



**International Human Rights  
Instruments**

Distr.: General  
10 January 2012

Original: English

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**Core document forming part of the reports of  
States parties**

**Romania\* \*\***

[12 October 2011]

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\* In accordance with the information transmitted to States parties regarding the processing of their reports, the present document was not formally edited before being sent to the United Nations translation services.

\*\* Annex can be consulted in the files of the Secretariat.

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Detailed statistics on voter turnout for the 2009 Presidential election, first and second rounds

## **I. General information about Romania**

### **A. Geographical category**

1. Romania is situated in the southeastern part of Central Europe and covers an area of 237 500 km<sup>2</sup>. It lies between latitudes 43°37'07" and 48°15'06" North and longitudes 20°15'44" and 29°41'24" East.
2. Romania has a temperate-continental climate, with four distinct seasons. The annual average temperature depends on latitude and ranges from 8°C in the North and 11°C in the South, with temperatures of 2.6°C in the mountains and 12°C in the plains.

### **B. Historical background**

3. The first document to stipulate the human rights in the Romanian state in its modern form was the Constitution adopted in 1866. The second chapter (title) of the Constitution was named "On the rights of Romanians". The Constitution banished the use of nobility titles, stipulated the equality of the citizens before law. It also guaranteed the right to property, freedom of expression, freedom of religion and conscience, freedom of expression, freedom of association. Also, the Constitution repealed the death penalty in times of peace. The Constitution did not guarantee universal suffrage or social rights. The power of the state was vested with the nation. The Romanian state was a constitutional monarchy.
4. After the First World War, the Constitution was revised in 1923. The second chapter, "On the rights of Romanians", was also revised. While maintaining the guarantees existing in the previous Constitution, it also included provisions on the universal male suffrage and protection of social rights. Also, the Romanian state was a constitutional monarchy.
5. The constitutional regime did not last long. In 1938, King Carol II of Romania introduced a personal regime and imposed a new Constitution that sanctioned it. While the Constitution was still providing for rights of citizens and introduced for the first time the rights to vote for women, it established an authoritarian regime. This regime was overthrown in September 1940. The new dictatorial regime, led by General Ion Antonescu (styled as "the Leader of the State"), did not adopt a new Constitution, and ruled by decrees. The rights of the citizens were suspended and the regime adopted a series of discriminatory measures against the Jews.
6. After the end of the World War II, Romania became a communist state, in 1947. The Constitutions adopted in 1948, 1952 and 1965, were providing a series of civic, political and social rights for the citizens. Nevertheless, they did subordinate the state and the society to the Communist Party of Romania (defined in the Constitutions of 1952 and 1965 as "the leading force"). The whole period between 1947 and 1989 was one of suppression of human rights.
7. Following the overthrow of the communist regime by the 1989 Revolution, the first elected Parliament of Romania did adopt a new Constitution in 1991. This Constitution guaranteed the civic, political and social rights of the citizens. It also did include provisions that specifically guaranteed the pluralism as a condition and guarantee of constitutional democracy.
8. Also article 20 of the Constitution provides that: (1) Constitutional provisions concerning the citizens' rights and liberties shall be interpreted and enforced in conformity

with the Universal Declaration of Human Rights, with the covenants and other treaties Romania is a party to; (2) Where any inconsistencies exist between the covenants and treaties on the fundamental human rights Romania is a party to, and the national laws, the international regulations shall take precedence, unless the Constitution or national laws comprise more favourable provisions.

9. The Constitution was slightly amended in 2003 in order to address the issues of the accession to the European Union and NATO. The provisions on fundamental rights remained unchanged and new provisions were added regarding the rights of the citizens of other European Union (EU) states residing on the territory of Romania and the rights of persons belonging to national minorities.

### C. Demographic characteristics

10. The ethnic composition of the population of Romania is 89.5% Romanian, 7.1% Hungarian, 1.8% Roma and 1.6% other nationalities.

*Population distribution by ethnic groups, 2002<sup>1</sup>*

<i>TOTAL</i>	<i>Romanian</i>	<i>Hungarian</i>	<i>Roma</i>	<i>German</i>	<i>Ukrainian</i>	<i>Other 22 ethnic group</i>
21681,0	19399,6	1431,8	535,1	59,8	61,1	193,6

Source: National Institute of Statistics of Romania

11. Romania has entered its 20th year of population decline. If we look at the present level registered by mortality and fertility, closely correlated with the migration flows, it results that the process of degradation actually continues, due to the accumulation and consolidation of the negative potential contained in the imbalances affecting the age structure of the population.

12. The negative natural increase and the negative balance of external migration have determined the decrease of the population with almost 154 thousand persons in the period 2005-2009 (1st July). The main factors of the total population decrease are the change of young couple's demographic behaviour regarding their own reproduction, the relative higher mortality as well as the external migration.

*Population growth, 2005-2009*

	<i>Natural increase</i>		<i>Net migration</i>		<i>Total growth</i>	
	thous.	per 1,000 inhabitants	thous.	per 1,000 inhabitants	thous.	per 1,000 inhabitants
2005	-41,1	-1.9	-7,2	-0.30	-48,3	-2.2
2006	-38,6	-1.8	-6,5	-0.30	-45,1	-2.1
2007	-37,2	-1.7	+0,7	+0.03	-36,5	-1.7
2008	-31,3	-1.5	+1,3	+0.06	-30,0	-1.4
2009	-34,8	-34,8	+0,3	0.00	-34,5	-1.6

Source: National Institute of Statistics of Romania- demographic data

<sup>1</sup> Population and dwelling census, March 2002

13. In 2009 (1st of July), Romanian population amounted to 21,470 thousand, with 34,5 thousand less than in 2008 (1st July). From the total population 10,457 thousand were men (48.7%) and 11,027 thousand were women (51.3%).

14. Over the past decades, the Romanian population has experienced significant and alarming alterations, with long-term negative trends. Between 2005 and 2009, the total population continued to decrease, with an average negative annual rhythm of -0.7%.

15. As compared to 1 January 2009, on 1 January 2010 the proportion of young (aged 0-14 years) and old (aged 65 years and above) population remained stable, respectively 15.2% and 14.9%. The adult population (aged 15-64 years) represent 69.9% from the total population, with 7,4 thousand less as compared with 2009.

16. At the beginning of 2010, old persons aged 80 years and above held a proportion of 2.0% more women than men, and more obviously in rural area. Almost 19% from the rural population exceed 65 years old, the percentage being even higher among women (22.0% from the female rural population).

*Dependency ratio, 2005-2009*

2005	43.6
2006	43.3
2007	43.1
2008	43.0
2009	42.9

Source: National Institute of Statistics of Romania

#### **D. Demographic data**

17. The population ageing process continues, mainly as a consequence of the decrease of the proportion of young persons. The ageing ratio (persons of 65 years and above per 100 persons below the age of 15) increased to 98.7 in 2009.

18. Not only the total population has decreased, but also the segment of the young and adult population. The only exception was the population aged above 65 years, which experienced a small increase of 6 thousand (as compared with the previous year, 1<sup>st</sup> of July), while the proportion remained constant (14.9% in 2008 and 2009).

#### **E. Social and demographic characteristics**

19. The current demographic situation is triggered by the cumulated results of the complex trends in birth rates (fertility), mortality and external migration recorded in the 1990s and the first decade of the 21<sup>st</sup> century. Current trends are not encouraging, but our analysis needs to go beyond that general statement. Social and economic crises may be considered responsible for the increase in mortality rates of adult males and for the increase of external migration. Things are more complicated as far as birth rates are concerned. They used to be high during the second half of the 20th century, under the impact of the forced pro-birth policy of the former regime. The results of that policy have also left their mark on the evolution of birth rates after 1989, due both to the severe break between 1990 and 1991, when all restrictions concerning access to contraception and abortion were lifted, as well as to the size and structure of the fertile age population.

