct, and improbity in public office in general remained problems in all three branches of government. Corruption was widespread in public procurement. 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.

Through September 21, the DNA sent to parliament 10 requests for pretrial detention, including for six members of parliament and one Constitutional Court judge. Parliament approved seven requests and denied two, while one member resigned from parliament. The DNA asked parliament to lift immunity eight times to investigate current and former members, including the then sitting prime minister. The parliament approved six requests and denied two, including the one involving the sitting prime minister.

The law provides for asset forfeiture, but judges and prosecutors did not order confiscation regularly and authorities' ability to track assets remained below par. The National Agency for Fiscal Administration (ANAF) was charged with confiscating, managing, and liquidating assets acquired from criminals but was understaffed and lacked resources. Preseizure planning between police, prosecutors, and ANAF and parallel investigations--investigating the financial situation of a suspect simultaneously with the criminal investigation--did not occur in either cases of corruption or organized crime. In November the government enacted legislation to establish a new asset management agency, which had not been set up by year's end.

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 his assets, defined as more than 45,000 lei (\$10,800), and allows for seizure and forfeiture of unjustified assets. The mechanism for confiscation of "unjustified assets" was cumbersome. Between January and September, ANI identified 27 cases of "significant discrepancies" totaling more than 5.4 million euros (\$5.9 million). The 27 officials included one senator, five mayors, two local councilors, three magistrates, and 16 senior public servants.

Public Access to Information: Although the law provides for public access to government information related to official decision making, human rights NGOs and the media reported that the government applied the law inadequately and inconsistently. The government and parliament wrote and passed laws in a nontransparent manner, and the government continued to pass a large number of emergency ordinances without parliamentary scrutiny, increasing its legislative powers. Procedures for releasing information were arduous and varied greatly by public institution. Many agencies did not make public their annual performance reports as required by law. NGOs and journalists continued regularly to sue in court to gain access to official government information.

The government often did not observe the law requiring transparency in governmental decision making. The Department for Online Service and Design in the prime minister's office is responsible for coordinating the implementation of the Open Government Partnership (OGP) action plan for the country in coordination with NGOs. The OGP process was somewhat successful in increasing the amount of open data and in teaching citizens how to use the data.

Although intelligence services transferred the majority of the files of the communist-era Securitate intelligence service to the National College for the Study of the Securitate Archives, the powers of the college remained limited because the law does not permit it to issue binding verdicts on individuals' past records as Securitate collaborators.

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

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally met with human rights NGOs and were cooperative and sometimes responsive to their views. There were 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.

Government Human Rights Bodies: The Office of the Ombudsman has limited power and no authority to protect citizens' constitutional rights in cases requiring judicial action. Although the Office of the Ombudsman is the only institution that may challenge emergency ordinances in the Constitutional Court, it failed to

challenge several controversial ordinances despite persistent calls by civil society to do so.

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

The National Council for Combating Discrimination (CNCD) is an independent governmental agency under parliamentary control. As of mid-September the CNCD received 272 public complaints of discrimination, of which 11 were based on nationality, two on sexual orientation, and three on religious grounds. The CNCD also handled 22 complaints regarding discrimination against Roma. On April 1, the parliament approved the appointment of six candidates for the six vacant positions on the CNCD board. On April 30, eight NGOs lodged a complaint with the parliament criticizing the appointment process as faulty and lacking transparency and noting that none of the candidates proposed by civil society was selected. The NGOs also raised concerns about the professional qualifications of some of the new members, since four out of the nine members have no legal background. The NGOs asserted that this violated the law, which states that parliament “will seek that at least two-thirds have a legal background.” The CNCD operated with the government’s cooperation and, for the most part, without government or party interference. According to the CNCD and the Office of the Ombudsman, neither institution received adequate resources. Observers generally regarded the CNCD as effective, while most observers regarded the Office of the Ombudsman as ineffective, despite its larger staff.

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

The law forbids discrimination based on race, sex, disability, ethnicity, national origin, language, social status, beliefs, religion, sexual orientation, age, noncontagious chronic disease, HIV-positive status, membership in an underprivileged category, or on any criteria aimed at restricting human rights and fundamental freedoms. The government did not enforce these prohibitions effectively and women, as well as Roma and other minorities, often experienced discrimination and violence.

