

ROMANIA 2020 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

Romania is a constitutional republic with a democratic, multiparty parliamentary system. The bicameral parliament consists of the Senate and the Chamber of Deputies, both elected by popular vote. Observers considered local elections held on September 27 and parliamentary elections held on December 6 to have been generally free and fair and without significant irregularities.

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

Significant human rights issues included: cases of cruel, inhuman, or degrading treatment or punishment by the government; widespread official corruption; lack of investigation and accountability for violence against women and girls; and crimes of violence targeting institutionalized persons with disabilities and members of ethnic minority groups.

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

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

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

There were no reports during the year that the government or its agents committed arbitrary or unlawful killings. There is no agency specifically designated to investigate whether police killings were justified. Prosecutor's offices handle investigations and prosecutions against police who commit killings while military prosecutors' offices handle investigations and prosecutions against members of the gendarmerie who commit killings.

In July 2019 in the city of Vatra Dornei, three gendarmes tried for 10 minutes to immobilize physically a 55-year-old man suspected of inappropriately touching a child and used tear gas spray against him. During the intervention, the man became unconscious and was taken to the hospital, where he died the following day. In 2020, the Prosecutor's Office attached to the Iasi Military Tribunal continued the investigation of the case, which included the prosecution of a member of the gendarmerie for abusive behavior and abuse of power.

In 2017 the trial began of former communist-era Securitate officials Marin Parvulescu, Vasile Hodis, and Tudor Postelnicu, accused of crimes against humanity before the Bucharest Court of Appeals. They were charged in the death of dissident Gheorghe Ursu, who was arrested and allegedly beaten to death by investigators and cellmates in 1985. In October 2019 the Bucharest Court of Appeals issued a nonfinal ruling acquitting Parvulescu and Hodis. Gheorghe Ursu's son challenged the decision before the High Court of Cassation and Justice. As of November 2020, the High Court of Cassation and Justice had not issued a ruling.

In 2016 the Military Prosecutor's Office indicted former president Ion Iliescu, former Prime Minister Petre Roman, former vice prime minister Gelu Voican Voiculescu, and former Intelligence Service director Virgil Magureanu for crimes against humanity. They were accused of involvement in the 1990 "miners' riot," when thousands of miners were brought to Bucharest to attack demonstrators opposed to Iliescu's rule. According to official figures, the violence resulted in hundreds of injuries, illegal arrests, and four deaths. Media estimates of the number of injuries and deaths were much higher. Prosecutors opened the preliminary phase of the case before the High Court of Cassation and Justice in 2019, but on December 10, the court returned the indictment to prosecutors, citing irregularities.

b. Disappearance

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

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

The constitution and law prohibit such practices, but there were reports from nongovernmental organizations (NGOs) and media that police and gendarmes mistreated and abused Roma, primarily with excessive force, including beatings. Amnesty International, the European Roma Rights Center, the Romani Center for Social Intervention and Studies (CRISS), and the Civic Union of Young Roma from Romania reported several instances of police abuse against Roma, in the context of enforcing movement restrictions imposed during the COVID-19 crisis.

On April 23, media circulated a video showing the chief of police in the town of Bolintin Vale in Giurgiu County beating several Romani persons immobilized in handcuffs on the ground and verbally abusing them for speaking in the Romani language. Following expressions of public outrage, the Ministry of Interior announced it had started an investigation of the incident. Human rights NGOs also noted that on April 20, the Interior Minister's Chief of Staff Traian Berbeceanu referred to the allegations of police abuse and stated on social media that "violence must be met with violence."

In 2019 prosecutors in Bucharest Sector 5 opened a case against 15 employees and the director of the Rahova Penitentiary Hospital for allegedly beating several inmates between 2015 and 2018 and falsifying medical records to cover up the abuses. In September 2019 prosecutor indicted the employees, and the case remains pending before the Bucharest Tribunal.

The NGO CRISS stated that in 44 cases of police brutality against Roma over the previous 13 years, there were no convictions at the national level, often because prosecutors did not take the cases to court. The European Court of Human Rights (ECHR) ruled in several cases that the justice system had failed to deliver a just outcome in cases of police brutality, particularly against Roma and cases involving abuses in psychiatric hospitals. The average time for a ruling in cases of alleged police abuse of Roma was nearly four years. In March the ECHR issued a ruling on a case involving the 2005 shooting of a 15-year-old Romani girl at close range by a police officer at a train depot in Chitila. As a result of the shooting, the victim suffered severe wounds and required surgery to remove part of her liver. The ECHR noted that authorities failed to ensure that physical evidence linked to the incident was gathered and preserved. Technical and medical expert reports were

not produced until several years later, preventing the investigating authorities from making conclusive findings. Both the Prosecutor attached to the High Court of Cassation and Justice and a Bucharest district court dismissed the victim's complaint in 2014 and 2015. According to the ECHR, authorities did not make genuine efforts to establish the events of the 2005 police operation.

In 2019 a total of 194 complaints against penitentiary staff had been lodged with the National Penitentiary Authority (NPA) for abuses of inmates' rights, acts of discrimination, mistreatment, and inappropriate behavior. According to the Ministry of Foreign Affairs (MFA), the NPA referred 76 complaints submitted by inmates in 2019 to authorities.