20. The decline factors are the very same factors that, ever since the 1960s and 1970s, have triggered the massive fertility decline in almost all developed European countries

under constant economic and social progress: emancipation of women and their increasing participation in economic activities outside the household; longer duration and level of education; weakening influence of cultural and, especially, religious norms; growing social mobility; high cost of raising children; reduction of the children's economic function, particularly of their role in the economic security of elderly people; appearance of modern contraceptive methods.

21. Having fewer children, preferably no more than one, at older ages is becoming the rule governing the reproductive behaviour of young couples in a society that is rapidly adopting the system of values and attitudes of developed countries, along with all the good or bad parts of post-industrial capitalist societies. In Romania, cultural norms still continue to govern individual behaviour concerning marriage, family and children, even if they do so to a lesser extent than before. As a result, if the appropriate mechanisms for regulating the relationships between economic and demographic factors are applied, fertility rates can be improved to some extent along with the substantial improvement of the living standards and a well conceived and implemented demographic policy, based on economic measures meant to support families and children. Such a policy, which would be extremely costly, would have to rely on the resources provided by a strong and stable economic growth. The future evolution of fertility continues to be a major unknown factor, but its recovery is the unique option capable of leading to an improvement of the country's demographic situation and, potentially, to curbing demographic decline.

*Fertility rate by area, 2005-2008 (births per 1,000 women)*

	2005	2006	2007	2008
Total	39.4	39.5	38.9	40.6
Urban	34.1	34.9	34.6	36.7
Rural	474.9	46.7	45.8	46.5

Source: National Institute of Statistics of Romania: demographic data

22. However, after 2003, because of the new programs aimed at supporting families with children (for example: the new-born allowance, the child raising indemnity and the bonus for the mother/father who returns to the labour field although being in child raising leave, the new-born trousseau, the additional family allowance and the support allowance for the single parent family), positive effects among the women employees and an increase of number of children can be noticed, mainly in the urban area.

23. The increase of number of live births of women employees after 2003 reflects some significant facts:

(a) In 2003 the most important increase was at rank 1 (growing decision of childless women for having the first child) and, to a less extent, at rank 2 (the decision to have one child only was changed);

(b) In 2004 the increase at first child was important, but more important was the decision to have the second and the third child;

(c) In 2005 the increase was mostly at second and third child;

(d) In 2006, 2007 and 2008 it could be observed a small increase at first child only.

24. The conclusion is that the incentive has firstly stimulated a number of childless working women, mainly from the urban area, to have their first child and, to a smaller degree, a number of women having already a child to have the second one.

25. In 2008 there were 222.4 thousand live births, with 488 births more than in 2007. The specific crude birth rate for women aged 15-49 years increased to 10.3 births per 1000 inhabitants (as compared with 10 births per 1000 inhabitants in the previous year). The fertility rate, 40.6 live births per 1000 women - aged 15-49 years, increased as compared with 2007 (38.9%).

*Birth by sex, 2005-2008*

	<i>Total</i>	<i>Male</i>	<i>Female</i>
2005	221,020	113,884	107,136
2006	219,483	112,779	106,704
2007	214,728	110,459	104,269
2008	221,900	114,337	107,563
2009	222,388	114,422	107,966

Source: National Institute of Statistics of Romania-demographic data

26. Most of the newborns had mothers aged 25-29 years and fathers aged 25-34 years. More than 30% of newborns had mothers aged over 30 (31.5% in 2008 and 30.5% in 2007). Total fertility rate declined steadily over the past decades. Starting with 1995, the value of total fertility rate remained around 1.3, well below the replacement level.

27. In 2008, the number of children born out of wedlock reached 60,7 thousand (27.4%), one-third of them having mothers under 20 years old. In 2008, the mean age of women at first birth was 25.5 years (slightly increased with 0.2 year as compared with 2007). Mean age at childbirth was 27.1 years, with 0.1 year more than in 2007.

28. The number of legal induced abortion has a declining trend. The number of abortions per 100 live births was continuously decreasing. Accordingly, total abortion rate reached a total of 0.8 induced abortions per women during the fertile period.

*Abortion rate, 2005-2008*

	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Abortion rate (abortions per 100 live-births)	73.5	68.4	63.8	57.8

Source: National Institute of Statistics of Romania-demographic data

29. Access to family planning services and the shrinking number of unwanted children had beneficial effects on the health of children born after 1989, as well as on women's health in general. Despite that, the health status of the population and mortality levels continue to be a reason for concern.

30. Mortality has always been high in Romania, but it is expected to decrease in the future. The reduction of mortality among adults and elderly persons was what mostly contributed to the rise of life expectancy at birth after 1996, followed to a lesser extent by a reduction of mortality among young persons. It must be emphasized that mortality by age groups is considerably lower for the cohorts born after 1989 than mortality in the same age groups for the cohorts born before 1990.

31. Although life expectancy and other health status indicators have improved, they are still well below EU and regional averages. This is in part due to the country's low starting-point at the beginning of the transition, and to the fact that the new health care system has not succeeded in reversing some of the trends.

32. Even though infant mortality rate declined substantially from 1994 (26.9 per 1000 live births) to 2009 (10.1 per live births), the levels are still above that of the EU and the average for the countries of central and eastern Europe.

*Infant mortality rate, 2005-2009 (infant deaths per 1,000 live-births)*

2005	15.0
2006	13.9
2007	12.0
2008	11.0
2009	10.1

Source: National Institute of Statistics of Romania-demographic data

33. Most infant deaths are related to prenatal conditions and malformations (more than half), but a high proportion are also due to diseases of the respiratory system (more than one third).

34. The maternal mortality rate in Romania has declined noticeably since the 1990s.

*Maternal mortality rate, 2005-2008 (maternal deaths per 100,000 live-births)*

2005	16.7
2006	15.5
2007	15.4
2008	13.5

Source: National Institute of Statistics of Romania-demographic data

35. Despite this positive trend, the current maternal mortality rate in Romania is still within the second quintile in the European Region.

36. Morbidity indicators are still very high. The incidence of preventable diseases – tuberculosis (TB) and cardiovascular diseases – is still high. TB incidence has declined since 2003.

37. Romania faces the epidemiological profile of all industrialized countries. It has a low prevalence of communicable diseases and yet a growing share of cardiovascular diseases, cancer and external causes, including violence and injuries as well as diseases stemming from preventable lifestyle factors, especially tobacco consumption, alcohol abuse and poor dietary habits. Non-communicable diseases are among the leading causes of death and include: ischemic heart diseases, cerebral-vascular diseases, hypertensive heart disease, cirrhosis of liver, lung cancer, lower respiratory infections and breast cancer. The high mortality rate due to cardiovascular diseases is of particular concern. Leading risk factors and their share (as estimated percentages of total deaths) are high blood pressure, tobacco consumption, high serum cholesterol, high body mass index, alcohol consumption, low fruit and vegetable intake and physical inactivity.

38. Men die more often from ischemic disease, neoplasm, tuberculosis, traumatic lesions and poisonings, infectious and parasitic diseases and mental and behaviour disorders. Female mortality rates exceeded male mortality rates in diseases of the circulatory system (especially cerebral-vascular diseases), endocrine, nutrition and metabolism diseases.