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. The sentence for rape increases from five to 18 years if there are aggravating circumstances. For sexual assault with aggravating circumstances, the sentence is three to 15 years. The successful prosecution of rape cases was difficult because the law requires a medical certificate and, as in all criminal cases, requires either the active cooperation of the victim or a third-party witness to the crime. Police and prosecutors may not pursue a case on their own, even with independent physical evidence. Consequently, a rapist could avoid punishment if the victim withdrew the complaint.

The publicity surrounding the November 2014 gang rape of a teenager in a rural area revealed a widespread social bias and tendency to stigmatize the victims of rape. As a result a group of NGOs raised the need for better protection for rape victims as well as for the government to provide free, immediate psychological counseling and legal assistance to survivors.

According to NGOs and other sources, violence against women, including spousal abuse, continued to be a serious problem that the government did not effectively address. The law prohibits domestic violence and allows police intervention in such cases. It provides for the issuance of restraining orders upon the victim's request and for the abuser to pay some of the victim's expenses, such as medical and trial expenses or the cost of the victim's accommodation in a shelter. While the law imposes stronger sanctions for violent offenses committed against family members than for similar offenses committed against others, the courts prosecuted very few cases of domestic abuse. Many cases were resolved before or during trial when alleged victims dropped their charges or reconciled with the alleged abuser. In cases with strong evidence of physical abuse, the court may prohibit the abusive spouse from returning to the home. The law also permits police to fine spouses 100 to 3,000 lei (\$24 to \$720) for various abusive acts. In September the Equal Opportunities Department of the Ministry of Labor, Family, Social Protection, and the Elderly launched a public awareness campaign regarding domestic violence.

Sexual Harassment: The law prohibits sexual harassment. According to the new criminal code, penalties range from fines to imprisonment of three months to one year. Although the problem existed, public awareness of it continued to be low. No effective programs existed to educate the public about sexual harassment.

Reproductive Rights: Couples and individuals had the right to decide the number, spacing, and timing of their children, manage their reproductive health, and have

access to the information and means to do so, free from discrimination, coercion, or violence. There were nevertheless barriers to couples' and individuals' ability to maintain their reproductive health, including a lack of age-appropriate sex education to adolescents, a lack of funds allocated to contraception programs, and a lack of a national strategy regarding sexual and reproductive health and rights.

There were women who did not access reproductive health services and resorted to unsafe abortions outside the hospital. In August publicity surrounding the death of a 33-year-old mother of five in Constanta following an abortion generated public discussion on the accessibility of information and education regarding abortion and other problems related to reproductive health.

Some women, especially Roma, had difficulty accessing reproductive health services for reasons that included lack of information, ethnic discrimination, lack of health insurance, and poverty.

Discrimination: Under the law women and men enjoy equal rights, including concerning family, labor, property, nationality, and inheritance matters. The law requires equal pay for equal work. The government did not enforce these provisions, and authorities did not devote significant attention or resources to challenges facing women. There were reports of discrimination in employment (see section 7.d.).

The CNCD is the government body that deals with discrimination against women. In June, following a complaint filed by the Gender Equality Coalition, the CNCD fined the Romanian Automobile Club 2,000 lei (\$480) for a campaign launched in September 2014 that included misogynistic messages and images.

On September 9, the Women's Organization of the National Liberal Party (PNL) filed a complaint with the CNCD against former prime minister Ponta for using the term "hyenas," allegedly in reference to PNL Chairperson Alina Gorghiu, thereby damaging her dignity and public image. A CNCD decision was pending as of early November.

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. The most common reason for failure to register children at birth was the parents' not declaring the

child's birth to authorities, sometimes because the parents lacked identity documents or residence papers or because the birth took place abroad in countries where parents were present illegally. Most such children had access to schools, and authorities assisted in obtaining birth documents for unregistered children, but the education of unregistered children depended on the decision of school authorities. Undocumented children also faced difficulties gaining access to health care. This was a particular problem among the Romani population, but also occurred in other communities.

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

Child Abuse: Child abuse and neglect continued to be serious problems, and public awareness of it remained poor. The media 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 usually 18 for both boys and girls, but the law permits girls as young as 16 to marry under certain circumstances. Illegal child marriage was reportedly common in certain social groups, particularly Roma. Media occasionally reported individual cases. There were no public policies to prevent child marriage or government institutions that dealt with the problem.

