

ROMANIA 2021 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 the 2019 presidential election and December 2020 parliamentary elections to have been generally free and fair.

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 is responsible 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 directorate reports to the minister of interior. The Romanian Intelligence Service, the domestic security agency, investigates terrorism and national security threats. The service reports to the Supreme Council of National Defense. Civilian authorities maintained effective control over the intelligence service and the security agencies that reported to the Ministry of Internal Affairs. There were credible reports that members of the security forces committed some abuses.

Significant human rights issues included credible reports of: cases of cruel, inhuman, or degrading treatment or punishment by the government; widespread serious official corruption; lack of investigation and accountability for gender-based violence, including but not limited to domestic and intimate partner violence and sexual violence; and abuses targeting institutionalized persons with disabilities.

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

rights abuses was a continuing problem.

Section 1. Respect for the Integrity of the Person

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

There were reports during the year that the government or its agents committed one arbitrary or unlawful killing. On April 16, in the city of Pitesti, several police officers tried to restrain a 63-year-old man who was arguing with security forces after being evacuated from a burning restaurant. According to surveillance camera footage of the incident, officers appeared to push the man to the ground roughly. Press reports indicated that the man immediately stopped breathing and could not be resuscitated. A representative of the forensic medicine unit in Pitesti told media that the cause of death was mechanical asphyxiation. On April 20, two officers were arrested for their involvement in the incident. As of November the prosecutor's office attached to the Bucharest Military Tribunal was conducting a criminal investigation against two police officers and a gendarme involved in the incident for involuntary homicide and abusive behavior.

There is no agency specifically designated to investigate whether police killings were justified. Prosecutors' 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 June, through a nonfinal ruling, the Iasi Military Tribunal imposed on a gendarme a suspended prison sentence of two years and seven months for manslaughter, battery, and abusive behavior. In 2019 the gendarme had tried to physically immobilize a 55-year-old man for 10 minutes and used tear gas spray against him, as he was suspected of inappropriately touching a child. During the altercation the man became unconscious and was taken to the hospital, where he died the following day.

As of November the trial of former communist-era Securitate officials Marin Parvulescu, Vasile Hodis, and Tudor Postelnicu was pending before the High

Court of Cassation and Justice. The three officials had allegedly committed crimes against humanity in 1985 when, according to prosecutors, they were responsible for allegedly arresting and beating anticommunist dissident Gheorghe Ursu to death. In 2019 the Bucharest Court of Appeals issued a nonfinal ruling acquitting Parvulescu and Hodis, but Gheorghe Ursu's son challenged the decision.

On November 10, the High Court of Cassation and Justice dismissed the indictment against former president Ion Iliescu and former vice prime minister Gelu Voican Voiculescu for crimes against humanity allegedly committed during the 1989 Romanian Revolution. The court returned the case to the Military Prosecutor's Office. According to the court, the indictment included several irregularities. The General Prosecutor's Office announced it would redraft and refile the indictment.

As of December the investigation of 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 committed during the 1990 "miners' riot" was ongoing. The defendants were accused of bringing thousands of miners 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.

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, asylum seekers, minors, and other persons primarily with excessive force, including beatings.

The most recent report by the Council of Europe's Committee for the Prevention of Torture (CPT), published in 2019, found, "a large number of allegations of

physical ill-treatment (many of which were corroborated by medical evidence) by police officers were received from detained persons. The allegations consisted primarily of slaps, punches, kicks and baton blows inflicted by police officers against criminal suspects either at the time of the arrest or during questioning at a police station, apparently for the primary purpose of coercing a confession.”

In August the prosecutor’s office attached to the Bucharest County Court indicted seven police officers for torture, illegal deprivation of liberty, abusive behavior, and forgery. The seven officers, in addition to two others, were originally detained on March 5. In September 2020 the officers had detained and abused two persons who admonished them for not wearing face masks. The officers reportedly handcuffed one of the individuals, took him to a field at the outskirts of Bucharest, beat him for 30 minutes, and subjected him to degrading treatment. Police officers handcuffed the other individual, transported him to a dangerous area of Bucharest, and abandoned him in a dark alley. The prosecutor’s office attached to the Bucharest Tribunal started a criminal investigation against the officers for illegal deprivation of liberty and torture.

As of November the prosecutor’s office attached to the Giurgiu County Court was investigating a member of the police for abusive behavior. In April 2020 media outlets circulated a video showing the chief of police and a subordinate 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. In 2020 the Ministry of Interior announced it had dismissed the chief of police and started an investigation of the incident.

The 2019 CPT report noted, “a considerable number of allegations of physical ill-treatment of prisoners by prison staff were received, notably by members of the masked intervention groups, in the prisons of Aiud, Gherla, Iasi and Galati. The situation was particularly alarming at Galati Prison where a climate of fear was evident. The report details several allegations of physical ill-treatment including sexual abuse by staff and raises serious concerns over the lack of recording of injuries by the health-care service and failures to investigate allegations effectively.”

The 2019 CPT report stressed “repeated and numerous detailed allegations” of

inmate abuse by “masked intervention groups” – prison guards who wear body armor, balaclavas, helmets, batons, gloves, which the CPT described as “designed to intimidate prisoners.”

During the year authorities’ investigations into two allegations of sexual exploitation and abuse by Romanian peacekeepers originally reported in 2017 continued. The 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 case involved alleged sexual exploitation (transactional sex).