## Death by death cause, 2005-2009

	2005		2006		2007		2008		2009	
	Male	Female								
Total of which	138,461	123,640	136,264	121,830	133,405	118,560	135,410	117,792	137,550	119,663
Infectious and parasitic diseases	1,925	664	1,902	610	1,746	629	1,832	653	1,750	608
of which:										
-Tuberculosis	1,454	330	1,398	306	1,331	275	1,341	298	1,278	245
Neoplasm	26,292	18,614	26,591	18,854	26,753	18,630	27,705	18,781	28,110	19,279
Diseases of the circulatory system	77,216	85,781	75,982	84,344	73,263	81,253	72,949	80,188	73,559	80,982
of which:										
-Ischemic heart disease	28,012	26,633	28,030	26,587	27,279	25,676	27,069	25,465	26,687	25,588
-Cerebral-vascular diseases	25,249	30,635	24,585	29,956	22,982	28,041	22,060	26,522	22,273	26,534
Diseases of the respiratory system	8,311	5,040	7,840	4,833	7,927	4,730	7,898	4,412	8,223	4,669
Diseases of the digestive system	9,068	5,645	8,658	5,547	8,723	5,845	9,325	6,129	10,112	6,345
Diseases of the genitourinary system	1,364	1,012	1,343	1,023	1,329	965	1,370	1,055	1,343	1,122
Injury, poisoning and other consequences of external causes	9,818	3,223	9,732	3,037	9,343	2,914	9,908	2,892	9,510	2,675

**Note: Updated series according to the International Classification of Diseases - Revision X, 1994.**

Source: National Institute of Statistics of Romania-demographic data

39. In 2009 257.2 thousands deaths were registered, 4 thousand more than in 2008. Crude death rate increased slightly from 11.8‰ in 2008 to 12.0 in 2009. Mortality continues to be considered high in the European context.

40. The phenomenon of “male over-mortality” is present in almost all age groups, with the highest values in the age groups 20-69 years. Men’s crude death rates in the age groups 15-64 continue to be more than twice as high as for women.

41. In 2009 life expectancy at birth was 73.33 years. Women’s life expectancy exceeded men’s by 7.41 years, which is more than in the previous period (7.19 years). Life expectancy increased for both sexes (with 0.41 years for women and 0.19 years for men).

*Life expectancy at birth, by sex, 2005-2008*

<i>Years</i>	<i>Total</i>	<i>Male</i>	<i>Female</i>
2005	71.76	68.19	75.47
2006	72.22	68.74	75.80
2007	72.61	69.17	76.14
2008	73.03	69.49	76.68
2009	73.33	69.68	77.09

Source: National Institute of Statistics of Romania-demographic data

42. Some variation in men’s survival probabilities for those aged 40 and above could be attributed to stress, standard of living, work-place security, unhealthy food, environmental pollution, alcohol and tobacco consumption.

*The structure of total consumption expenditure, 2005-2009*

	<i>Years</i>	<i>Total households</i>
Total consumption expenditure		
Monthly average per household, lei	2005	863,89
	2006	962,50
	2007	1104,70
	2008	1365,36
	2009	1468,60
Of which, in percentages, for:		
Food and non alcoholic products	2005	44,2
	2006	42,3
	2007	41,7
	2008	40,9
	2009	40,9
Housing	2005	15,6
	2006	16,4
	2007	15,5
	2008	15,6

	<i>Years</i>	<i>Total households</i>
	2009	15,8
Health	2005	3,8
	2006	4,1
	2007	3,9
	2008	4,1
	2009	4,5
Education	2005	0,9
	2006	0,8
	2007	0,8
	2008	0,8
	2009	0,9

43. According to standard classification by destination of consumption expenditure (COICOP), food products and non-alcoholic beverages hold in the period 2005 - 2009 the highest proportion of household consumption, although the percentage is decreasing from 44.2% in 2005 to 40.9% in 2009.

44. Another consumption component, with relatively high weight in expenditure, is related to housing. In the analyzed period it represented 15 – 16% of consumption expenditure, most of it being absorbed by consumption of utilities specific to the dwelling (water, electric and thermal energy, natural gas and other fuel), implying expenditure compulsory for households to a great extent.

45. Expenditure of households for health and especially for education registered a low level, mostly because these needs are met due to the public services people benefit from within the social insurance system or free of charge.

## 1. Health

### *Medical Sanitary Staff*

	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Physicians <sup>1)</sup>	47,388	46,936	48,199	50,267
of which: women <sup>1)</sup>	32,543	31,786	33,303	34,897
Population per physician	456	460	447	428
Physicians per 10000 inhabitants	21.9	21.7	22.4	23.4
Dentists	10,249	10,620	11,651	11,901
of which: women	6,624	6,829	7,456	7,553
Population per dentist	2,110	2,032	1,849	1,807

	2005	2006	2007	2008
Dentists per 10000 inhabitants	4.7	4.9	5.4	5.5
Pharmaceutical chemists	9,283	9,932	11,108	11,704
of which: women	8,505	9,177	10,224	10,705
Population per pharmaceutical chemists	2,329	2,173	1,939	1,837
Pharmaceutical chemists per 10000 inhabitants	4.3	4.6	5.2	5.4
Ancillary medical staff	123,455	126,613	136,353	132,464
of which: women	112,920	115,555	123,608	121,175
Population per ancillary medical person	175	170	158	162
Ancillary medical staff per 10000 inhabitants	57.1	58.7	63.3	61.6
Ancillary medical staff per physician	2.6	2.7	2.8	2.6
Auxiliary medical staff	59,199	59,124	62,292	66,339
of which: women	50,482	50,398	52,882	56,122

<sup>1)</sup> Dentists excluded.

Data source: National Institute of Statistics

46. In 2008 the health care system was served by 272,675 medical-sanitary staff. Out of these 27.1% (73,872 persons) were medical-sanitary staff with higher education (physicians, dentists, pharmaceutical chemists), 48.6% (132,464 persons) were medical-sanitary staff with medium education and 24.3% (66,339 persons) were auxiliary medical staff.

47. In 2008, the population that was served by one medical-sanitary professional was: 428 people per physician; 1,807 people per dentist; 1,837 people per pharmaceutical chemist; 162 people per ancillary medical professional.

48. In average, 10,000 persons are served by: 5.4 pharmaceutical chemists, 5.5 dentists, 23.4 physicians and 61.6 ancillary medical professionals.

49. Thus, it can be seen that contrary to 2005, in 2008 the population that is served by one physician decreased with 28 persons, the population that is served by one dentist decreased with 303 persons, the population that is served by one pharmaceutical chemist decreased with 492 persons and the population that is served by one ancillary medical professional decreased with 13 persons.

#### *New cases of main infection and parasitic diseases*

<i>Name of disease</i>	2005	2006	2007	2008
Tuberculosis	22,348	20,396	18,914	18,774
Syphilis	6,862	5,661	4,887	4,015
Haemolytic streptococcal angina	15,040	15,229	14,728	13,256
Anthrax	2	1	3	-

<i>Name of disease</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Diarrhoea diseases	71,851	70,892	69,011	73,551
Botulism	18	14	38	32
Brucellosis	2	1	4	2
Diphtheria	-	-	-	-
Dysentery	765	599	735	371
Typhoid fever	2	15	3	2
Q fever	-	-	6	3
Leptospirosis	451	386	316	200
Viral hepatitis- Total	11,171	7,809	6,854	4,832
of which:				
Viral hepatitis type A	8,278	5,351	4,990	3,161
Viral hepatitis type B	1,620	1,279	932	735
Viral hepatitis Non A Non B	1,032	892	730	766
Cerebro-spinal meningitis	187	145	145	113
Mumps	59,893	14,671	5,295	2,302
Poliomyelitis	-	-	-	-
Rabies	1	-	-	1
Rubella	6,801	3,553	2,958	1,746
Measles	5,041	3,524	350	12
Trichinosis	574	350	432	503
Tetanus	8	10	12	11
Whooping cough	57	37	35	51
Food poisoning	2,426	2,404	2,348	1,781
Salmonellosis	716	645	620	624
Scarlet fever	2,923	3,178	3,577	3,106
Varicella	51,438	45,917	70,410	49,809

Data source: Ministry of Health – National Center for Organizing and Providing Informational and Informatic System in Health Domain

50. Tuberculosis and hepatitis are diseases whose spread is tightly linked to poverty and are of high incidence in Romania. However, between 2005 and 2008, the number of new cases of tuberculosis decreased from 22,348 persons in 2005 to 18,774 persons in 2008 (a decrease of 3,574 persons).