Sexual Exploitation of Children: The new criminal code provides one- to 10-year prison sentences for persons convicted of sexual acts with minors, depending on the circumstances and the child's age. Any sexual act with a minor 13 to 15 years of age is punishable by a one- to five-year prison sentence. A sexual act with a minor under 13 years of age is punishable by a two- to seven-year prison sentence and deprivation of some rights. In neither case is the act punishable if the age difference between the perpetrator and the victim is less than three years. Any sexual act committed by an adult with a minor 13 to 15 years of age, when the adult abuses his or her authority or influence over the victim, is punishable by a two- to seven-year prison sentence and deprivation of some rights. All these forms of child exploitation are punishable by three- to 10-year prison sentences and deprivation of some rights if the minor is a sibling, is in the care, education, or treatment of the perpetrator, or if the act was committed with the goal of producing

child pornography. There was no information on whether authorities effectively enforced the law.

Institutionalized Children: There were reports that some personnel in state institutions mistreated abandoned children with physical disabilities and subjected children in state orphanages to lengthy incarceration as punishment for misbehavior.

In July several television channels broadcast a video showing a child in a center for children with special needs in Bucharest tied with rope to a doorknob. The person who made the video and lived near the center stated that this happened on a regular basis, and that employees also tied up children and left them for hours in the sun in the yard. The General Directorate for Social Assistance and Child Protection immediately began an investigation, which revealed that center employees allegedly restrained the child in order to better control him, since he was very agitated. As a result of the investigation, four center employees on duty the day of the incident were dismissed, and the center director was suspended. Investigators submitted their results to local police, and the local prosecutor's office opened a criminal case. According to NGOs that advocated for institutionalized persons with mental disabilities, such abuse cases were quite frequent and, when such cases reached the media, the government punished those involved in the specific case without changing the general system and approach.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. For information see the Department of State's report on compliance at travel.state.gov/content/childabduction/en/legal/compliance.html and country-specific information at travel.state.gov/content/childabduction/english/country/romania.html.

Anti-Semitism

According to the 2011 census, the Jewish population numbered 3,271. Acts of anti-Semitism occurred.

Parliament amended the law prohibiting public denial of the Holocaust in June to prohibit Legionnaire organizations and symbols, in addition to prohibitions of fascist, racist, and xenophobic language and symbols in existing law. The oppression of Roma as well as Jews is included in the definition of Holocaust. Extreme right and pro-Legionnaire organizations criticized the new law, and the

director of the Institute to Investigate Communist Crimes and the Memory of the Romanian Exile termed it a procommunist law. There were no prosecutions under the statute as of December 1.

Extremist organizations occasionally held high-profile public events with anti-Semitic themes and sponsored events--including religious services, symposia, and marches--to commemorate leaders of the pre-World War II fascist, xenophobic, and racist Legionnaire Movement, such as Horia Sima and Corneliu Zelea Codreanu. Such events took place in Tiganesti, Predeal, Targu Ocna, Aiud, Fetea, Bucharest, and other localities.

Some local and municipal governments occasionally honored Legionnaire members, permitted memorials to pro-Nazi historical figures and Holocaust deniers, and named streets in their honor. Material promoting anti-Semitic views and glorifying Legionnaires also appeared in the media, including on the internet.

On March 5, police identified the persons who vandalized a synagogue in Sighisoara in February after searching the homes of two teenagers. The two, who according to police were not members of a neo-Nazi group, reportedly admitted to vandalizing the wall of the synagogue, drawing a swastika, the initials "SS," and a xenophobic message in German. Police began an investigation, which was pending at year's end.

In September a member of the Caracal branch of the Social Democratic Party was expelled from the party after expressing his admiration for Adolf Hitler on his Facebook page and posting anti-Semitic messages.

A survey of the Center for Public Opinion Polls, commissioned by the Wiesel Institute and released in July, revealed that 73 percent of the 1,016 persons surveyed had heard of the Holocaust, as contrasted with 34 percent who accepted the fact that there was a Holocaust in the country. Approximately 69 percent of the respondents blamed the Holocaust on Nazi Germany, while 19 percent considered that the wartime government of general Ion Antonescu was responsible. Of the respondents, 54 percent considered Antonescu a hero. The survey was conducted in May-June and had a margin of error of 3 percent. The respondents represented persons age 18 and older.

The government continued to implement the recommendations of the International Commission on the Holocaust in Romania (Wiesel Commission) Report and to promote Holocaust education in school curricula. The Ministry of National

Education provided written materials and maintained a website with a guide for teaching about the Holocaust designed to assist teachers nationwide. Schools nationwide commemorated National Holocaust Remembrance Day on October 8. A wreath-laying ceremony took place at the Holocaust Memorial in Bucharest.