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. Prosecutors are responsible for investigating abuses. 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 received training on a wide range of human rights issues, including gender equality, abuse against children, prevention of torture, gender-based violence, and preventing discrimination; police schools and academies reserved several seats for admission opened only to persons of Romani ethnicity; police schools and academies, as well as gendarmerie schools, provided training to students, noncommissioned officers, and officers on racism, discrimination, and diversity.

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. The 2019 CPT report noted, “Prison overcrowding was not evenly spread among or within prisons, and the most serious levels were observed in closed regime, pretrial and admission (quarantine) cells.” The CPT noted that at Bacau Prison, “18 young adults in pretrial detention were held in a single dilapidated and overcrowded cell measuring a mere 26 square meters [280 square feet]. The young men were confined to their cell for 21 to 22 hours a day for months on end.”

According to the National Penitentiary Administration, 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, generally with impunity. The 2019 CPT report noted, “The delegation documented several cases of interprisoner violence whereby young prisoners in particular have been severely ill-treated and sexually abused by other prisoners for prolonged periods in their cells” and further noted that prison staff at several facilities appeared not to intervene, prevent, or deter prisoner-on-prisoner violence.

Physical conditions remained generally poor within the prison system, and observers noted insufficient spending on repair and retrofitting. The 2019 CPT report noted, “Material conditions in all the prisons visited were generally poor (e.g., flaking walls, humid, poor access to natural light and inadequate ventilation; sanitary annexes often had mold on the ceilings and walls, rusting pipes, and broken fixtures).”

The Association for the Defense of Human Rights-Helsinki Committee (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.

Several prisons provided insufficient medical care, and inmates complained that food quality was poor and sometimes insufficient in quantity. In some prisons heating and ventilation were inadequate. According to the 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 from other inmates.

According to the 2019 CPT report, prison authorities in some facilities kept prisoners confined to their cells for long periods without opportunity for exercise or movement.

Administration: Inmates can file complaints with law enforcement agencies and judges. Independent authorities did not always investigate credible allegations of inhuman conditions. Authorities allowed prisoners and detainees access to visitors or religious observance.

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 provides for the right of any person to challenge the lawfulness of his or her detention. The government generally observed these requirements.

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 for 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. In some pretrial facilities and prisons, however, there was no possibility for confidential meetings between detainees and their families or attorneys. 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 2020, 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."

e. Denial of Fair Public Trial

The constitution provides for an independent judiciary, although in practice the government did not completely respect judicial independence and impartiality. The Superior Council of Magistrates is the country's judicial governance body, meant to ensure judicial independence and impartiality.

There were reports that judicial and prosecutorial independence was compromised by government bodies with the power to discipline or retaliate against judges and prosecutors for their decisions. Despite a May 18 European Court of Justice's (ECJ) ruling that found the Section to Investigate Offenses in the Judiciary inconsistent with EU law, the government did not dismantle the entity. The Section to Investigate Offenses in the Judiciary was established in 2018 and has been criticized by judicial and law enforcement stakeholders for intimidating judges and prosecutors. The Superior Council of Magistrate's investigative body, the Judicial Inspectorate, has been accused of using its authority to intimidate judges who spoke out against the Section to Investigate Offenses in the Judiciary

and advocated for reform in the justice system. The Judicial Inspectorate used disciplinary measures against prosecutors and judges who sought international courts' rulings on the Section to Investigate Offenses in the Judiciary or who had spoken publicly regarding corruption in the judicial system. On June 14, the Judicial Inspectorate opened an investigation into a judge in Pitesti who ruled that the existence of the Section to Investigate Offenses in the Judiciary was illegal, based on the May 18 ECJ ruling.

On December 13, the Superior Council of Magistrates dismissed proreform judge Cristi Danilet for alleged "social media misconduct" after he posted TikTok videos in which he was practicing martial arts and trimming hedges in his yard that the council deemed indecorous. Civil society and opinion makers reported that Danilet was removed for his vocal criticism of controversial, corruption-friendly changes to the justice laws during the previous Social Democratic Party-led government. Danilet could appeal the council's decision. A European Commission's Cooperation and Verification Mechanism report on June 8 also noted a pattern of Judicial Inspectorate disciplinary proceedings against judges and prosecutors who drew attention to corruption.

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 and procedural inconsistencies, as well as a lack of sufficient personnel, physical space, and technology necessary to enable the judiciary to act swiftly and efficiently.

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. Defendants had adequate time and facilities to prepare a defense. 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.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

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 European Court of Human Rights (ECHR) after exhausting the avenues of appeal in domestic courts. According to the civil society coalition European Implementation Network, over the previous 10 years the government had not fully implemented 97 ECHR judgements concerning significant or systemic human rights problems.

Property Seizure and Restitution

According to the National Authority for Property Restitution, 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 and 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. Local

authorities hindered property restitution by failing to complete a land inventory stipulated by law. In April the Association for Private Property stated that the land inventory was not completed. The government twice extended the deadline for the inventory's completion in 2013 and 2014.

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 to go to court and incur additional costs. As of October there were 3,852 pending requests for restitution from religious denominations.