51. A significant decrease was registered in the number of new cases of viral hepatitis, with a decrease of 6,339 persons, from 11,171 persons in 2005 to 4,832 persons in 2008.

*New cases of malnutrition to children under 3 years*

	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
New cases of protein-calorie malnutrition at children under 3 years (number of new cases per 100000 children 0-2 years)	1600,8	1857,8	996,9	947,1

Data source: Ministry of Health – National Center for Organizing and Providing Informational and Informatic System in Health Domain

*New cases of tuberculosis registered during 2005-2008, by sex and age groups*

<i>Sex/Age group</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
<b>TOTAL</b>	<b>22,348</b>	<b>20,396</b>	<b>18,914</b>	<b>18,774</b>
0-14 years	1,082	1,042	997	916
15-17 years	905	923	722	583
18-19 years	736	816	820	787
20-24 years	1,971	1,772	1,680	1,624
25 years and over	17,654	15,843	14,695	14,864
<b>MEN</b>	<b>14,789</b>	<b>13,215</b>	<b>12,325</b>	<b>12,397</b>
0-14 years	580	538	531	443
15-17 years	427	438	354	290
18-19 years	399	444	417	416
20-24 years	1033	980	884	918
25 years and over	12,350	10,815	10,139	10,330
<b>WOMEN</b>	<b>7,559</b>	<b>7,181</b>	<b>6,589</b>	<b>6,377</b>
0-14 years	502	504	466	473
15-17 years	478	485	368	293
18-19 years	337	372	403	371
20-24 years	938	792	796	706
25 years and over	5,304	5,028	4,556	4,534

Data sources: Ministry of Health – Institute of Pneumology Marius Nasta

*New cases of sexually transmitted diseases registered during 2005-2008 by sex and age groups*

<i>Sex/Age group</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
<b>TOTAL</b> new cases of sexually transmitted diseases	<b>8,695</b>	<b>7,247</b>	<b>5,817</b>	<b>4,774</b>
0-14 years	113	63	76	41
15-19 years	1,196	1,000	687	529
20-24 years	2,040	1,562	1,145	1,043
25 years and above	5,346	4,622	3,909	3,161
<b>MEN</b>	<b>5,053</b>	<b>4,234</b>	<b>3,279</b>	<b>2,546</b>
0-14 years	36	19	25	17
15-19 years	482	404	265	176
20-24 years	1127	845	601	520
25 years and above	3,408	2,966	2,388	1,833
<b>WOMEN</b>	<b>3,642</b>	<b>3,013</b>	<b>2,538</b>	<b>2,228</b>
0-14 years	77	44	51	24
15-19 years	714	596	422	353
20-24 years	913	717	544	523
25 years and above	1,938	1,656	1,521	1,328
of which:				

<i>Sex/Age group</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
<b>SYPHILIS</b>	<b>6,862</b>	<b>5,661</b>	<b>4,887</b>	<b>4,015</b>
0-14 years	100	54	69	37
15-19 years	827	668	517	398
20-24 years	1505	1103	867	805
25 years and above	4,430	3,836	3,434	2,775
<b>MEN</b>	<b>3,531</b>	<b>2,936</b>	<b>2,494</b>	<b>1,901</b>
0-14 years	31	17	22	14
15-19 years	215	179	140	87
20-24 years	657	458	358	312
25 years and above	2,628	2,282	1,974	1,488
<b>WOMEN</b>	<b>3,331</b>	<b>2,725</b>	<b>2,393</b>	<b>2,114</b>
0-14 years	69	37	47	23
15-19 years	612	489	377	311
20-24 years	848	645	509	493
25 years and above	1,802	1,554	1,460	1,287
<b>GONORRHEA</b>	<b>1,678</b>	<b>1,348</b>	<b>815</b>	<b>631</b>
0-14 years	13	9	6	4
15-19 years	345	299	155	113
20-24 years	484	392	245	193
25 years and above	836	648	409	321
<b>MEN</b>	<b>1,396</b>	<b>1,114</b>	<b>696</b>	<b>553</b>
0-14 years	5	2	2	3
15-19 years	253	209	115	82
20-24 years	427	339	215	174
25 years and above	711	564	364	294
<b>WOMEN</b>	<b>282</b>	<b>234</b>	<b>119</b>	<b>78</b>
0-14 years	8	7	4	1
15-19 years	92	90	40	31
20-24 years	57	53	30	19
25 years and above	125	84	45	27
<b>CHLAMYDIA</b>	<b>155</b>	<b>238</b>	<b>115</b>	<b>128</b>
0-14 years	0	0	1	0
15-19 years	24	33	15	18
20-24 years	51	67	33	45
25 years and above	80	138	66	65
<b>MEN</b>	<b>126</b>	<b>184</b>	<b>89</b>	<b>92</b>
0-14 years	0	0	1	0
15-19 years	14	16	10	7
20-24 years	43	48	28	34
25 years and above	69	120	50	51
<b>WOMEN</b>	<b>29</b>	<b>54</b>	<b>26</b>	<b>36</b>

<i>Sex/Age group</i>	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
0-14 years	0	0	0	0
15-19 years	10	17	5	11
20-24 years	8	19	5	11
25 years and above	11	18	16	14

Data sources: Ministry of Health

52. The trend of incidence of sexually transmitted diseases is descending. The number of newly registered cases of sexually transmitted diseases has decreased every year, from 8,695 in 2005 to 4,774 in 2008.

53. In 2008, the number of new cases of sexually transmitted diseases for the young population aged 0 – 14 years, was 41 cases, lower than in 2005 by 72 cases and for the people aged 15 – 19 years, was 529 new cases, lower than in 2005 by 667 cases.

54. During 2008, 4,015 new cases of syphilis were registered, a figure lower than in 2005, when 2,847 new cases were registered.

55. During the period analyzed, the number of new cases of gonorrhea decreased by 1,047 cases, while the new cases of chlamydia decreased by 27 cases.

## 2. Education

56. Gross school rate was also different by levels of education. In the last years, gross school rate decreased gradually at the same time with advancement to an upper education cycle. Both for girls and boys, higher values continued to be registered in primary and lower and secondary cycles.

*Gross school rate by levels of education*

<b>Level of education</b>	<b>2002/2003</b>	<b>2005/2006</b>	<b>2006/2007</b>	<b>2007/2008</b>	<b>2008/2009</b>
<i>Primary</i>	103.7	106.1	103.8	97.8	97.4
-female	102.5	105.4	103.2	96.9	96.5
-male	104.8	106.7	104.4	98.7	98.1
<i>Lower secondary</i>	93.7	97.4	96.7	100.5	99.5
-female	93.2	96.4	95.8	99.7	98.8
-male	94.0	98.2	97.6	101.1	100.2
<i>Upper secondary</i>	75.0	75.2	80.2	84.9	89.4
-female	77.1	76.2	80.2	84.4	89.0
-male	73.0	74.4	80.2	85.4	89.6

57. During the period 2005-2008, school drop out rate, both per total primary and lower secondary education, as well as at level of each cycle, registered an upward trend. In this period, the value of indicators decreased for primary education from 1.5% (during 2005/2006 school year) to 1.4% (during 2008/2009) and for lower secondary education from 2.1% to 1.9% in the same period.