The government included teaching about the Holocaust in the country in the seventh, eighth, tenth, and 12th grade curricula. During the 2015-16 school year, 110 high school classes opted for the optional course, "History of the Jews--The Holocaust." The Ministry of National Education sponsored national and international seminars on teaching Holocaust history and provided additional educational resources to help combat anti-Semitism.

On February 13 and 14, the Wiesel Institute and the teaching staff in Bacau sponsored a training course regarding the teaching of the Holocaust in schools. In October the Elie Wiesel National Institute for Studying the Holocaust in Romania and the Friedrich Ebert Foundation sponsored a seminar, *Toward an Active Democracy--Against Right-Wing Extremism*, in Predeal.

High-level officials made public statements against extremism, anti-Semitism, xenophobia, and Holocaust denial.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, transportation (without specifying air travel), access to health care, and the provision of other services. The government did not fully implement the law, and discrimination against persons with disabilities remained a problem.

In many cases persons with disabilities faced institutional and societal discrimination. According to a 2012 report by the EU's Agency for Fundamental Rights (FRA), 1 percent of persons with mental disabilities had employment. The FRA report also indicated that persons with mental disabilities in institutional settings, in particular children, were subjected to various forms of bullying, harassment, and abuse. According to an EU-funded survey published in 2012, 87

percent of respondents viewed discrimination (broadly understood) as one of the major problems faced by persons with disabilities.

The law mandates that buildings and public transportation be accessible for persons with disabilities. While the number of buildings with facilities for persons with disabilities continued to increase during the year, 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 to ramps, adapted public transportation, and adapted toilets in major buildings. On July 4, several hundred individuals, including persons with disabilities, participated in a march to urge authorities to make Bucharest more accessible to wheelchair users, mothers with baby strollers, and bicyclists.

Persons with disabilities also faced discrimination in employment (see section 7.d.).

In 2013-14 the Center for Legal Resources (CRJ) made unannounced visits to public and private residential centers for children with disabilities on the basis of written protocols with the Ministry of Labor, Family, and Social Protection and the Ministry of Health. As a result of the visits, the center identified a series of violations of some patients' rights and of the law, including verbal and physical abuse of children, sedation, excessive physical restraint, lack of hygiene, inadequate living conditions, lack of medical care, and lack of access to education.

A CRJ report expressed concern about the observance of the rights of persons with disabilities in the Breaza-based Saint Toma Home for persons with intellectual disabilities. After being denied entry the previous month, CRJ representatives were allowed to visit the home in April 2014. The CRJ reported that the home operated illegally and that six people died there during the 18 months before its visit without any proper investigation into the circumstances of their deaths. The CRJ further stated that the patients' living conditions and medical care were inadequate and that they could not make complaints to relevant authorities.

The Directorate General for the Protection of Persons with Disabilities in the Ministry of Labor coordinated at the central level the activities of special protection and advocacy for the rights of persons with disabilities, drafted policies, strategies, and standards in the field of rights of persons with disabilities, and monitored the implementation of regulations.

National/Racial/Ethnic Minorities

Discrimination against Roma continued to be a major problem. Observers estimated that there were between 1.8 and 2.5 million Roma in the country, constituting approximately 10 percent of the total population. Accurate numbers for Roma are hard to pinpoint, due to problems with identification documents and residence registration. According to the most recent official census in 2011, there were 621,573 Roma in the country, or 3.1 percent of the population.

Romani groups complained that harassment and police brutality, including beatings, were routine. Both domestic and international media and observers reported societal discrimination against Roma. NGOs reported that 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, inadequate health care, and pervasive discrimination. 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. Roma were disproportionately unemployed or underemployed. A study on the social inclusion of Roma, released in 2013 by Impreuna Agency, a Romani rights NGO, indicated that Romani children had a higher school dropout rate than non-Romani children. Roma had a higher unemployment rate and a lower life expectancy than non-Roma.

Stereotypes and discriminatory language regarding Roma were widespread. Journalists and several senior government officials made statements viewed as discriminatory by members of the Romani community; the National Council for Combating Discrimination fined some individuals as a result. Anti-Roma banners, chants, and songs were prevalent and widespread, particularly at large televised sporting events. Discriminatory ads continued to appear in written publications and on the internet.