Impunity was a significant problem in the security forces, particularly among police and gendarmerie. Police officers were frequently exonerated in cases of alleged beatings and other cruel, inhuman, or degrading treatment. A widespread perception of police corruption and inefficiency contributed to citizens' lack of respect for police. Low salaries also contributed to making individual law enforcement officials susceptible to bribery. Prosecutors are responsible for investigating abuses according to provisions in the country's criminal legislation. The Directorate for Internal Review within the Romanian Police can conduct, under prosecutorial supervision, criminal investigations of abuses committed by members of the police as well as internal administrative investigations. The government took the following steps to increase respect for human rights by the security forces: members of the police and gendarmerie were provided briefings on a wide range of human rights issues, including a European Court of Human Rights decision on police violence against Roma; police schools and academies reserved several seats for admission opened only to persons of Romani ethnicity; the Ministry of Interior, the police, police schools and academies, as well as gendarmerie schools provided trainings to students, noncommissioned officers, and officers on a wide range of human rights issues, including gender-based violence, racism, discrimination, and diversity.

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

Prison and Detention Center Conditions

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

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

Media outlets, NGOs, and the ombudsperson reported that prisoners regularly assaulted and abused fellow inmates.

Several prisons provided insufficient medical care, and inmates complained that food quality was poor and sometimes insufficient in quantity. According to the MFA, during the year the amount and quality of food improved. In some prisons heating and ventilation were inadequate. According to the Association for the Defense of Human Rights-Helsinki Committee (ADHR-HC), inmates did not have access to adequate counseling, and many psychologist and social worker positions were not filled. Persons with mental disorders did not receive sufficient care and were frequently isolated by other inmates. The ADHR-HC stated that the actual number of persons who had mental health problems was three times higher than the number of inmates who received treatment for mental illness.

In May several inmates set fire to the Satu-Mare Penitentiary, resulting in the death of three inmates and the hospitalization of two others. Following the incident, the NPA notified authorities and started an internal investigation.

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

Administration: Inmates have the possibility of filing complaints with law enforcement agencies and judges. Independent authorities did not always investigate credible allegations of inhuman conditions.

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

d. Arbitrary Arrest or Detention

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

To prevent the spread of COVID-19, the government hospitalized or placed in supervised quarantine tens of thousands of persons between March and June based on regulations later deemed unconstitutional. In June the Constitutional Court found unconstitutional a 2006 law and an emergency ordinance passed during the year that allowed the Health Minister to authorize mandatory hospitalization and quarantines in order to prevent the spread of epidemics. According to the Constitutional Court, mandatory hospitalization and placement in quarantine represented deprivations of freedom and the procedures related to these measures should have been clear and predictable, included provisions for the protection of fundamental rights, and based on law.

Arrest Procedures and Treatment of Detainees

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

investigation under judicial supervision, which requires the person accused to report regularly to law enforcement officials. A bail system also exists but was seldom used. Detainees have the right to counsel and, in most cases, had prompt access to a lawyer of their choice. Authorities provided indigent detainees legal counsel at public expense. The arresting officer is also responsible for contacting the detainee's lawyer or, alternatively, the local bar association to arrange for a lawyer. A detainee has the right to meet privately with counsel before the first police interview. A lawyer may be present during the interview or interrogation.

The law allows police to take an individual to a police station without a warrant for endangering others or disrupting public order. Following amendments that entered into force in January, the provision that allowed police to hold persons for up to 24 hours was replaced with a provision that imposes the obligation to release persons "at once." The ADHR-HC criticized the amendment as leaving room for abuse because of the vagueness of the term "at once."

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

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

e. Denial of Fair Public Trial

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

The constitution provides for an independent judiciary. The Superior Council of Magistrates (CSM) is the country's judicial governance body and is responsible for protecting judicial independence. It generally maintained transparency and suspended judges and prosecutors suspected of legal violations. In May, the CSM voted against disbanding the Section to Investigate Offenses in the Judiciary, an entity that judicial and law enforcement stakeholders criticized as having the potential to intimidate judges and prosecutors. In July the CSM judges' section voted for the six-month suspension of a judge from Bihor for having given an interview that included her concerns that local "networks of interests"--judiciary

and business representatives--joined forces to have “inconvenient” judges like herself removed. Additionally, in the case of the dismissal of former National Anticorruption Directorate (DNA) Chief Prosecutor Laura Kovesi, the European Court of Human Rights (ECHR) ruled that Kovesi was wrongly dismissed from her position in 2018, saying that her dismissal infringed on her rights to access to a court and freedom of expression. President Iohannis responded that the ECHR’s decision places on Romania’s Constitutional Court the obligation to not only review its decision regarding Kovesi’s dismissal, but also any other decisions touching on an individual’s public statements.

The government generally respected judicial independence and impartiality. Some prosecutors and judges complained to the council that media outlets and politicians’ statements damaged their professional reputations.

Trial Procedures

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

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

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 abuses of human rights by government agencies. Plaintiffs may appeal adverse judgments involving alleged abuses of human rights by the state to the ECHR after exhausting the avenues of appeal in domestic courts.

Approximately 80 percent of court cases were civil cases. Caseloads were distributed unevenly, resulting in vastly different efficiency rates in different regions. A lack of both jurisprudence and a modern case management system contributed to a high number of appeals as well as lengthy trials. Litigants sometimes encountered difficulties enforcing civil verdicts because the procedures for enforcing court orders were unwieldy and prolonged.

Property Restitution

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

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

There were numerous disputes over church buildings and property that the Romanian Orthodox Church failed to return to the Greek Catholic Church, despite court orders to do so. The government did not take effective action to return churches confiscated by the post-World War II communist government. There continued to be lengthy delays in processing claims related to properties owned by national minority communities. Under the law there is a presumption of abusive

transfer that applies to restitution of private property but not to religious or communal property. In many cases, documents attesting to the abusive transfer of such properties to state ownership no longer existed. Religious and national minorities are not entitled to compensation for nationalized buildings that were demolished.