*Drop out rate by gender and level of education, during 2005/200–2008/2009 school years*

<b>Level of</b>	<b>2005/2006</b>	<b>2006/2007</b>	<b>2007/2008</b>	<b>2008/2009</b>
-----------------	------------------	------------------	------------------	------------------

<b>education</b>				
<i>Primary</i>	1.5	1.7	1.8	1.4
-female	1.3	1.5	1.5	1.3
-male	1.7	1.9	2.0	1.6
<i>Lower secondary</i>	2.1	2.3	2.2	1.9
-female	1.8	2.1	2.0	1.8
-male	2.3	2.5	2.5	2.0
<i>Upper secondary</i>	4.0	4.5	4.1	3.6
-female	3.4	3.6	3.4	2.9
-male	4.5	5.3	4.8	4.2

Source: National Institute of Statistics, Education statistics

Values are higher for boys.

58. During the 2008/2009 school/university year, teaching activity was assured by 275,4 thousand teaching staff. The proportion of female staff in the total of the teaching staff increased from 72.2% during 2005/2006 to 72.9% during 2008/2009.

59. Out of all teachers, 74.2% of teachers are in the primary and secondary level of education.

60. Number of students by teaching staff decreased for primary education from 17 (during 2005/2006 school year) to 16 (during 2008/2009).

*Number of students /teaching by level of education, during 2005/2006 – 2008/2009 school years*

<i>Level of education</i>	<i>2005/2006</i>	<i>2006/2007</i>	<i>2007/2008</i>	<i>2008/2009</i>
Primary	17	17	16	16
Lower secondary	11	11	11	11
Upper secondary	15	15	15	15

Source: National Institute of Statistics, Education statistics

## **F. Economic characteristics**

### **1. Poverty**

*Relative poverty in Romania (2005-2008)*

	<i>Years</i>			
	<i>2005</i>	<i>2006</i>	<i>2007</i>	<i>2008</i>
Risk of relative poverty -%	18.2	18.6	18.5	18.2
Gini Coefficient-%	31.1	32.6	31.7	30.5

Source: estimation based on Households Budget Survey

61. The relative poverty is sensitive to the shape of income distribution. If all incomes increase (or decrease) by approximately same amount, the median income changes proportionally, and the percentage of people below the relative poverty line does not change. The modification of the relative poverty rate does not reflect the level of welfare, but changes in inequality.

62. In the period 2005 – 2009, at the national level, the risk of relative poverty registered a stable rate, 18%, with a slight increase with 0.3 – 0.4 percent points in the years 2006 and 2007.

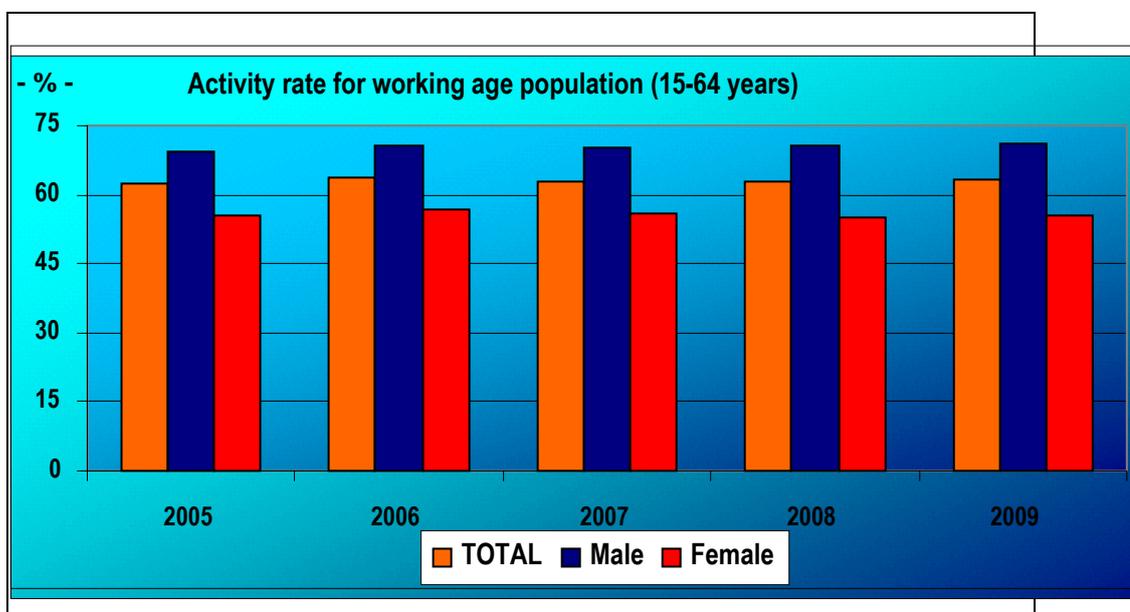
63. The Gini coefficient is an indicator of poverty severity that characterizes the inequality of income distribution between persons. The value of the indicator varies between 0% and 100%. If the value is near to 100%, the inequality is high, incomes are concentrated in a high proportion in the hands of a small group of persons, if the value moves towards 0%, the poverty is not so deep.

64. In the analyzed period, Gini coefficient indicates an increase in inequality, in the year 2006, after this year it began to decrease, to 30.5% in 2008.

## 2. Economically active population (labour force)

65. Persons aged 15 years and above, who are working (in employment) or actively seeking a job (in unemployment), are considered as economically active persons.

66. It is worth noticing that in Romania, the economically active population registered a decrease in the last years as against 1996 and 2000 and that during 2005-2009, the number of the inactive persons was higher than the one of economically active persons.



Source: National Institute of Statistics, Household Labour Force Survey

67. The activity rate for persons aged 15 years and above was 54.4% in 2009, 0.4 p.p. higher than in 2005 (when, however, the minimum value over the entire period was recorded). Irrespective of the year, the activity rates were higher for male than for female by about 15-16 p.p. Activity rates from rural areas exceeded the ones from urban areas over the entire period, by variable differences. In 2009, the activity rate was 53.7% in urban areas and 55.4% in rural areas.

## 3. Employment

68. In 2009, the number of employed persons was estimated at 9243 thousand persons, 97 thousand more than in 2005.

69. Employment break-down by gender shows a constant pattern in time, the male population representing about 55% of the total employment during the whole period 2005-

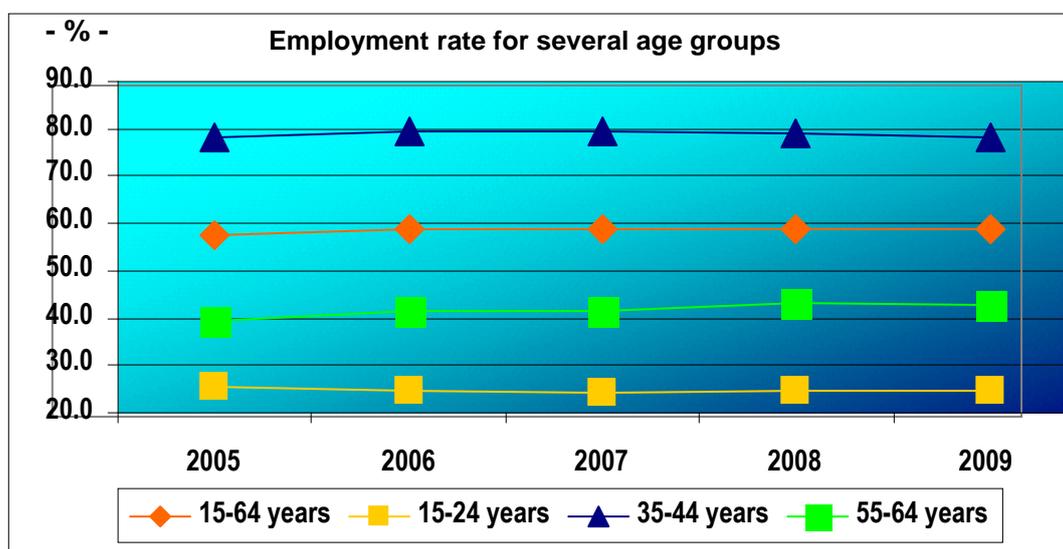
2009. Depending on urban/rural area, the share of employed persons from urban areas in total employment increased by 1.0 p.p., from 53.4% to 54.4%.