According to advocates of the 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 National Authority for Property Restitution 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 to claim communal properties, challenged these negative National Authority for Property

Restitution decisions in court. The World Jewish Restitution Organization 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, released publicly on July 29, 2020, can be found 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 allegations by NGOs, politicians, and journalists that authorities failed to respect individual's rights. There were reports that government authorities entered homes without judicial or appropriate authorization and unlawfully interfered with privacy. According to media reports, police and Ministry of Interior officials wrongfully ordered the surveillance of Radu Gavris, deputy chief of the Bucharest Police, to prevent him from competing for a leadership position in the police force. In January several police officers raided a restaurant where Gavris and several prosecutors were having dinner, allegedly in violation of COVID-19-related restrictions. Following the raid, the minister of interior announced that Gavris was removed from his position as anti-COVID-19 efforts coordinator. Media and the Europol police labor union suggested that police carried out the raid based on information they obtained from the surveillance.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution provides for freedom of expression, including for members of the press and other media, 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 political parties and owners' interests. Reporters and civil society representatives said their

freedom of expression was also limited by restricted access to information of public interest issued by the 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 Expression: 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. On February 4, a Bucharest court found former intelligence officer Vasile Zarnescu guilty of Holocaust denial and sentenced him to a deferred prison sentence of 13 months and two years' probation. The defendant wrote articles that described the Holocaust as a "fraud."

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

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

On December 11, Bucharest police detained Italian journalist Lucia Goracci and her crew working for Italian state television broadcaster RAI at the request of Senator Diana Sosoaca, who held them against their will in her office during a previously agreed interview regarding her antivaccination views. Goracci stated that the senator's husband Dumitru Silvestru Sosoaca bit her hand and accused police of following the senator's orders instead of protecting the journalist and her crew. The RAI team was released by police after the Italian embassy's intervention. As of December several criminal investigations were ongoing in connection with this case.

On May 24, the Bucharest Court of Appeals sentenced former dean of the Police

Academy, Adrian Iacob, and his deputy, Mihail Marcoci, to a three-year suspended prison sentence, 120 hours of community service, and 80,000 lei (\$18,900) in victim's compensation for inciting a police officer to blackmail and issue death threats against a reporter, Emilia Sercan. Sercan and the National Anticorruption Directorate appealed the sentence. In 2019 Sercan received death threats after an investigative journalism article she wrote in *PressOne.ro* alleged several cases of plagiarism of Police Academy doctoral dissertations, including the dean's dissertation. Sercan's investigation led to the Police Academy losing its right to award doctorate degrees.

On September 16, a group of 20 individuals armed with axes and sticks attacked and beat journalist and filmmaker Mihai Dragolea, director Radu Constantin Mocanu, and environmental activist Tiberiu Bosutar, who were documenting illegal logging in a Suceava County forest. Media outlets reported that two of the victims lost consciousness and their film equipment was destroyed by the attackers. Four of the 20 individuals were arrested and later released and placed under judicial monitoring by prosecutors. The case remained ongoing as of October.

State officials filed baseless civil and criminal cases against investigative journalists, impeding the operation of some media outlets.

For example, throughout the year the mayor of Bucharest Sector 4, Daniel Baluta, filed more than 30 civil court cases and administrative complaints against the *Libertatea* newspaper and demanded the paper stop mentioning his name in their reporting. From May 20-21, the Directorate for Investigating Organized Crime and Terrorism interrogated senior editors and employees from *Libertatea* and *Newsweek Romania* in response to Baluta's claims that the reporters had formed an organized crime group to blackmail him. Both outlets had published investigative journalism article regarding Baluta's mishandling of public tenders and contracts. Local and international media freedom watchdogs, including Reporters Without Borders, called on authorities to investigate the directorate's handling of the case and intimidating interrogation methods. In June the directorate dropped some of the charges against the reporters and sent the remaining cases to the National Anticorruption Directorate. The case remained pending as of November.

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.

Academic Freedom and Cultural Events

On June 1, the ECHR ordered the country to pay 60,000 euros (\$69,000) in compensation to the lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) rights NGO ACCEPT for failure of police and prosecutors to prevent and investigate the violent disruption of a 2013 cultural event. Despite police presence, approximately 45 far-right protesters entered a cinema, threatened viewers, and shouted homophobic slurs during an event that showcased a movie dedicated to LGBTQI+ history month. ACCEPT and five individuals took the case to the ECHR after prosecutors closed the case in 2014 and 2017 without indicting any of the perpetrators.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and 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 occasionally restricted. The law provides that unarmed citizens may assemble peacefully, but it 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.

Between January and July, the government maintained anti-COVID-19 regulations that allowed public gatherings of a maximum of 100 persons. On June 22, a group of 65 NGOs sent a letter to the government complaining that religious, cultural, or

sports gatherings were allowed a significantly higher number of participants than rallies and demonstrations and called the regulations discriminatory and unjustified. Regulations that entered into force in August allowed demonstrations or rallies with up to 500 participants in cities and villages with a COVID-19 incidence rate of less than two per 1,000 persons. Several NGOs and human rights activists, including Funky Citizens and the Center for Public Innovation, stated that the new regulations continued to be discriminatory and unjustified. On August 14, the gendarmerie imposed a fine on the organizer of the Bucharest Pride Parade for exceeding the 500-person threshold.

c. Freedom of Religion

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

d. Freedom of Movement and the Right to Leave the Country

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, however, 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." 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 the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, and stateless persons as well as other persons of concern, including irregular migrants potentially in need of international protection.