Associations of former owners asserted that the points compensation system was ineffective and criticized the restitution law for failing to resolve cases fairly, as well as for lengthy delays and corruption. While the pace of resolving restitution cases at the administrative level increased, the number of properties returned involving churches and national minorities was disproportionately low. The number of cases resolved annually has remained approximately constant over the past three years, (an average of 1,300), but the number of positive decisions remained extremely low. Religious communities disputing these rulings continued having to go to court and incur additional costs. As of September, there were 4,442 pending requests for restitution from religious denominations.

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

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, which covers Holocaust-era restitution, was released on July 29 and is available on the Department's website:

<https://www.state.gov/reports/just-act-report-to-congress/>.

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

Although the constitution and law prohibit such actions, there were accusations by NGOs, politicians, and journalists that authorities failed to respect people's rights.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of expression, including for the press, and the government partially respected this right. Independent media organizations noted excessive politicization of media, corrupt financing mechanisms, as well as editorial policies subordinated to the former elected ruling party and owners' interests. Reporters said their freedom of expression was also limited by restricted access to information of public interest issued by the previous government and public institutions, including expenses, contracts, or bids involving public funds, and officials' academic records, and pandemic records. Reporters and NGOs often had to sue state-controlled ministries, agencies, or local entities to access public information.

Freedom of Speech: The law prohibits Holocaust denial and promoting or using symbols representing fascist, racist, xenophobic ideologies, or symbols associated with the interwar nationalist, extremist, fascist and anti-Semitic Legionnaire movement. Various government bodies, mainly the gendarmerie, continued to fine, place under temporary arrest, or block individuals who protested in the streets for differing causes.

The Gendarmerie fined several individuals who attended an August 10 protest in Victoria Square to commemorate the victims of the Gendarmerie's violent intervention against pro-rule-of-law protesters on August 10, 2018. Those fined included reporter Mircea Savin of Podul.ro.

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

On March 4, the High Court of Justice ruled against an appeal by Vrancea County Council President Marian Oprisan (PSD) against reporter Sebastian Oancea of Vrancea24 who wrote about public contracts granted by Oprisan to his business associates and individuals with criminal records. It was the fourth case lost by Oprisan against Oancea in recent years.

In March the government ordered prefects and public health authorities to ban the publication of county-level information on the number of COVID-19 tests performed and number of infections. On March 20, 14 civic associations issued a joint statement protesting the move, and on April 6, almost 100 news outlets and 165 journalists from national and local organizations signed a freedom of information request initiated by the Center for Independent Journalism asking for fair and timely access to COVID-19 information. Due to media and NGO protests, in April the government created a Strategic Communications Task Force to manage messaging during the pandemic. It also expanded its daily reports to include county-level breakdowns.

Violence and Harassment: Some reporters throughout the country continued to be harassed, sued, or threatened by authorities they investigated or by their proxies.

In February reporters Alex Costache of TVR and Cosmin Savu of ProTV were followed, filmed, and intimidated by six individuals before, during, and after the two met with a military prosecutor and a judge at a private event in a restaurant. Footage of the four was disseminated on February 21 by outlets controlled by oligarchs and media owners facing criminal charges, under investigation, or previously arrested for fraud. Military prosecutors opened an investigation into the illegal surveillance and filming. In April, Prosecutor General Gabriela Scutea dismissed the evidence gathered by military prosecutors, claiming the prosecutors lacked jurisdiction.

Internet Freedom

The government did not systematically restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

On March 16, President Klaus Iohannis signed an emergency decree that included provisions to counter the spread of disinformation related to COVID-19 online and allowed for the removal of reports and entire websites deemed to be spreading false information; the decree provided no appeal or redress mechanisms. The National Authority for Management and Regulation in Communications, an institution for communication infrastructure with no expertise in media content, was given responsibility for implementing the decree. In response, on March 30 the Organization for Security and Cooperation in Europe (OSCE)'s Representative on Freedom of the Media issued a press release urging authorities to restore the

capacity of journalists to act in the public interest, without undue restriction and to respect the principles of necessity and proportionality in any decision related to the emergency situation. The European Federation of Journalists also urged President Iohannis and the Government of Romania to revise emergency policies restricting reporters' access to information regarding the spread of COVID-19 and the regulations giving authorities the power to shut down websites. The government suspended 15 websites.

Academic Freedom and Cultural Events

On June 16, the Senate adopted an Education Law amendment banning schools and universities from discussing gender identity. The vote generated numerous protests from associations of university rectors, professors, doctors, psychologists, and cultural figures, who the amendment violated academic and cultural freedoms as well as the right to a science-based education. President Iohannis challenged the amendment at the Constitutional Court, arguing the amendment violated the constitution. On December 16, the Constitutional Court declared the amendment unconstitutional.

b. Freedoms of Peaceful Assembly and Association

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

Freedom of Peaceful Assembly

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

In 2018, the Supreme Court ruled that public gatherings, including protests, must be declared in advance when they are to be held in markets, public spaces, or in the vicinity of institutions "of public or private interest." The decision was mandatory. Activists opposed these restrictions, stating that by announcing the protests, those who take to the streets would be forced to take responsibility not only for

themselves, but also for larger groups or for instigators to violence who may be brought there to compromise peaceful anticorruption protests.

In 2018 a protest at Victoria Square in Bucharest attracted approximately 100,000 protesters. Gendarmes used tear gas and water cannon indiscriminately, harming peaceful protesters, some of whom were children or elderly. More than 770 criminal complaints concerning violent incidents that allegedly constituted excessive force against peaceful protesters were submitted to authorities. During the year, the Directorate for Investigating Organized Crime and Terrorism (DIICOT) announced it was suspending investigations of four senior officials in relation to the protest and that investigations of rank-and-file gendarmes accused of excessive violence would continue under the coordination of military prosecutors. Following public outcry, DIICOT reinstated charges of abuse of office and abusive conduct against the senior officials and submitted its decision to the preliminary chamber of the Bucharest Court of Appeal for confirmation. The Bucharest Court of Appeal declined its jurisdiction and sent the case to the Bucharest Tribunal which, as of November, had not made a decision.