70. During 2005-2009, the employment rate for persons aged 15 years and above followed an ascendant trend for each gender (excepting for 2009, when the employment rates decreased by 0.6-0.7 p.p., as against the previous year). The gap between the male and female employment rates remained quite constant over the entire period, about 12.7 to 14.1 p.p., higher for males.

71. Depending on urban/rural area, an ascendant trend for employment rate in urban area and a descendent one for employment rate in rural area may be noticed; thus, in 2009, the gap between the two decreased to 3.0 p.p.: 49.4% in the urban area, as compared to 52.4%, in the rural area.

72. Employment rate significantly varies by age groups and gender.

73. In the case of the working age population (15-64 years), the employment rate slowly increased during the first 4 years of the period (i.e., 2005-2008). In 2009, the employment rate of working age population was 58.6%, 0.9 p.p. higher as against 2005, but 0.4 p.p. lower than in 2008.



Source : National Institute of Statistics, Household Labour Force Survey

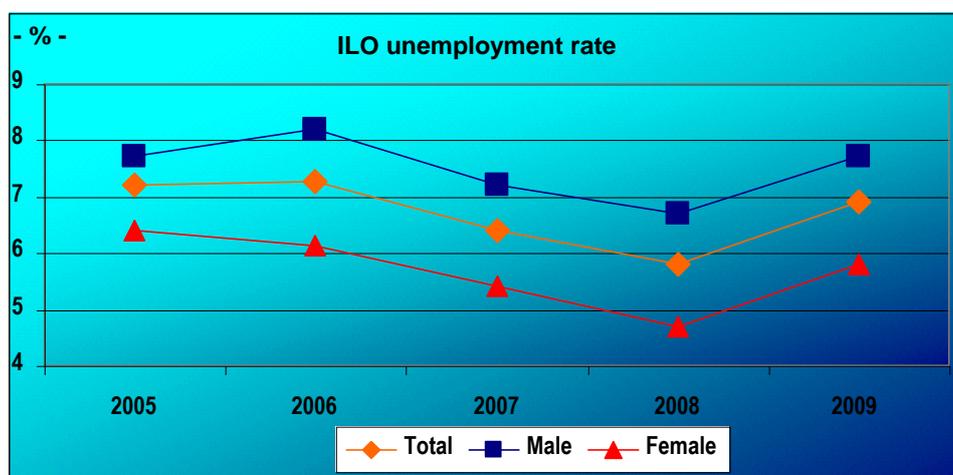
74. The youth (15-24 years) employment rate followed a descendent trend, decreasing from 25.6% in 2005 to 24.5% in 2009, a phenomenon partially explained by youth participation in education. The descendent trend occurred for both – male and female – but a bit deeper for male (1.1 p.p.) than for female (1.0 p.p.).

75. Population aged 35-44 years is characterized by the highest employment rates (of about 80%), with higher values for males and for those living in urban area.

76. Employment rate for older workers (aged 55-64 years) grew during 2005-2009 period by 3.2 p.p., from 39.4% to 42.6%. The growth was higher for males (by 5.6 p.p.) as compared with the one for females (by 1.0 p.p.). The employment rate for this category significantly increased in urban areas (by 6.8 p.p.), but very little in the rural areas (by 1.6 p.p.).

#### 4. ILO<sup>2</sup> unemployment

77. During the period 2005-2008, the number of persons considered, with reference to ILO criteria, to be unemployed recorded a decrease. In 2009, their number was 681 thousand persons (with opposite trend as against the rest of the period, i.e. higher by 18.3% as compared with 2008); 62.3% of them were male and 65.0% were living in urban areas. ILO unemployment rate recorded the highest level in 2006 (7.3%) and the lowest in 2008 (5.8%). In 2009, the unemployment rate was 6.9%, higher by 1.1 p.p. as against the previous year, but lower than the values recorded during first years of the analyzed period. ILO unemployment rate was always higher for males than for females (by about 1.9 p.p. in 2009). Similarly, the rate was constantly and significantly higher in urban areas as compared with the one in the rural areas; the explanation can be derived from the specificities of the employment patterns from each area. Over the years a positive trend translated into a decrease of the gap between the two.



78. Unemployment is more spread among those with low or medium level of education. In 2009, 27.2% of the total number of ILO unemployed persons had a low level of education and about two thirds (63.2%), a medium level of education.

#### GNI, GDP, CPI

	2005	2006	2007	2008*)	2009**)
Gross National Income per inhabitant (lei)	12970.11461743	15433.1387557614	18622.4133157498	23236.0597870896	22496.5683446345
Gross Domestic Product (million lei current prices)	288954.6	344650.6	416006.8	514654	491273.7
Gross Domestic	4.15	7.87	6.31	7.34	-7.1

<sup>2</sup> According to International Labour Office criteria.

	2005	2006	2007	2008*)	2009**)
Product (annual growth rate -%)					
Consumer price index	109	106.56	104.84	107.85	105.59

\*semifinal data;\*\* provisional data

## 5. Economic indicators and public debt

79. Following a constant increase of the economic indicators, along the years 2005-2008, the impact of the economic crisis generated a significant decrease of the indicators in 2009.

80. As concerns the public debt (see below Eurostat figures for the period 2005-2009), after a short-term decrease, during the years 2006 and 2007, the figures started to grow, with the start of the economic crisis.

	2005	2006	2007	2008	2009
<b>Total public debt (mil.euro)</b>	12,397,6	12,598,6	14,485,4	17,047,8	27,482,6
<b>Percentage of GDP (%)</b>	15.8	12.4	12.6	13.3	23.7

## 6. Official development assistance

81. Since 2007, Romania's role in development cooperation has radically changed, shifting from beneficiary country to donor of official development assistance (ODA). Despite the economic and financial crisis, Romania remains committed to make efforts for reaching ODA target for 2015, increasing each year the volume of aid:

<i>Romania's contribution to ODA (millions euro)</i>	2007	2008	2009
	80	94	99

## G. Political characteristics

### 1. Number of recognized political parties at the national level

82. According to the "Register of Political Parties", there are 39 recognized political parties at national level, as follows:<sup>3</sup>

No.	Political parties
1	National Liberal Party
2	Social Democratic Party
3	Democratic Liberal Party

<sup>3</sup> For more information see the registered political parties at [www.tmb.ro/getmc.php?param=registrul\\_partidelor\\_politice\\_nou](http://www.tmb.ro/getmc.php?param=registrul_partidelor_politice_nou).