According to media reports, evictions or attempted evictions of Roma continued in Bucharest, Caracal, Baia Mare, and other localities during the year.

In July the mayor of Baia Mare initiated a campaign of identifying illegally built dwellings in four Romani neighborhoods with the declared goal of “eradicating these poverty zones.” On July 27, authorities demolished 15 shacks in one neighborhood, reportedly on public land, and asked the persons living there to return to their localities of origin. Raids in the other three Romani neighborhoods

followed, but without demolishing any dwellings. In September the mayor initiated a public discussion with representatives of the relevant ministries, local authorities, and civil society to identify solutions for the Roma living in the neighborhoods.

The situation of 10 Romani families (approximately 50 persons), whom authorities evicted from an abandoned school in Eforie in July 2014, remained precarious. The families had been relocated to the school after an earlier eviction in 2013. A complaint regarding their eviction was pending in court as of the end of September.

NGOs and media reported that discrimination by teachers and other students against Romani students was a disincentive for Romani children to complete their studies. Despite an order by the Ministry of Education forbidding segregation of Romani students, there were anecdotal reports of school officials placing Romani children in the back of classrooms, teachers ignoring Romani students, and unimpeded bullying of Romani students by other schoolchildren. In some communities authorities placed Romani students in separate classrooms or schools.

In September the parents of three Romani children in Focsani complained that the teachers and directors in three schools did not enroll their children on various grounds, which they viewed as discrimination.

NGO observers noted that Romani women faced both gender and ethnic discrimination and often lacked the training, marketable skills, or work experience needed to participate in the formal economy.

On January 27, the ECHR ruled that the state should pay 192,000 euros (\$211,000) in compensation to 27 Roma who were victims of excessive use of force by police. In 2006 police entered a Romani community in Apalina (Mures County), reportedly to deliver subpoenas to two Roma who were under criminal investigation. The Roma accused police of using extreme violence when they came to the community, while the officers involved in the incident claimed that Roma physically assaulted them and that they only used force in reaction to the attack.

The government continued implementing a program to improve interethnic relations in Hadareni--the site of a major incident of mob violence against Roma in 1993--pursuant to a ruling by the ECHR. The government appealed a 2014 ruling of the appeals court in Cluj-Napoca, and the Supreme Court partially annulled the

lower court's ruling on April 29. On August 8, civic leaders inaugurated a memorial in honor of the Roma deported and exterminated in Transnistria and Auschwitz-Birkenau between 1940 and 1944 at the Museum of Roma Culture in Bucharest.

The National Agency for Roma was responsible for coordinating public policies for Roma. Romani NGOs, however, criticized the scope of this agency's responsibilities, noting that they were too broad and often overlapped with the activities of other government bodies. On January 14, the government adopted a new Roma strategy. Romani CRISS (Center for Social Intervention and Studies) asserted that the strategy failed to set priorities, identify concrete sources of funding, or establish mechanisms for the participation of local authorities. In an open letter, a group of eight other Romani NGOs criticized the strategy and the government's failure to consider their proposals for it.

Within the General Inspectorate of the Romanian Police, an advisory board is responsible for managing the relationship between police and the Romani community. To improve relations with the community, police continued to use Romani mediators to facilitate communication between Roma and authorities and to assist in crises.

According to the 2011 census, the ethnic Hungarian population was approximately 1.2 million.

Ethnic Hungarians continued to report discrimination related to their ability to use the Hungarian language. In August the political umbrella group Democratic Union of Hungarians in Romania released a report on the government's implementation of the European Charter for Regional or Minority Languages. The report asserted that ethnic Hungarians were not permitted to use Hungarian in courts or administrative matters and that many municipalities did not use bilingual signs. The report claimed that courts obstructed the financing of Hungarian-language newspapers by local authorities and that the government continued to refuse to establish a public Hungarian-language university. The report also noted there were insufficient Hungarian-language cultural institutions and translations of Hungarian-language literature in the country.

Ethnic Hungarians also complained of obstructions and bans against the use of the regional Szekler flag and symbols. In March local authorities in Targu Mures rejected the National Szekler Council's request to hold a march to celebrate the Szeklers' Freedom Day on March 10 and commemorate five Szekler martyrs.

In the region of Moldavia, the Roman Catholic, Hungarian-speaking Csango minority continued to operate government-funded Hungarian language classes. In some other localities, authorities denied requests for Hungarian language classes.