To prevent the spread of COVID-19, between March and September the government maintained a ban on public gatherings. On September 15, the government introduced regulations that allowed public gatherings of a maximum of 100 persons. Observers and several NGOs including the Civil Liberties Union for Europe and the Greenpeace European Unit noted that the government maintained the ban on public gatherings while allowing other types of events, such as concerts, to have up to 500 participants.

Freedom of Association

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

c. Freedom of Religion

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

d. Freedom of Movement

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

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

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

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

The government restricted the movement of persons granted "tolerated status" (see section 2.f, Temporary Protection).

e. Status and Treatment of Internally Displaced Persons

Not applicable.

f. Protection of Refugees

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

Abuse of Migrants, Refugees, and Stateless Persons: According to UNHCR, several incidents of harassment, discrimination, and crimes against refugees and

migrants were reported throughout the year throughout the country, although most incidents were not reported because of fear, lack of information, inadequate support services, and inefficient redress mechanisms.

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

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

UNHCR reported receiving several allegations of denial of access to the country, pushbacks, and deviations from asylum procedures at border areas. UNHCR also received several complaints concerning alleged acts of violence by Romanian border police against foreign nationals attempting to enter the country through the Romanian-Serbian border, which they referred to the Romanian border police for further verification.

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

The law also refers to the concept of a safe third country. The law extends to irregular migrants who transited and were offered protection in a third country

considered safe or who had the opportunity at the border or on the soil of a safe third country to contact authorities for the purpose of obtaining protection. In such cases authorities could deny access to asylum procedures if the designated safe third country agreed to readmit the applicant to its territory and grant access to asylum procedures. According to the MFA, the government has not rejected any application for protection on a safe third country basis.

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

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

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

Employment: While persons granted international protection have the legal right to work, job scarcity, low wages, lack of language proficiency, and lack of recognized academic degrees and other certifications often resulted in unemployment or employment without a legal contract and its related benefits and protections. Obtaining a legal work contract remained difficult for various reasons, including tax concerns and the reluctance of employers to hire refugees.

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

Durable Solutions: According to UNHCR, the country has become an emergent resettlement country, having agreed to resettle small quotas of refugees every year. For 2020-21, the quota pledged by the government was to accept 200 refugees, to be resettled from Turkey, Lebanon, and Jordan, who are all scheduled to arrive in 2021 with the support of UNHCR and the International Organization for Migration.

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

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

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

g. Stateless Persons

According to the MFA, as of July there were 275 stateless persons with valid residence documents in the country. These included legal residents under the aliens' regime, stateless persons of Romanian origin, as well as persons granted some form of international protection. Data on stateless persons, including on persons at risk of statelessness and persons of undetermined nationality, were not reliable due to the absence of a procedure to determine statelessness, the absence of a single designated authority responsible for this purpose, and the lack of adequate identification and registration of persons with unknown or undetermined nationality.

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

Section 3. Freedom to Participate in the Political Process

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

Elections and Political Participation

Recent Elections: The country held local elections on September 27 and parliamentary elections on December 6 that were considered free and fair and without significant irregularities. In 2016 the country held parliamentary elections that election observers also considered free and fair.

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

Participation of Women and Members of Minority Groups: No laws limit participation of women or members of minority groups in the political process, and they did participate. A report by local NGO Expert Forum found that the number of female candidates in the September local elections increased to 22.9 percent from 21.4 percent in the 2016 local elections. Societal attitudes presented a significant barrier, and women remained underrepresented in positions of authority. As of January 1, there were 61 women in the 330-seat Chamber of Deputies and 25 women in the 136-seat Senate.

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

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

Section 4. Corruption and Lack of Transparency in Government

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

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

Corruption: The DNA continued to investigate and prosecute corruption cases involving political and administrative officials throughout the year. In April the DNA indicted former PSD Health Minister and hospital manager Sorina Pinteau for taking bribes.

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

Corruption was widespread in public procurement. A 2016 law provides for a comprehensive software mechanism to flag potential conflicts of interest 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. During the COVID-19 pandemic, the DNA launched several investigations into procurement fraud related to purchasing personal protective equipment and ventilators. These investigations continued.

Financial Disclosure: The law empowers the National Integrity Agency (ANI) to administer and audit financial disclosure statements for all public officials and to monitor conflicts of interest. The law stipulates that the agency may identify "significant discrepancies" between an official's income and assets, defined as more than 45,000 lei (\$10,600), and allows for seizure and forfeiture of unjustified assets. The mechanism for confiscation of "unjustified assets" was cumbersome. Through September 18, ANI identified four cases of "significant discrepancies" totaling 3 million lei (\$707,000). Through September 18, ANI identified 58 cases of incompatibilities, 19 cases of conflicts of interest, and eight cases with strong indications of criminal or corruption offenses. During the year ANI reviewed 13,268 public procurement procedures and issued seven integrity warnings.

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

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

In March 2019 the National Center for Mental Health and Antidrug Fight, a governmental agency overseen by the Ministry of Health, revoked an authorization

allowing the Center for Legal Resources (CLR) to visit psychiatric wards. As of November, the CLR was not allowed visits to psychiatric wards. The CLR is an NGO that reports on alleged abuse of institutionalized persons with disabilities.