Access to Asylum: The law provides access to asylum procedures to foreign nationals and stateless persons who express their desire for protection and the government has established a system for providing protection to refugees in the form of refugee status or “subsidiary protection” status.

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 were 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 applies to irregular migrants who transited, were offered protection, or had the opportunity to contact authorities to obtain protection in a third country considered safe. 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 Ministry of Foreign Affairs, the government has not rejected any application for protection on a safe third country basis.

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.

Abuse of Migrants and Refugees: According to media and NGOs, several incidents of harassment, discrimination, abuses against refugees and migrants, pushbacks, and deviations from asylum procedures at border areas occurred throughout the year, although most incidents were not reported because of fear, lack of information, inadequate support services, and inefficient redress mechanisms. In February the NGO LOGS (Group for Social Initiatives, an organization that aided asylum seekers in the city of Timisoara) documented several alleged acts of violence by police against asylum seekers. According to testimonials from several asylum seekers, members of the border police and local police destroyed their phones, took their money, or used excessive force against them. The Amsterdam-based organization Lighthouse Reports and the Border Violence Monitoring Network reported that several cases of violent pushback of migrants or refugees by authorities occurred throughout the year at the country’s border with Serbia.

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

According to UNHCR, irregular migrants, persons declared as “undesirable,” asylum seekers deemed to pose a “risk of absconding,” as well as other categories of foreigners may face detention in public custody centers 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.

Durable Solutions: According to UNHCR, the country has become an emergent resettlement country, having agreed to resettle small quotas of refugees every year. During the year the government accepted 200 refugees for resettlement from Turkey, Lebanon, and Jordan 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.

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. There were no cases of individuals with tolerated status during the year.

Recipients of subsidiary protection complained of problems regarding their freedom of movement to other countries due to the additional visa requirements.

g. Stateless Persons

According to the Ministry of Foreign Affairs, as of July there were 298 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 parliamentary elections in 2020 that were considered free and fair and without significant irregularities. In 2019 the country held presidential 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.

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. Societal attitudes presented a significant barrier, and women remained underrepresented in positions of authority. As of October 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 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. A total of 18 ethnic minority political organizations, including the Pro-Europe Roma Party, received votes equal to 5 percent of the national average for a deputy to be elected.

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, sometimes with impunity.

Corruption: Corruption and misuse of public funds were widespread. For example, on October 13, investigative journalists at the Organized Crime and Corruption Reporting Project published a report alleging that the sitting mayor of Bucharest Section 3, Robert Negoita, had between 2012 and 2014 funneled 83 million euros (\$95.5 million) in public funds to a network of offshore companies linked to his family. In November former Social Democratic Party senator and minister of transportation Dan Sova received a four-year prison sentence from the Bucharest Court of Appeal for influence peddling. According to the National Anticorruption Directorate, between October 2011 and July 2014, the former minister received 100,000 euros (\$115,000) from a law firm in exchange for using his influence over the director of a public company to conclude several legal counseling contracts with that law firm. Investigators alleged that this arrangement resulted in the public company paying more than 1.3 million lei (\$307,000) to the law firm.

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 National Anticorruption Directorate launched several investigations into procurement fraud related to purchasing personal protective equipment and ventilators. These investigations were ongoing. On September 21, the National Anticorruption Directorate also launched an investigation of the potential misuse of public funds for the government's decision to purchase 120 million doses of COVID vaccine for an adult population of approximately 14 million persons. The investigation was ongoing and did not name any specific individuals.

Section 5. Governmental Posture Towards International and

Nongovernmental Investigation of Alleged Abuses of Human Rights

Several 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.

The Center for Legal Resources, an NGO that regularly visits centers for persons with disabilities and reports on alleged abuses observed during the visits, reported that directors of centers for persons with disabilities refused to grant the center's staff access to documents on the medical, legal, and sociopsychological status of the centers' residents despite an agreement with the Ministry of Labor granting the center the right to access such documents.

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.

The Office of the Children's Ombudsperson is empowered to examine human rights complaints made by children or their legal representatives. The Council for Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities 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. Observers reported the council's recommendations and reports were inaccurate and noted that conditions had not improved significantly since the council's establishment in 2016. 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 is the government agency responsible for applying domestic and EU antidiscrimination laws. The National Council reports to parliament. It operated with the government's cooperation and, for the most part, without government interference. Observers generally regarded the National Council as effective, but some criticized it for a lack of efficiency and political independence.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: Rape, including spousal rape, of both women and men, 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 survivor's complaint, even if there is independent physical evidence. In some cases the government did not enforce the law on rape and domestic violence.

Several human rights activists reported that some police officers tried to dissuade survivors of rape or domestic violence 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. According to media reports, after being notified regarding cases of domestic violence, some members of police ignored the problem or tried to mediate between the victims and their aggressors.

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. The law on equal opportunities for men and women includes cyberviolence among the forms of domestic violence and defines it as the occurrence of online harassment, online messages that incite hate based on gender criteria, or the nonconsensual publication of private graphic content that aims 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.

Gender-based violence, including domestic violence, 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 survivor's request or at the request of a prosecutor, the state representative in charge of protecting survivors of family violence, or, if the survivor agrees, a social service provider. Violation of a restraining order is punishable by imprisonment for six months to five years, but the Center for Gender Studies and Curriculum Development stated that some judges may issue lesser sentences because of overlapping legislation. The court may also order an abuser to undergo psychological counseling. The center stated that police lacked procedures for the implementation and monitoring of restraining orders. A law that entered into force in May established an electronic monitoring system for individuals under a restraining order. The law directs police and the National Administration for Penitentiaries to procure the necessary hardware and make the monitoring system operational by March 2022.