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

The law prohibits discrimination based on sexual orientation. There are no laws, however, that address the problems and needs of transgender and intersex persons. NGOs reported that police abuse and societal discrimination against LGBTI persons were common and that open hostility prevented the reporting of some harassment and discrimination.

ACCEPT, an NGO that promoted LGBTI rights, received several reports during the year of aggression and abuse against LGBTI persons, including the case of a 17-year-old in April/May in Bistrita-Nasaud County who suffered repeated physical abuse by family members due to his sexual orientation. By mid-September ACCEPT received three reports of police failing to intervene or to receive complaints lodged by LGBTI individuals facing violence and abuse, two in Bucharest and one in Iasi. In all the cases, the perpetrators were family members or partners.

On March 2, a low-level court upheld a decision that ended the investigation of Bucharest police for abuse of office and failure to protect LGBTI individuals during an event for the 2013 LGBT history month, when a group of protesters interrupted to chant homophobic slogans.

Bullying remains a recurring problem in high schools in the absence of discussions on diversity, equality, sexual orientation, and gender identity. Comprehensive sexual education programs were absent from the curriculum.

During the year members of the LGBTI community continued to voice concerns about discrimination in the public education and health care systems. Victims did not report specific cases of harassment and discrimination because of open hostility in society. The number of complaints of discrimination based on sexual orientation received by the CNCD is usually low due to underreporting. Discrimination in employment occurred against LGBTI persons (see section 7.d.).

On April 20, a priest and teacher of the Orthodox religion in Brasov distributed to local high school classes anti-LGBTI pamphlets published in the mid-1990s by the Orthodox Church. The pamphlets encouraged discrimination against LGBTI persons. In response, church authorities cut the priest's salary for a few months.

Prior to the May 23 gay pride parade in Bucharest, which transpired without incident, approximately 50 persons took part in a "normalcy march" sponsored by an extreme-right NGO, the New Right, to protest against homosexuality.

The law governing the ability of transgender persons to change their identity was vague and incomplete, resulting in inconsistency in judicial practice concerning legal recognition of gender identity. In some cases authorities denied recognition of a change in identity unless a sex-reassignment intervention had occurred. Because of the difficult legal procedure for gender recognition, it was often impossible for transgender persons to get documents reflecting their gender identity, which led to difficulties in all services requiring identity documents (health care, transportation passes, banking services). There were reports that transgender persons faced particular difficulties in accessing health care because doctors had very limited knowledge about transgender issues and, consequently, did not know how to treat transgender patients. There were almost no doctors who had the knowledge or willingness to undertake sex-reassignment surgery. Access to adequate psychological services was also limited because there were few specialists with the knowledge and expertise to deal with transgender issues, while others refused to accept transgender patients.

During the year the NGO ACCEPT provided counseling on the legal aspects of gender recognition to five persons.

There was a lack of training for medical staff working with the LGBTI community regarding communication skills, heteronormativity, confidentiality concerns, and discriminatory attitudes. Education in medical schools and in faculties of psychology on homosexuality and especially transgenderism was limited, with homosexuality presented as a deviant behavior and illness.

HIV and AIDS Social Stigma

The national HIV/AIDS database maintained by the Ministry of Health recorded 13,277 patients diagnosed with HIV and AIDS as of the end of June. Societal discrimination against persons with HIV/AIDS occurred. Although the law provides that HIV-infected persons have the right to confidentiality and to

adequate treatment, authorities rarely enforced the law, and discrimination against persons with HIV/AIDS impeded access to routine medical and dental care. Breaches of confidentiality involving individuals' HIV status were common and rarely punished.

Observers noted that authorities failed overall to protect children with HIV/AIDS from widespread discrimination, abuse, and neglect. Some doctors reportedly refused to treat children and youths with HIV/AIDS, while medical personnel, school officials, and government employees did not always maintain the confidentiality of information about infected children. HIV-infected adolescents frequently experienced reduced access to facilities for reproductive health care and the prevention of HIV and sexually transmitted infections. Stigma and discrimination against persons with HIV/AIDS frequently impeded their access to education, other medical care, government services, and employment. Several infected persons dropped out of school due to stigmatization, discrimination, or disease.