Government Human Rights Bodies: The Office of the Ombudsperson has limited power and no authority to protect citizens' constitutional rights in cases requiring judicial action. The ombudsperson is the national preventive mechanism implementing the optional protocol to the UN Convention against Torture. This gives the ombudsperson the power to conduct monitoring visits to places where individuals are deprived of their liberty, including prisons, psychiatric hospitals, and asylum centers. As of September the ombudsperson issued 164 recommendations to penitentiaries, schools, local governments, and governmental agencies.

In 2017, the government established the Office of the Children's Ombudsperson empowered to examine human rights complaints made by children or their legal representatives. In 2016, parliament established the Council for Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities. The council was authorized to make unannounced visits in centers and hospitals for persons with disabilities to check if the rights of these persons were respected, issue recommendations, and submit criminal complaints. As of September the council had issued five reports during the year with recommendations based on visits to residential centers for persons with disabilities, including improved training for staff and facility renovations. Observers reported the council's recommendations and reports were inaccurate and noted that conditions had not improved. Human rights activists and media regarded the institution as ineffective and believed that the inspectors who drafted the reports lacked the necessary human rights expertise.

Each chamber of parliament has a human rights committee tasked with drafting reports on bills pertaining to human rights.

The National Council for Combating Discrimination (CNCD) is the government agency responsible for applying domestic and EU antidiscrimination laws. The CNCD reports to parliament. The CNCD operated with the government's cooperation and, for the most part, without government or party interference. Observers generally regarded the CNCD as effective, but some criticized it for a lack of efficiency and political independence.

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

Women

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

The law classifies family violence as a separate offense and stipulates that when murder, battery, or other serious violence is committed against a family member, the penalty is increased. The law also states that, if the parties reconcile, criminal liability is removed. Amendments to the law on equal opportunities for men and women passed during the year include cyberviolence among the forms of domestic violence and defines it as the occurrence of online harassment, online messages that incite to hate based on gender criteria, or the nonconsensual publication of private graphic content that aim to humiliate, scare, threaten or reduce victims to silence. The FILIA Center for Gender Studies and Curriculum Development--an NGO that aims to promote gender equality--stated that there were no regulations to implement these amendments.

Violence against women, including spousal abuse, continued to be a serious problem that the government did not effectively address. The law provides for the issuance of provisional restraining orders by police for a maximum of five days and restraining orders by a court for a maximum of six months upon the victim's request or at the request of a prosecutor, the state representative in charge of protecting victims of family violence, or, if the victim agrees, a social service provider. Violation of a restraining order is punishable by imprisonment for six months to five years, but the FILIA center stated that some judges may issue lesser sentences because of overlapping legislation. The court may also order an abuser to undergo psychological counselling. The FILIA Center stated that police lacked procedures for the implementation and monitoring of restraining orders.

In February, a man under a restraining order killed his wife in the town of Chitila. According to the FILIA Center, the man had violated the restraining order multiple times, a fact which police were aware of, and the woman had asked social services to provide her a secure place to live in order to prevent her husband from contacting her. Regulations authorize local governments to establish emergency mobile intervention teams that assist victims of domestic violence. Observers

stated that teams lacked training and funding and were often ineffective. The FILIA Center conducted a study that revealed that most local governments of cities and villages in Bacau County did not fund any social services for victims of domestic violence, a situation that was common throughout the country.

Several human rights activists reported that some police officers tried to dissuade victims of rape from pressing charges against their aggressors and, in some cases, refused to register criminal complaints submitted by victims. In some instances, police delayed action against sexual abusers. E-Romnja, an NGO that works to advance the rights of Romani women, stated police often discouraged Romani women and girls from filing complaints. E-Romnja described the case of a 14-year-old girl who reported a rape to police in April and continued to report the case for six months. Police opened an investigation but did not question the suspect and failed to protect the victim from repeated harassment by the suspect and his family. Following several interventions from the victim's lawyer and E-Romnja, police forwarded the case to the Prosecutor's Office and the suspect was placed in pretrial detention in September.

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

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

Coercion in Population Control: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

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

existed, with women overrepresented in lower-paying jobs. There were reports of discrimination in employment. Women experienced discrimination in access to pension benefits and retirement (see section 7.d.).

Children

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

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

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

Sexual Exploitation of Children: The law provides one- to 12-year prison sentences for persons convicted of sexual acts with minors, depending on the circumstances and the child's age. Sexual intercourse with a minor who is 14 to 16 years of age is punishable by a one- to five-year prison sentence. Sexual intercourse with a person younger than 14 is punishable by a two- to nine-year prison sentence and deprivation of some rights. The law also criminalizes sexual corruption of minors (which includes subjecting minors to sexual acts other than intercourse or forcing minors to perform such acts), luring minors for sexual purposes or child prostitution, and trafficking in minors. Pimping and pandering that involve minors increases sentences by one-half. The law allows authorities to

maintain a registry of individuals who had committed sexual offenses against or exploited adults and children.

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

Institutionalized Children: During the year there were several media reports of abuses in placement centers for institutionalized children, including sexual abuse, physical violence by colleagues or staff, and trafficking in persons. Numerous reports noted a lack of adequate food, clothing, medical treatment, and counselling services.

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

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

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

Anti-Semitism

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

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

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

Material promoting anti-Semitic views and glorifying legionnaires appeared on the internet. According to a study released by the Wiesel Institute in May, several articles published online claimed that Jews or the state of Israel were responsible for the COVID-19 outbreak and were profiting from the health crisis.

In September media reported a case of anti-Semitic messages painted on the fence belonging to the relative of a mayoral candidate from the village of Dornesti in Suceava County. The messages included the candidate's name, a swastika, and the Romanian equivalent of the ethnic slur 'kike'.