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

Other Harmful Traditional Practices: According to reports by media and NGOs, bride kidnapping occurred in some communities and was underreported. On August 22, Buzau County police started a criminal investigation for illegal deprivation of liberty against several persons who kidnapped a 14-year-old girl with the intention of forcing her to marry a 19-year-old man. On July 2, the Constanta Court issued a nonfinal ruling sentencing three persons to three and four years' imprisonment for illegal deprivation of liberty after they attempted to kidnap a 16-year-old girl to force her into marriage. According to media reports, the girl's family had promised to arrange a marriage between her and one of the kidnappers' sons, but the girl refused the arrangement.

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 women and men 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. The government did not enforce the law effectively. According to reports by NGOs, police often mocked victims of sexual harassment or tried to discourage them from pressing charges.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

According to several NGOs and observers, there were infrastructure and information barriers to an individual's ability to maintain his or her reproductive health, including the lack of community health care and age-appropriate sex education for adolescents. Some women, especially those from poor, rural, or Romani communities, had difficulty accessing reproductive health services due to a lack of information, ethnic discrimination, and poverty. According to the NGO Mothers for Mothers, 25 percent of pregnant women consulted a physician for the first time only after the onset of labor.

Access to government-funded contraception and family planning services was limited because of insufficient funding and training for health professionals. According to the World Health Organization, as of 2020, 71.8 percent of women of reproductive age had their need for family planning satisfied by modern methods of contraception. According to a report released by Save the Children Romania in February, of the 199,720 births in 2019, 17,933 occurred among mothers between the ages of 15 and 19, while 749 occurred among mothers younger than 15. NGOs, health professionals, and social workers identified underreported child sex abuse and limited access to information regarding reproductive health and contraception as the leading factors contributing to high teenage pregnancy rates. Several NGOs reported that the school curriculum lacked sufficient lessons on reproductive health. Parent and religious associations regularly thwarted attempts to introduce such lessons into the curriculum.

Observers reported that throughout the COVID-19 pandemic, some maternity hospitals were open only for patients infected with COVID-19, making access to reproductive and prenatal care more difficult. Although home birth is not prohibited by law, regulations forbid health professionals from providing home birth services. According to UNICEF, skilled health personnel attended 94.8 percent of deliveries in 2018.

The government provided access to some sexual and reproductive health services to survivors of sexual violence, but some women had difficulties accessing these services. Emergency contraceptives were available in pharmacies without a prescription, but according to the Center for Gender Studies and Curriculum Development, they were not affordable for all women.

Discrimination: Under the law women and men have equal rights. The government did not enforce the law effectively. Women experienced discrimination in marriage, divorce, child custody, employment, credit, pay, owning or managing businesses or property, education, the judicial process, and housing. 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.).

Systemic Racial or Ethnic Violence and Discrimination

Under the law discrimination and harassment based on ethnic or racial criteria is punishable by a civil fine unless criminal legal provisions are applicable. According to the criminal code, public incitement to hatred or discrimination against a category of persons is punishable by imprisonment or a criminal fine. Special laws criminalize the spread of anti-Semitic or anti-Roma ideas and symbols, as well as ideas and symbols related to fascist, racist, and xenophobic ideologies. Committing any crime on basis of the victim's ethnicity or race represents an aggravating circumstance, which carries a higher penalty. Prosecutions based on discrimination and violence against racial or ethnic minorities were rare.

Romani groups complained that there were instances of police harassment and

brutality, including beatings. On May 3, according to the RomaJust Association of Roma Lawyers, police detained two Romani persons and took them to the police precinct in Baia village, Tulcea County. At the precinct, police officers severely beat and humiliated the two Roma for hours and used racial slurs against them. According to RomaJust, the victims suffered multiple injuries that took two months to heal. RomaJust reported that prosecutors started an investigation against police, which revealed that police officers from the area had a habit of beating Roma suspected of committing crimes.

Discrimination against Roma continued to be a problem. 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. According to a report released by the ADHR-HC in December 2020, Roma faced discrimination in the criminal justice system. Some lawyers refused to defend Romani persons, while police, prosecutors, and judges held negative stereotypes of Roma.

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, as of October, 63,777 persons older than 14 residing in the country did not have valid identity documents. Romani rights activists reported that most of these persons were Roma who could not acquire legal identity documents because they resided in informal settlements and housing. Roma had a higher unemployment rate and a lower life expectancy than non-Roma. Negative stereotypes and discriminatory language regarding Roma were widespread.

Despite an order by the Ministry of Education forbidding segregation of Romani students, several NGOs, including the Center for Advocacy and Human Rights, continued to report that segregation along ethnic lines persisted in schools. The Center for Legal Resources reported that some teachers used discriminatory language against Romani students. Media and NGOs reported that on June 3, a sixth-grade student of Romani ethnicity threw himself out of a second-floor window of his school following repeated discrimination by his teacher and classmates.

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 regarding 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.