<i>No.</i>	<i>Political parties</i>
4	Christian-Democratic National Peasants' Party
5	The Ecologist Alternative Party
6	Christian Democratic Party
7	People's Is And Social Protection Party
8	Greater Romania Party
9	Youth of Romania Party
10	Social Democratic Party "Constantin Titel Petrescu"
11	Romanian Socialist Party
12	Conservative Party
13	Ecologist Party of Romania
14	Party of Unity of The Romanian Nation
15	Justice Force
16	National Democratic Christian Party
17	People's Party
18	New Generation Party – Christian Democratic
19	Romanian "Renaissance Party"
20	Party of National Dignity
21	Socialist Alliance Party
22	Republican Party
23	Democratic Force
24	"For the Fatherland" Party
25	Law And Justice Party
26	Christian Socialist Union
27	Civic Force
28	Party of National Dignity
29	National Initiative Party
30	Green Party
31	United Left Party
32	Communist Party (Nepeceriști)
33	People's Agrarian Party
34	Conservative Movement In Romania
35	Socialist Christian People's Union
36	Party of European Romania
37	Civic Hungarian Party
38	Ecologist Union of Romania Party
39	National Union For the Progress of Romania

## 2. Proportion of population eligible to vote

83. The proportion of population entitled to vote is 82%. This indicator is based on the number of voters registered in the electoral permanent lists (18,347,397) and the total number of the population at the end of 2009 (22,362,415).

84. On the occasion of the European Parliament elections, held in 2007, there were 18,224,597 people entitled to vote. Two years after, there were 18,197,316 people entitled to vote. For the parliamentary elections held in November 2008, a number of 18,464,274 people were registered as entitled to vote.

85. On the occasion of the presidential elections and national referendum held in November 2009, 18.303.224 people were entitled to vote.

#### **Proportion of non-citizen adult population registered to vote**

86. For the 2009 European parliamentary elections, 84 European citizens (about 0.00046 %) were registered on special electoral lists.

### **3. Number of registered complaints on the conduct of elections, by type of alleged irregularity**

87. The Romanian electoral dispute resolution system is composed of three levels of jurisdiction, respectively polling station electoral bureaus (almost 18,000), constituency election bureaus (43 – 49, depending on the type of elections) and the Central Election Bureau. Only the Central Election Bureau's decisions are published. Consequently, the statistics provided are based only on the Central Election Bureau's decisions.

#### *COMPLAINTS*

<i>ELECTORAL EVENT</i>	On the electoral campaign	On the composition of the electoral bureaus	On the counting of votes	On the annulment of elections/ electoral fraud	Ballot papers, election signs, stamps etc.
The 2008 parliamentary elections	41 <sup>4</sup>	19 <sup>5</sup>	13 <sup>6</sup>	10 <sup>7</sup>	7 <sup>8</sup>
The 2008 local elections	20 <sup>9</sup>	17 <sup>10</sup>	14 <sup>11</sup>	128 <sup>12</sup>	17 <sup>13</sup>
The 2009 presidential	65 <sup>14</sup>	37 <sup>15</sup>	3 <sup>16</sup>		6 <sup>17</sup>

<sup>4</sup> Decisions no. 44, 48, 49, 53, 56, 57, 59, 60, 61, 62, 63, 68, 69, 75, 76, 77, 79, 80, 81, 82, 83, 86, 87, 88, 89, 90, 100, 101, 102, 106, 107, 108, 110, 111, 117, 118, 131, 132, 133, 136, 138.

<sup>5</sup> Decisions no. 42, 43, 45, 78, 92, 98, 99, 103, 105, 109, 122, 123, 128, 130, 134, 137, 142, 143.

<sup>6</sup> Decisions no. 151, 152, 153, 154, 155, 156, 158, 164, 165, 149, 148, 147, 146.

<sup>7</sup> Decisions no. 150, 157, 159, 160, 161, 162, 163, 145, 140, 139.

<sup>8</sup> Decisions no. 124, 116, 115, 114, 113, 112, 73.

<sup>9</sup> Decisions no. 117, 115, 113, 108, 94-92, 88, 87, 82, 80-78, 70-67, 65, 61, 30

<sup>10</sup> Decisions no. 298, 296, 292, 203, 159, 121, 116, 112, 104, 103, 101, 71, 24, 46, 50, 52, 45.

<sup>11</sup> Decisions no. 293, 288, 194, 175, 174, 173, 171, 166, 158, 154, 145, 142, 140, 133.

<sup>12</sup> Decisions no. 300, 295, 290, 291, 286-282, 280-259, 257-226, 224-222, 220-217, 215-211, 209-206, 196, 195, 193-190, 187-180, 178, 177, 172, 170-167, 165-160, 157, 156, 153/150, 146, 143, 141, 139-137, 134.

<sup>13</sup> Decisions no. 289, 281, 225, 210, 216, 176, 155, 144, 119, 118, 110, 91, 89, 85, 77, 63, 55.

<sup>14</sup> Decisions no. 58, 59, 61, 64-81, 92, 95, 96, 106-108, 110, 117, 118, 129, 137, 139-141, 144, 146, 154-158, 161, 167, 169-172, 174-178, 180, 182-184, 186, 187, 190-193, 195.

## COMPLAINTS

<i>ELECTORAL EVENT</i>	On the electoral campaign	On the composition of the electoral bureaus	On the counting of votes	On the annulment of elections/ electoral fraud	Ballot papers, election signs, stamps etc.
elections					

#### 4. Distribution of legislative seats by party

88. At the last parliamentary elections held in 2008, the legislative seats were distributed as follows:

<i>Name of the party, political alliance, electoral alliance</i>	<i>Seats for Chamber of Deputies</i>		<i>Seats for Senate</i>	
	No.	%	No.	%
Democratic Liberal Party	115	36.39	51	37.22
The Political Alliance Social Democratic Party + Conservative Party	114	36.07	49	35.76
National Liberal Party	65	20.56	28	20.43
Democratic Union of Hungarians In Romania	22	6.96	9	6.56
All:	316	100	137	100

#### 5. Percentage of women in Parliament

89. There are 36 seats held by women in the Chamber of Deputies and 8 seats in the Senate, representing 9.71%.

#### 6. Proportions of national and sub-national elections held within the schedule laid out by law

90. The percentage is 100%, due to the fact that all the electoral events took place according to the schedule laid out by law.

91. The 2007 European Parliament elections in Romania were postponed for November 25 (instead of May 13) in order to draw a line between the 2007 Romanian presidential impeachment referendum (held on May 19) and the electoral campaign for the European elections.

#### 7. Average voter turnouts in the national and sub-national elections by administrative unit (eg, states or provinces, districts, municipalities and villages)

92. Here is an overview on national voter turnout of the last 7 national electoral events:

<sup>15</sup> Decisions no. 2, 52-55, 98, 99, 113-116, 119-125, 128, 130-133, 136, 138, 142, 145, 147-151, 160, 164, 173, 181, 188.

<sup>16</sup> Decisions no. 194, 168, 165.

<sup>17</sup> Decisions no. 57, 60, 135, 166, 185, 189.

YEAR	ELECTORAL EVENT	DATE	VOTER TURNS
			%
2007	The Romanian presidential impeachment referendum	May 19	44.45%
	The European Parliament elections	Nov. 25	29.47%
2008	The Romanian parliamentary elections	Nov. 30	39.20%
		June 1	49.38%
	The Romanian local elections	June 15	47.42%
2009	The European Parliament elections	June 7	27.67%
		Nov. 22	50.94%
	The Romanian parliamentary reform referendum	Nov. 22	54.37%
	The Romanian presidential elections	Dec. 6	58.02%

93. Detailed statistics, by district and by urban and country unit, for some electoral events are available in the annex.