In April 2019 media outlets reported a case of vandalism at a Jewish cemetery in Husi, where unknown individuals destroyed dozens of headstones. Law enforcement officials identified three suspects, and as of September the investigation was pending.

Romania introduced mandatory Holocaust education in 1998 and additional courses are sometimes offered. The high school course *History of the Jews--The Holocaust* was optional. During the 2019-20 school year, 3,209 pupils took the course.

Trafficking in Persons

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

Persons with Disabilities

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

The law mandates that buildings and public transportation be accessible for persons with disabilities, however, streets, buildings, and public transportation remain largely inaccessible. Persons with disabilities reported a lack of access ramps, accessible public transportation, and accessible toilets in major buildings.

Discrimination against children with disabilities in education was a widespread problem due to lack of adequate teacher training on inclusion of children with disabilities and lack of investment to make schools accessible. Most children with disabilities were either placed in separate schools or not placed in school at all. According to a report released by Save the Children Romania and the Ombudsperson in 2019, only 30 percent of schools had access ramps for persons with motor disabilities and only 15 percent of schools had accessible toilets.

The CLR identified a series of problems in centers for persons with disabilities or psychiatric sections, including verbal and physical abuse of children and adults, sedation, excessive use of physical restraints, lack of hygiene, inadequate living conditions, and lack of adequate medical care. In February the CLR released the conclusions of a visit made at a residential center for persons with disabilities located in the city of Husi, Vaslui County. According to the CLR, there were reasonable suspicions that the residents of the center were subjected to physical punishment and verbal abuse. The NGO also discovered unsanitary living conditions, overcrowding, and lack of basic personal hygiene products. According to the MFA, following a report published by CLR, the Prosecutor's Office attached to the High Court of Cassation and Justice requested the Prosecutor's Office attached to the Huși First Instance Court to examine the alleged abuses in order to establish whether there are elements that would warrant a criminal investigation concerning the conditions in the residential center.

The National Authority for the Rights of Persons with Disabilities, Children and Adoptions under the Labor Ministry coordinated services for persons with disabilities and drafted policies, strategies, and standards in the field of disabilities rights. The National Authority notified authorities about several alleged abuses against persons with disabilities interned in residential centers. In January the National Authority's Director, Madalina Turza, announced it had notified prosecutors about the case of a resident of a center in Prahova County who, according to the center's staff, accidentally fell and suffered head injuries. The

staff did not call the ambulance right away and sent the person to the hospital only two days after the alleged accident. Doctors found evidence of repeated brain injuries and performed a surgery. One month after the surgery, the person was sent back to the center while in a coma where another resident allegedly unintentionally removed a medical tube attached to the patient. The center's staff called an ambulance but several days later the patient died.

Members of National/Racial/Ethnic Minority Groups

Discrimination against Roma continued to be a problem. Romani groups complained that there were instances of police harassment and brutality, including beatings. Both domestic and international media and observers reported societal discrimination against Roma. NGOs reported Roma were denied access to, or refused service in, some public places. Roma also experienced poor access to government services, a shortage of employment opportunities, high rates of school attrition, and inadequate health care. A lack of identity documents excluded many Roma from participating in elections, receiving social benefits, accessing health insurance, securing property documents, and participating in the labor market. According to the Ministry of Interior, 177,816 persons older than age 14 did not have valid identity documents. Romani rights activists reported that most of these persons were Roma who cannot acquire legal identity documents because they resided in informal settlements and housing. Roma had a higher unemployment rate and a lower life expectancy than non-Roma. Negative stereotypes and discriminatory language regarding Roma were widespread.

In July the "Impreuna" Agency for Community Development released the results of a poll that showed seven in 10 residents of the country do not trust Roma and that 41 percent of respondents did not accept the idea of living in the same city or village with Roma. In March and April, several local government officials publicly claimed cited Roma in particular spread COVID-19, stoking anti-Romani sentiment. Throughout March and April, media outlets regularly alleged that Roma disobeyed COVID-19 stay-at-home measures. News stories specifically highlighting Romani migrants returning to the country from Italy and Spain, countries with high rates of COVID-19 infection, also circulated in local media outlets and social media, often suggesting they might be carriers of COVID-19.

Despite an order by the Ministry of Education forbidding segregation of Romani students, several NGOs continued to report that segregation along ethnic lines persisted in schools.

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

In April 2019 the driver of a minibus operated by a transportation company in the city of Zalau denied a Romani woman and her two children access to the vehicle and hit her repeatedly with a wooden stick. After she called the 112 emergency line to report the incident, the operator insulted the victim and used racial slurs against her. According to Romani CRISS, the attack was racially motivated. The Civic Union of Young Roma from Romania reported that prosecutors indicted the driver for abusive behavior and the Romani woman for public disturbance. The NGO reported that the indictment against the woman was abusive because her screams were a result of the driver's violent behavior. As of November the case was pending before the Zalau court.

Ethnic Hungarians continued to report discrimination related mainly to the use of the Hungarian language. Ethnic Hungarians reported that the government did not enforce the law that states that ethnic minorities are entitled to interact with local governments in their native language in localities where a minority constitutes at least 20 percent of the population. There were continued reports that local authorities did not enforce the law that states that in localities where a minority constitutes at least 20 percent of the population, road signs must be bilingual.