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 requiring localities with at least a 20 percent minority population to have bilingual road signs. On July 19, media reported that a doctor in the Satu Mare County Emergency Hospital berated an elderly ethnic-Hungarian woman for speaking Hungarian while at the hospital. The patient, who spoke poor Romanian, was struggling to explain her symptoms to the doctor. According to the results of the most recent census, 37.6 percent of the population in Satu Mare County was ethnic Hungarian. The management of the Satu Mare County Emergency Hospital initiated disciplinary proceedings against the doctor.

In February unknown persons vandalized the Hungarian writing on a welcome sign located in the city of Cluj-Napoca and painted the Romanian flag on the Monument of Szekler Martyrs in the city of Targu Mures that commemorates several Hungarian revolutionaries. During a rally on March 29 in the city of Pitesti by the Alliance for the Unity of Romania Party, several hundred participants chanted, “Hungarians out of the country!” The Miko Imre Association for Minority Rights stated that government authorities have not provided forms and information related to the COVID-19 vaccination campaign in Hungarian.

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: The law prohibits violence against children, but this has not been interpreted as prohibiting all corporal punishment. 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. In January media outlets carried a video recording showing an educator employed by a residential center for minors in Rosiorii de Vede, Teleorman County, humiliating, hitting, and inappropriately touching several institutionalized children. According to a report by the NGO Save the Children Romania, parents widely use corporal punishment to discipline children. 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 Roma 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 commercial sex, and trafficking of minors. Pimping and pandering that involve minors is an aggravated circumstance and increases sentences by 50

percent. The law allows authorities to maintain a registry of individuals who 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. The maximum sentence is increased to nine years if the perpetrator was a family member or guardian or if the child's life was endangered.

In July the Judicial Inspectorate, an autonomous disciplinary unit within the Superior Council of Magistrates, released a report on the way the justice system handled cases of child sex abuse. According to the findings, prosecutorial offices and courts had different opinions on the age of consent, and consequently, in some cases, sexual intercourse with minors as young as 12 was treated as the lesser crime of sexual acts with minors instead of rape. Child-protection NGOs noted that some judges lacked awareness of the issue and showed bias against victims, who often come from socially disadvantaged groups. Investigators found it hard to prove sexual coercion of minors because of a lack of infrastructure, such as child-friendly interview rooms and the use of widely recognized methodologies developed by child psychologists to conduct forensic interviews with underage victims.

Institutionalized Children: During the year there were several media reports of abuses in centers for institutionalized children, including sexual abuse, physical violence and degrading treatment by colleagues or staff, and trafficking in persons. Numerous reports noted a lack of adequate food, clothing, medical treatment, and counselling services. Lack of hygiene, inadequate living conditions, insufficient food, and lack of physical therapy was a problem in many residential centers for children with disabilities.

On January 5, the president of the National Authority for the Rights of Persons with Disabilities, Children and Adoption (ANDPDCA) released a video showing employees of a placement center in the town of Voluntari physically abusing a child and threatening him with psychiatric detention. The ANDPDCA president stated that staff in centers for residential institutions frequently threatened children with calling an ambulance to take them to psychiatric facilities where they would receive psychotropic drugs. According to several NGOs, including the Center for Legal Resources, psychiatrists administered psychotropic drugs to thousands of

children in residential institutions or in foster care, including to those with disruptive behavior and attention-deficit/hyperactivity disorder.

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 the Jewish population numbered approximately 7,000. Acts of anti-Semitism occurred during the year.

On September 12, media outlets reported that unknown persons vandalized a memorial located in the northern city of Bistrita, dedicated to the Jews who were deported to Auschwitz and Birkenau. Several of the victims' names written on the memorial were covered with paint or scratched.

On March 3, National Liberal Party member of parliament Daniel Gheorghe delivered remarks in parliament glorifying Mircea Vulcanescu. Mircea Vulcanescu was a convicted war criminal who, according to the Wiesel Institute, supported anti-Semitic policies as a cabinet member in the government of WWII leader Ion Antonescu. During a March 8 Senate session, Alliance for the Unity of Romanians senator Sorin Lavric made anti-Semitic statements referring to a conspiracy theory that Jews initiated and promoted communism. Lavric's statements were made in response to Jewish member of parliament Silviu Vexler's criticism of statements made by some members of parliament, including Lavric, that glorified Holocaust-era war criminals and members of the Legionnaire movement. The Alliance for the Unity of Romanians posted Lavric's speech on its official Facebook page and described it as part of the fight for the country's history

and the nation's soul.

On March 18, the director of the Jewish State Theater, Maia Morgenstern, stated on social media that during a meeting with representatives of public theaters and cultural institutions, one of the participants used anti-Semitic slurs. On March 27, Morgenstern received via email a letter that included anti-Semitic slurs and death threats against her children, as well as threats to set fire to the Jewish State Theater. On March 29, police announced that they had identified the author of the threats, placed him under judicial supervision, and initiated a criminal investigation. In a declaration adopted on March 31, the parliament stated that anti-Semitic incidents were on the rise and condemned attempts to glorify Holocaust-era war criminals and the threats received by Morgenstern.

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 October the local government had not changed the name of the street.

Material promoting anti-Semitic views and glorifying the Legionnaire movement appeared on the internet. According to a study released by the Wiesel Institute in April, several articles published online claimed that Jews or the state of Israel were profiting from the COVID-19 health crisis and manufacturing harmful vaccines. According to the same study, most anti-Semitic hate speech on social media included Jewish conspiracy theories.