In 2012 HIV-positive women reported to the Euroregional Center for Public Initiatives that they had difficulty accessing health care in maternity hospitals due to discrimination by medical personnel. They asserted they experienced degrading treatment, breaches of confidentiality, segregation, and denial of cesarean sections. The center noted that the medical staffs of the obstetrics and gynecology units did not appear to understand and apply the Ministry of Health's clinical guidelines for the management of pregnancy in HIV-positive women. The center received information that some hospitals automatically tested pregnant women for HIV before they gave birth without their informed consent and prior counseling, although HIV testing is voluntary under the law.

Promotion of Acts of Discrimination

Throughout the year government officials made statements that contributed to ethnic stereotyping of Roma (see section 6, National/Racial/Ethnic Minorities).

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. The law prohibits antiunion discrimination but does not require reinstatement of workers fired for union

activity. The government did not fully respect these rights, as mechanisms for enforcement, including implementing regulations and sanctions, were not in place.

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 did not have the right to unionize. The law does not allow certain public sector workers, such as those involved in border protection, prisons, or the military, to form unions or strike. This includes any employee involved in security-related activities broadly defined. Although the law permits strikes by most workers, lengthy and cumbersome requirements made it difficult to hold strikes legally. Although not compulsory, unions normally seek arbitration from the Ministry of Labor and Social Protection. Unions may strike only if they give employers 48 hours' notice. Only strikes in defense of workers' economic, social, and professional interests are permitted, and arbitration, although not compulsory, was a normal practice, with most arbitrations resolved within 20 days. The law provides no basis for national collective labor contracts. The law providing for employers and unions to negotiate collective bargaining agreements at "lower levels" (local) did not define these levels by year's end. Employers are not required to consult with unions on such topics as imposing leave without pay or reducing the workweek due to economic reasons.

The law does not effectively protect against antiunion discrimination because there are no accompanying sanctions for such discrimination. Some union representatives alleged that, due to extensive legal loopholes, enforcement remained minimal, in particular in small and medium-sized private businesses. Under the law companies may fire union leaders for reasons related to their professional performance as an employee but may not fire them for union activity.

Unions remained concerned that they must submit their grievances to government-sponsored arbitration before initiating a strike and that the courts had a propensity to declare strikes illegal. Companies may claim damages from strike organizers if a court deems a strike illegal.

The government effectively enforced applicable laws relating to freedom of association. Trade unions continued to raise concerns pertaining to lengthy procedures for registering trade unions, modifying union statutes or executive committees, and excessive control of trade union finances.

Inspections were limited and in 2014 included reports of managers receiving advanced notice of unannounced inspections. Information regarding penalties for

violations and their sufficiency to deter violations was not available. Administrative and judicial procedures related to the financial control of unions were subject to lengthy delays.

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

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Nevertheless, there were reports that such practices continued to occur, often involving Roma and children.

The government did not effectively enforce the law. Penalties included prison terms of six months to three years and were insufficient to deter violations.

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 as well as women and children from Moldova, to engage in begging and petty theft (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum age for most forms of employment is 16. Children may work with the consent of parents or guardians at age 15. The law prohibits minors (under 18) from working in hazardous conditions, provides a basis for the elimination of hazardous work for children, includes a list of dangerous jobs, and specifies penalties for offenders. Parents whose children carry out hazardous activities are required to attend parental education programs or counseling and may be fined between 100 lei (\$24) and 1,000 lei (\$240) for failure to do so. Persons who

employ children for hazardous tasks may be fined 500 lei (\$120) to 1,500 lei (\$360).

Minors older than age 15 and enrolled in school are also prohibited from performing specified activities that might endanger their health, morality, or safety. Children under age 16 who work have the right to continue their education, and the law obliges employers to assist in this regard. Children between ages 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. Many children reportedly did not attend school while working. Minors may not work overtime or during the night and 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. Social services have the responsibility to reintegrate such children into the educational system. The government did not conduct information campaigns to raise awareness of child labor and children's rights among children, potential employers, school officials, or the general public.

Penalties for child labor included sentences ranging from 3 months to 2 years or fines. The Ministry of Labor may impose fines and close factories where it finds exploitation of child labor, but enforcement of child labor laws tended to be lax. In previous years employers who violated child labor laws were generally required to pay fines but were not prosecuted in court.

The National Authority for Child Protection (ANPC) in the Ministry of Labor is responsible for monitoring and coordinating all programs for the prevention and elimination of the worst forms of child labor. According to ANPC statistics, there were 236 confirmed cases of child labor in 2014. Of these, 158 cases were in urban areas and 78 cases in rural ones; 82 cases involved girls and 154 involved boys; 174 of the children were under 14, while 62 were between ages 14 and 18.