The Democratic Alliance of Hungarians in Romania reported that in a legal dispute between separated parents over their child's language of schooling, the Cluj-Napoca Court decided in June that the child, who has a mixed Romanian-Hungarian ethnicity, should be schooled at the kindergarten in Romanian, contrary to the will of the child's ethnic Hungarian mother. According to the court, an insufficient knowledge of Romanian would damage the child's ability to perform well once they become a university student considering that most universities in the country offer study programs in Romanian. According to the Department for Interethnic Relations, throughout the March 16-May 14 state of emergency, the government provided Hungarian translations of the state of emergency regulations related to the COVID-19 outbreak with a delay. In several counties with a significant ethnic Hungarian population, government agencies such as public health directorates or police inspectorates did not provide information on COVID-

19-related measures and precautions in Hungarian. The Miko Imre Legal Service reported that during a soccer match in March that took place in the city of Ploiesti, supporters of the home team shouted offensive words against the rival team Sepsi OSK, which is based in the ethnic-Hungarian majority city of Sfantu Gheorghe. Supporters chanted “Hungarians out of the country!” and threw objects at some of the Sepsi OSK players, which caused the referee to suspend the match for 10 minutes. In February unknown persons painted the Romanian flag over the Hungarian name of Baia Mare city that was displayed on several welcome signs.

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

The law prohibits discrimination based on sexual orientation. NGOs reported that societal discrimination against lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons was common, and there were some reports of violence against them. On some occasions police condoned violence against LGBTI persons. The NGO ACCEPT reported that in 2019 a person living near their headquarters continuously verbally harassed LGBTI persons who visited the NGO and its employees, and destroyed the property of a transgender woman. In June 2019 ACCEPT submitted a criminal complaint, but as of November, police had not taken any measures. ACCEPT reported that in the meantime the harassment stopped after the perpetrator moved out.

A survey carried out by the EU’s Fundamental Rights Agency reported revealed that 15 percent of respondents experienced a physical or sexual attack motivated by the victim’s sexual orientation or gender identity during the past five years. Out of respondents who described the most recent physical or sexual attack, only 4 percent reported the incidents to authorities because they are LGBTI. As many as 28 percent of respondents indicated fear of a homophobic reaction, transphobic reaction, or both from police as the reason for not reporting a physical or sexual attack.

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

HIV and AIDS Social Stigma

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

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

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

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

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

Unions may strike only if they give employers 48 hours' notice, and employers can challenge the right in court, effectively suspending a strike for months. Although

not compulsory, unions and employers can seek arbitration and mediation from the Labor Ministry's Office for Mediation and Arbitration. Unions criticized the Labor Ministry for failing to intervene effectively in cases involving arbitration and mediation efforts.

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

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

Unions complained about the government's general prohibition on union engagement in political activities, intended to prevent unofficial agreements to support political parties, due to past abuses by union officials.

Official reports of incidents of antiunion discrimination remained minimal. It is difficult to prove legally that employers laid off employees in retaliation for union activities. The government did not effectively enforce the law, however, penalties were commensurate with those for similar violations when enforcement was successful. The National Council for Combating Discrimination (CNCD) fines employers for antiunion discrimination, although it lacks the power to order reinstatement or other penalties, and employees usually must seek a court order to obtain reinstatement. The law prohibits public authorities, employers, or organizations from interfering, limiting, or preventing unions from organizing, developing internal regulations, and selecting representatives.

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 Romani,

persons with disabilities, and children. The government did not effectively enforce the law and took limited measures to prevent forced or compulsory labor. The law criminalizes forced labor, and penalties for violations were commensurate with those of other serious crimes, such as kidnapping, but were not evenly applied in all sectors.

According to the Ministry of Internal Affairs, 16.5 percent of human trafficking victims officially identified in 2019 were exploited specifically for labor purposes. In June organized crime investigators detained five individuals on charges of modern slavery. The individuals were accused of having kidnapped and detained several persons with a vulnerable background or mental health problems; the victims were used for agricultural work without pay, starved, and forced to live in inadequate farm annexes. This case remained pending as of December.

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

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

c. Prohibition of Child Labor and Minimum Age for Employment

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

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

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

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

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

The government did not effectively enforce the law. Resources were inadequate, but penalties were commensurate with those for other serious crimes like kidnapping. Government efforts focused on reacting to reported cases, and ANPDCA dedicates limited resources to prevention programs. According to ANPDCA, 389 children were subject to child labor in 2019 and incidents of child labor are widely believed to be much higher than official statistics. Child labor, including begging, selling trinkets on the street, and washing windshields, remain widespread in Romani communities, especially in urban areas. Children as young as five frequently engaged in such activities but were frequently underreported because official statistics are limited to cases documented by police. Children whose parents worked abroad remain vulnerable to neglect and abuse. Of the 389 documented cases of child labor in 2019, authorities prosecuted alleged perpetrators in 20 cases, while an additional 200 cases remained under investigation at the end of 2019. Between January and June, 115 child labor abuse cases were investigated; out of these, 78 were closed, 52 were still in progress, and criminal investigations were started in three cases.

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at www.dol.gov/agencies/ilab/resources/reports/child-labor/findings.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations prohibit discrimination with respect to employment and occupation because of race, sex, gender, age, religion, disability, language, sexual orientation or gender identity, HIV-positive or other communicable disease status, social status, or refugee or stateless status. The government did not enforce these laws effectively, reacting to claims of discrimination rather than adequately engaging in programs to prevent discrimination. Penalties for violations were in general commensurate with those for other types of discrimination, but were insufficient to deter violations.

Discrimination in employment or occupation occurred with respect to gender, disability, and HIV status. Discrimination against Romani and migrant workers also occurred. The CNCD investigated employment discrimination cases in both the public and private sectors. During the onset of the COVID-19 pandemic, media reported several cases of medical staff being discriminated against by neighbors and denied access to local shops. Following media reports, there was a wave of public support for the medical staff in question.

The law mandates equal remuneration for work of equal value. Eurostat reports the pay gap between men and women in the country was 3 percent in 2018. 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 still suffer unacknowledged discrimination in the labor market.