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. Laws and regulations mandate that buildings

and public transportation be accessible for persons with disabilities. The government did not fully implement the law, and discrimination against persons with disabilities remained a problem. Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. Streets, buildings, and public transportation remained largely inaccessible to persons with disabilities.

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. According to official data, 40 percent of children with disabilities were either placed in segregated schools or not placed in school at all. According to a report drafted by the World Bank for the National Authority for the Rights of Persons with Disabilities, Children, and Adoption, which was released in December 2020, only 21 percent of middle schools had appropriate access ramps, while 64 percent of schools needed an elevator to ensure access for students with locomotive disabilities.

Limited access to justice for persons with disabilities continued to be a problem. According to a World Bank report released in December 2020, persons with disabilities faced several obstacles in the justice system, including inaccessible buildings, lack of access to information or communication, bias by employees of the justice system, legal procedures that were not adapted to the needs of persons with disabilities, and higher fees and costs related to legal services. In 2020 the Constitutional Court deemed legislation that allowed conservatorship unconstitutional because it did not include safeguards to ensure respect for fundamental rights and freedoms, had no possibility of periodic review, and did not differentiate the degree of incapacitation. Persons with disabilities placed under conservatorship did not have the right to liberty or the rights to work, vote, or consent to medical procedures. The NGO Center for Legal Resources reported that despite the Constitutional Court's decision, as of October conservatorship for persons with disabilities had not been lifted.

The Center for Legal Resources identified a series of problems in centers for persons with disabilities or psychiatric hospitals, 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. According to media and Center for Legal Resources reports, on August 1, an employee of a government-managed center for persons with disabilities in Calinesti, Prahova County, gathered approximately 30 residents in the institution's courtyard to discipline them. The employee then hit two of the residents several times. On August 4, the center's medical staff called an ambulance to take one of the assaulted residents to the hospital. On August 5, the resident died after being released from the hospital. The Center for Legal Resources investigated the incident and found that residents did not have access to means of communication to notify authorities of the physical punishments and abuses. According to the center, between August 1 and August 4, its employees did not notify authorities regarding the violent episode and did not request a medical examination for the injured resident. Authorities arrested the suspect, and as of November a criminal investigation was ongoing.

In February 2020 the Center for Legal Resources released the conclusions of a visit made at a residential center for persons with disabilities located in the city of Husi, Vaslui County. 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. As of November the prosecutor's office attached to the Huși First Instance Court was conducting a criminal investigation for illegal deprivation of liberty.

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.

HIV and AIDS Social Stigma

Discrimination against persons with HIV or AIDS impeded their access to routine medical and dental care because in some cases medical staff refused to treat persons with HIV or AIDS.

Acts of Violence, Criminalization, and Other Abuses Based on

Sexual Orientation and Gender Identity

The LGBTQI+ rights NGO ACCEPT reported that as of October a criminal investigation was pending against several police officers who allegedly abused a transgender woman. According to ACCEPT, in December 2020 several members of the Bucharest police forcefully removed the woman from a bus following a verbal argument she had with passengers who harassed her. Police restrained her, threw her on the ground, handcuffed her, and forced her into their car. The victim stated that while in custody, police made transphobic and homophobic remarks, used physical violence, threatened to intern her in a psychiatric hospital, and took pictures while humiliating her.

According to ACCEPT, hate crimes were severely underreported and authorities have not initiated prosecution in any reported LGBTQI+ hate crime case since 2006.

A survey of LGBTQI+ persons carried out by the EU's Fundamental Rights Agency in 2020 revealed that 15 percent of respondents had experienced a physical or sexual attack motivated by the victim's sexual orientation or gender identity during the previous five years. Of the respondents who described the most recent physical or sexual attacks, only 4 percent reported the incidents to authorities due to fear of discrimination. 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 prohibits discrimination based on sexual orientation. NGOs reported that societal discrimination against LGBTQI+ persons was common but severely underreported. The legal provisions governing legal gender recognition for transgender persons were vague and incomplete. In some cases authorities refused legal gender recognition unless an individual had first undergone sex reassignment surgery.

In January the ECHR ruled on a case involving two transgender persons who, between 2013 and 2017, requested the courts to recognize their gender identity. The ECHR noted that the government's refusal to legally recognize the applicants' gender reassignment in the absence of sex reassignment surgery amounted to

unjustified interference with their right to respect for their private life.

Access to adequate psychological and health services was also limited because some psychologists refused to accept transgender patients and medical staff discriminated against them. Intersex individuals faced several challenges, including extreme social stigma and frequent distrust of doctors, that deterred them from seeking medical treatment. In September the mayor of the city of Iasi tried to cancel a pride march organized by the LGBTQI+ rights NGOs ACCEPT and Rise Out by withholding final approval of the event and citing religious reasons and public opposition. Eventually, the march took place on October 1, as planned by the organizers.

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 the president of the Supreme Court, however, do not have the right to unionize. Unions complained regarding 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 may challenge the right in court, effectively suspending a strike for months. Although not compulsory, unions and employers may 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 may 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 regarding 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 percent of human-trafficking victims officially identified in 2020 were exploited specifically for labor purposes. In 2019 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 all 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 the age of 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 (ANDPDCA) 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 ANDPDCA 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 dedicated limited resources to prevention programs. According to ANPDCA, 220 children were subject to child labor in 2020, and 35 children were subject to child labor between January and March.