Of the 236 cases of child labor violations in 2014, authorities prosecuted 16 alleged perpetrators. There were many cases of child labor that were not reported or prosecuted as child labor cases. 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.

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, disability, language, sexual orientation or gender identity, HIV-positive status or other communicable diseases, or social status. The government did not enforce these laws effectively.

Discrimination in employment or occupation occurred with respect to gender, disability, and HIV-positive status. There was also discrimination against Roma and migrant workers.

Women occupied few influential positions in the private sector, and there were differences between the salaries of women and men in most sectors of the economy. According to Eurostat the salary gap between men and women was 9.7 percent in 2012. 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.

According to the Ministry of Labor, Family, Social Protection, and the Elderly, 752,931 persons with disabilities were registered as of the end of June, 31,333 of whom were employed. According to a study by Bucharest's General Department for Social Welfare and Child Protection, in partnership with the Four Change Association, more than 36 percent of the persons with disabilities interviewed said they had been discriminated against while seeking employment. They also reported that the public viewed persons with disabilities as "people with social benefits" with minimal chances for employment. The study concluded that, although large-scale work-related discrimination against persons with disabilities did not exist, employers avoided hiring them due to expected lower profits and productivity or lack of awareness of employer incentives to hire individuals with disabilities.

ACCEPT, an NGO that promoted LGBTI rights, received reports of eight cases of employment discrimination against LGBTI persons and guided the complainant in possible courses of action. One case was resolved after the complainant filed an internal complaint with the employer in June; three other individuals refused to appeal to the CNCD or the courts due to concern about further harassment, preferring settlements with the employers.

e. Acceptable Conditions of Work

Effective January the gross minimum wage was 975 lei (\$230). This was raised on July 1 to 1,050 lei (\$250), or approximately 6.23 lei (\$1.50) per hour, for a full-time schedule of 168.7 hours per month. The minimum wage for skilled workers was 20 percent higher. According to Eurostat the monthly individual income level for persons “at risk of poverty threshold” was 907 lei (\$220) in 2010. The law provides for equal pay for equal work.

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, which may not exceed 48 hours per week, averaged for the month. The law requires a 24-hour rest period in the workweek, although most workers received two days off per week. During reductions of 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 on employers if workers file a complaint, but complaints were rare. The law prohibits compulsory overtime.

The law gives employers wide discretion regarding performance-based evaluation of employees. The law permits lengthier trial periods for new employees and simplifies termination procedures during this probationary 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 sector of the economy. The use of illegal labor allows for imprisonment or fines of up to 100,000 lei (\$24,000), although deterrence of violations was hindered by the limited capacity of the labor control authority. The maximum duration of a temporary contract is 24 months, which may be extended as long as the total contract length does not exceed 36 months, in accordance with EU regulations.

The Ministry of Labor is responsible for enforcing the law on working conditions, safety, and minimum wage rates. According to trade union reports, many employers paid supplemental salaries under the table to reduce both employees’ and employers’ tax burdens. This practice decreased employees’ future pensions and limited their ability to obtain credit from banks and other lenders. During the year approximately one-quarter of employees received only the minimum wage, according to one union official.

The government did not effectively enforce overtime standards. Union leaders complained that overtime violations were the main problem facing their members, since employees were often required to work longer than the legal maximum and

the overtime compensation required by law was not always paid. This practice was especially prevalent in the textile, banking and finance, and construction sectors. Union officials alleged that a majority of on-the-job accidents occurred during such compulsory, uncompensated overtime. During the year the government weakly enforced the prohibition on work without a labor contract, in part because of corruption within the labor inspectorate and also because both employers and employees could benefit from lower taxes by working without a labor contract or by receiving a supplemental salary under the table. Authorities rarely fully enforced sanctions against employers using illegal labor. The Labor Inspectorate reported in 2014 that it had an estimated 1,685 labor inspectors at the national level, although union representatives previously believed this number might be lower. Penalties for violations ranged from 300 lei (\$70) for minor violations up to 100,000 lei (\$24,000) for more serious violations. Penalties were generally not sufficiently serious or well enough enforced to deter violations.

The ministry is responsible for establishing and enforcing safety standards for most industries but lacked trained personnel to do so effectively. Employers often ignored the ministry's recommendations.

Workers could not remove themselves from situations that endanger health or safety without jeopardy to their employment.