Systemic integration of persons with disabilities does not exist. Public bias against persons with disabilities persisted. NGOs have been working actively to change attitudes and assist persons with disabilities to gain skills and gainful employment, but the government lacks adequate programs to prevent discrimination. The law requires companies or institutions with more than 50 employees to employ workers with disabilities for at least 4 percent of their workforce or pay a fine for lack of compliance, which many companies chose to do. Before this provision was introduced in 2017, the law allowed companies not in compliance with the quota to fulfill their legal obligation by buying products from NGOs or firms, known as “sheltered units,” where large numbers of persons with disabilities were employed. NGOs reported that sheltered units lost an important source of income as a result. On November 9, the government re-established “sheltered” or “protected units”, enterprises that employ at least three persons with disabilities who represent at least 30 percent of the overall staff and contribute at least 50 percent of the

cumulated full time work hours. Local labor offices had limited success in facilitating employment for persons with disabilities.

NGOs reported that patients suffering from cancer and tuberculosis faced discrimination in the workplace. In 2019 almost one-third of employees with cancer reported they postponed informing their employer of their illness until after treatment, and 17 percent reported a substantial reduction in job duties and responsibilities upon returning to work. The law supports tuberculosis patients by providing monthly food allowances, medical leave, and psychological support but does not contain measures to protect patients from workplace discrimination.

As authorities allow greater numbers of non-EU citizens to live and work in the country, reports of discrimination against migrant workers have become more prevalent. Local residents in Ditrau commune (Harghita County) protested after a local bakery hired two Sri Lankan employees. The two employees were given other jobs and relocated due to opposition to their presence in the village. Another group of Sri Lankan clothing factory workers was stranded in Bucharest following a COVID-19 outbreak and labor dispute that ended with their employer unilaterally terminating their employment contracts and abandoning the group of workers outside of the main airport in Bucharest, even though there were no flights. To resolve this issue, the Labor Force Agency and the General Inspectorate for Migration signed a joint protocol to allow non-EU workers to find employment elsewhere in Romania if their contracts expire to prevent repeat cases. In another case, the Labor Inspectorate launched an investigation after media reported on poor working conditions and accommodations for Indian construction workers following a COVID-19 outbreak at a building site in Bucharest.

e. Acceptable Conditions of Work

The law provides for a national minimum wage that is greater than the official estimate for the poverty income level and has nearly tripled in nominal terms since 2012. Approximately 42 percent of employees earn the minimum wage according to the labor ministry. Despite minimum wage increases, nearly one in seven employed Romanians remains at risk of poverty.

The law provides for a standard workweek of 40 hours or five days. Workers are entitled to overtime pay for weekend or holiday work or work of more than 40 hours. An employee's workweek may not exceed 48 hours per week on average over a four-month reference period, although exceptions are allowed for certain sectors or professions. The law requires a 48-hour rest period in the workweek,

although most workers received two days off per week. During reductions in workplace activity for economic or technical reasons, the law allows employers to shorten an employee's workweek and reduce the associated salary.

In response to COVID-19 restrictions, the government extended the category of eligible furlough (technical unemployment) benefits to independently registered businesspersons, lawyers, and individuals with income deriving from copyright and sports activities. Starting in August the government adopted a flexible work plan modeled after Germany's *Kurzarbeit* (flexible work) program, applicable until December 31, with the aim of retaining employees on payrolls with joint government and employer contributions. The plan required employers to cover half of full-time wages and the Government of Romania to pay 75 percent of the difference between the gross wage and the basic wage paid to the employee based on the number of hours actually worked. As part of the same package, independent and seasonal workers affected by the epidemic could continue to receive 41.5 percent of the average gross wages for a limited period while day workers and SME employees also would be able to receive separate, limited payments to cover wages and teleworking equipment. *Kurzarbeit* and technical unemployment support was extended until June 2021.

Excessive overtime may lead to fines for employers if workers file a complaint, but complaints are rare. The law prohibits compulsory overtime. Starting during the year, the law allows for one of two caretakers of children to receive paid days off for periods when schools are closed; the income is capped at maximum 75 percent of the average economy wage.

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

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

The labor ministry, through the Labor Inspectorate, is responsible for enforcing the law on working conditions, health and safety, hours, and minimum wage rates, but it did not effectively enforce all aspects consistently. Penalties for violations of these laws were commensurate with those of other similar crimes, but were not consistently applied. Labor inspectors have the authority to make unannounced

visits and initiate sanctions, but the number of inspectors was insufficient to enforce compliance in all sectors. The construction, agriculture, and small manufacturers sectors were particularly problematic sectors for both labor underreporting and neglecting health and safety standards.

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

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

Workers can remove themselves from situations they deemed dangerous to their health or safety without jeopardy to their employment. Not all workplace accidents were investigated by labor inspectors. Companies investigate minor incidents, while labor inspectors investigate more severe ones, typically those that result in fatalities or serious injuries. If appropriate, incidents may be referred for criminal investigation. Union leaders often claimed that labor inspectors only superficially investigated workplace accidents, including ones involving fatalities, and inspectors often wrongly concluded that the victims were at fault in most fatal accidents. In 2018, Romania reported 4.33 deaths per 100,000 employees as a result of accidents at work, which is the highest percentage of workplace deaths in the EU.

In the context of the COVID-19 pandemic, additional risk bonuses were awarded to healthcare staff caring for COVID-19 patients or for those involved in pandemic response. Health sector unions and media highlighted cases in which medical staff had limited access to protective equipment. In Suceava county, lack of protective equipment and lapses in protocol led to a disproportionate outbreak among medical staff, prompting the government to implement a range of oversight and lockdown

measures to contain and control the outbreak, including placing Suceava's County Emergency Hospital under military management.