Incidents of child labor were widely believed to be much higher than official statistics. Child labor, including begging, selling trinkets on the street, and washing windshields, remained widespread in Romani communities, especially in urban areas. Children as young as five frequently engaged in such activities, but instances were frequently underreported because official statistics were limited to cases documented by police. Children whose parents worked abroad remained vulnerable to neglect and abuse. During the year the Labor Inspectorate identified four employers who exploited seasonally employed minors in the hospitality industry along the Black Sea coast, although media reports indicated additional, unreported cases. Of the 220 documented cases of child labor in 2020, authorities prosecuted alleged perpetrators in 13 cases, while an additional 103 cases remained under investigation at the end of 2020. Between January and March, 35 child labor abuse cases were investigated; of these, three were closed, 32 were still in progress, and no new criminal investigations were opened.

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, 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 they 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 in 2020, 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 3.3 percent in 2019. While the law provides female employees reentering 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 suffered unacknowledged discrimination in the labor market.

There was no systemic integration of persons with disabilities into the workforce, and public bias against persons with disabilities persisted. While NGOs worked to change attitudes and assist persons with disabilities in gaining skills and employment, the government lacked adequate programs to prevent discrimination. The law requires companies or institutions with more than 50 employees to employ workers with disabilities for at least 4 percent of their workforce or pay a fine for lack of compliance, which many companies chose to do. In November 2020 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.

e. Acceptable Conditions of Work

Wage and Hour Laws: 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 one in three employees earned the minimum wage according to the labor ministry. Despite minimum wage increases, 14.9 percent of employed Romanians remained at risk of poverty. During the year the country's courts ruled in favor of female clothing-factory workers who reported unjustified 50 percent wage cuts during the COVID-19 pandemic. After receiving public pressure to investigate the allegations, officials confirmed inaccurate shift reporting, unpaid mandatory social insurance contributions, unpaid overtime wages, and worker harassment and intimidation.

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. The government adopted a flexible work plan modeled after Germany's *Kurzarbeit* (flexible work) program 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 Romanian government 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 worked. *Kurzarbeit* and technical unemployment support was extended in July and was expected to remain in effect through the pandemic state of emergency.

Excessive overtime may lead to fines for employers if workers file a complaint, but complaints were 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.

In July, 13 members of the Cartel Alfa trade union led a protest caravan from Bucharest to Brussels regarding low wages and poor working conditions in Romania. The protest highlighted the concerns of more than four million Romanians seeking work in other EU countries due to limited opportunities in Romania who were often vulnerable to labor exploitation as migrant workers.

The Ministry of Labor and Social Protection, through the Labor Inspectorate, is responsible for enforcing the law on working conditions, hours, and minimum wage rates, but it did not effectively enforce all aspects consistently. Penalties for violations of these laws were commensurate with those for 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.

According to trade union reports, many employers paid supplemental salaries under the table to reduce tax burdens for employees and employers alike. 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.

Occupational Safety and Health: Occupational safety and health standards were appropriate for the main industries, but compliance and enforcement remained weak. Workers can remove themselves from situations they deemed dangerous to their health or safety without jeopardy to their employment. The labor inspectorate

also had authority over occupational safety and health laws; however, not all workplace accidents were investigated by labor inspectors. Companies investigated minor incidents, while labor inspectors investigated more severe ones, typically those that resulted in fatalities or serious injuries. If appropriate, incidents may be referred for criminal investigation. Union leaders often claimed labor inspectors only superficially investigated workplace accidents, including ones involving fatalities, and that inspectors often wrongly concluded that the victims were at fault in most fatal accidents. In 2019 the country reported three deaths per 100,000 employees resulting from accidents at work.

The construction, agriculture, and small manufacturers sectors were particularly problematic sectors for both labor underreporting and neglecting health and safety standards. The government did not effectively enforce occupational safety and health laws. Penalties for violations of these laws were commensurate with those for other similar crimes but were not consistently applied. In November 2021, four persons died at the Babeni Mechanical Factory after explosive products were handled poorly. In August 2021, two workers died and four were hurt on a construction site in Bucharest city center, after a deep ditch collapsed.

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. Peaks in the number of critical cases of COVID-19 added pressure on hospital infrastructure, particularly in intensive care units. Medical staff and patients were hurt and killed in several hospital fire incidents over the year.

Informal Sector: Informal employment continued to affect employees in the agriculture, retail, hospitality, and construction sectors. In 2013 undeclared work represented 18.9 percent of total labor output in the private sector. In 2019 some 25 percent of Romanians admitted they had engaged in undeclared work and 44 percent knew someone who had engaged in undeclared labor.

The prevalence of the minimum wage, a tight labor market, and labor taxation exemptions for vulnerable sectors have made undeclared work less attractive. As a result of a mass outflow of unskilled and skilled labor, the country has experienced a tight labor market. Over the past decade, some 2.7 million Romanians of working age (20 to 64) have moved to other EU countries seeking employment.

The construction sector has a higher minimum gross wage (3,000 lei or \$728) and is exempt from income tax and health and pension mandatory contributions.

The law provides for temporary and seasonal work and sets penalties for undeclared labor. In accordance with EU regulations, the maximum duration of a temporary contract is 36 months. Workers in the informal sector were not covered by wage, hour, and occupational safety and health laws, and inspections.