## H. Crime statistics and judicial characteristics

### *Incidence of violent death and life threatening crimes reported per 100,000 persons*

	2005	2006	2007	2008	2009
Offence rate					
Murder	2.1	2.0	1.9	2.2	1.8
Murder attempt	2.1	2.2	2.1	1.9	1.8
Fatal attacks	0.5	0.6	0.5	0.4	0.4
Severe body injury	3.3	3.1	3.2	2.6	2.7

Source: General Inspectorate of Romanian Police

94. The indicators refer to the offences investigated and solved by the police during the reference year.

95. In general, for 2005-2009, the incidence of violent death and life threatening crimes remained at the same values.

### *Number of reported cases of sexually motivated violence*

	2005	2006	2007	2008	2009
Rape	1,013	1,116	1,048	1,016	1,007
Rape rate	4.67	5.18	4.87	5.19	4.68

Source: General Inspectorate of Romanian Police

96. The rape rate recorded a maximum figure, namely 5.19, in 2008. In general, figures oscillated around 4.68.

*Prison population with breakdown by length of sentence*

	2005	2006	2007	2008	2009
Total	31,122	29,756	26,443	23,100	22,308
Up to one year	1,343	1,124	821	692	658
1 - 2 years	2,197	2,053	1,647	1,418	1,499
2 - 5 years	12,426	11,748	10,063	8,327	8,224
5 - 10 years	8,931	8,663	7,925	6,884	6,241
10 - 15 years	2,732	2,770	2,686	2,621	2,576
15 - 20 years	2,555	2,431	2,338	2,198	2,120
Over 20 years	809	833	833	827	846
Life imprisonment	129	134	130	133	144

Source: Ministry of Justice (National Administration of Penitentiaries)

97. In 2005-2009 the proportion of the prison population by length of sentence did not vary much.

*Number of judges per 100,000 persons*

	2005	2006	2007	2008	2009
Judges	3,671	3,799	4,111	4,142	3,904
Number of judges per 100,000 persons	17	18	19	19	18

Source: Superior Council of Magistracy

98. In 2009 one can notice a decreasing of the number of judges after a period when this number was rising. This fact determined an increase up to 488 in terms of the number of penal and civil actions, which were to be solved by a judge in 2009.

*Average backlog of cases per judge at different levels of the juridical system*

	2005	2006	2007	2008	2009
Actions which entered the Courts of Justice	1,597,433	1,728,864	1,532,208	1,596,881	1,903,435
Penal	370,131	332,594	246,119	238,951	239,282
Civil	1,227,302	1,396,270	1,286,089	1,357,930	1,664,153
Number of penal and civil actions, which were to be solved by a judge	435	455	373	386	488

Source: Superior Council of Magistracy.

99. A table containing statistical data on the number of defendants prosecuted in the period from 2005 to 2009 is herewith attached.

**Number of personnel in police/ order and public safety system per 100,000 inhabitants**

100. In 2010, 101,668 persons were employed in the structures of order and public safety of the Ministry of Administration and Interior, out of which 96.419 represented police officers and military personnel. There were approximately 444 policemen/military

personnel employed in the structures of order and public safety of the Ministry of Administration and Interior per 100,000 inhabitants.

## **I. Other characteristics**

### **Population coverage and breakdown of ownership of major media channels (electronic, print, audio, etc.)**

101. Data regarding access by the population to the most important media, namely to the electronic media, as well as printed and audio media, are not covered in Romania's official statistics.

## **J. Number of recognized non-governmental organizations**

102. According to the National Register of legal persons without patrimonial objective, there are 266 associations, 55 foundations, 5 federations and 5 unions in the field of human rights. Out of these, 83 associations and 21 foundations include in their name/objective/object of activity the expression "human rights promotion", while 183 associations, 34 foundations, 5 federations and 5 unions include in their name/objective/object of activity the expression "human rights protection".

## **II. The constitutional, political and legal system**

### **A. Romania's Constitution and form of government**

103. Romania's first Constitution was adopted in 1866, followed by new Constitutional texts adopted in 1923, 1938, 1948, 1952, 1965 and 1991.

104. The seventh Constitution of Romania, issued after the abrogation in December 1989 of the communist regime and of the 1965 Constitution of the Socialist Republic of Romania, was adopted on November 21, 1991 by the Parliament of Romania (with 414 votes for and 95 votes against) and validated through the referendum of December 8, 1991 (with 77.3% of the votes cast).

105. In 2003 the Constitution was amended by Law No. 429/2003 on the revision of the Constitution of Romania, published in the Official Gazette of Romania, Part I, No. 758 of 29 October 2003 (republished by the Legislative Council on the grounds of article 152 of the Constitution, with the updated denominations and the renumbered texts). Law No. 429/2003 was approved by the national referendum of 18-19 October 2003 and came into force on 29 October 2003, the date of the publication in the Official Gazette of Romania, Part I, No. 758 of 29 October 2003 of the Decision of the Constitutional Court No. 3 of 22 October 2003 for the confirmation of the result of the national referendum of 18-19 October 2003.

106. The current Constitution has 156 articles grouped within eight titles (I General Principles; II Fundamental Rights, Freedoms and Duties; III Public Authorities; IV Economy and Public Finance; V Constitutional Court; VI Euro-Atlantic integration; VII Revision of the Constitution and VIII Final and Transitory Provisions). The Constitution states that Romania is a parliamentary republic and provides for pluralism, separation of powers between branches of government, a market economy and respect for human rights.

## **B. The State leadership**

107. The President of Romania is elected by direct, popular vote for a maximum of two five-year terms. He or she represents the country in matters of foreign affairs and is the commander of the armed forces. The President may not belong to any political party.

### **1. Executive authority**

108. The President appoints a Prime Minister to head the government; the Prime Minister is generally the leader of the party with the majority of seats in Parliament. The Prime Minister is responsible for selecting a cabinet.

109. The candidate to the office of Prime Minister needs, within ten days of his designation, to seek the vote of confidence of Parliament upon the programme and complete list of the Government.

110. The programme and list of the Government are debated upon by the Chamber of Deputies and the Senate, in joint sitting. Parliament shall grant confidence to the Government by a majority vote of the Deputies and Senators.

### **2. Legislative authority**

111. Romania is a parliamentary republic with two chambers - The Senate and The Chamber of Deputies. Members of both houses of Parliament are elected for four-year terms, according to a modified system of proportional representation. The ethnic minorities also have representation.

### **3. Judicial authority**

112. The High Court of Cassation and Justice is Romania's highest judicial authority. Its members are appointed by the president at the proposal of the Superior Council of Magistrates. In each of Romania's 40 counties and in the special district of Bucharest there is a county court and several lower courts, or courts of first instance. The country also has 15 circuits of appellate courts, in which appeals against sentences passed by local courts are heard; there is a right of appeal from the appellate courts to the High Court of Cassation and Justice.

113. Romania has a Constitutional Court, responsible for guaranteeing the supremacy of the Constitution. The Constitutional Court consists of nine judges, appointed for a term of office of nine years, which cannot be prolonged or renewed. Three judges are appointed by the Chamber of Deputies, three by the Senate, and three by the President of Romania.

114. The Procurator-General is the highest judicial official in Romania, and is responsible to the Parliament, which appoints him or her for a four-year term.

115. The death penalty was abolished in December 1989 and is forbidden by the 1991 Constitution.

### **4. Democracy and pluralism**

116. In accordance with Article 8 of the Constitution of Romania, pluralism is a condition and guarantee of constitutional democracy.

117. Political parties are constituted in accordance with the law and contribute to the definition and expression of the political will of the citizens. They must observe national sovereignty, territorial integrity, the legal order and the principles of democracy.

118. The Law no. 14/2003 on political parties sets the criteria that need to be met by an organization of a political nature in order to function as a political party. Such associations

will fight for national sovereignty, independence and unity of the state, territorial integrity, rule of law and the principles of constitutional democracy; will not violate by their statute, programs, propaganda of ideas or other activities they undertake Articles 30 para 7 and 37 paras 2 and 4 of the Constitution; will not get the affiliation to foreign organisations if such an undertaking violates one of the values mentioned above; will not undertake military or paramilitary activities or any other activities prohibited by law.

## **5. Electoral system**

### **(a) Electoral rights under the 1991 Constitution**

119. Articles 34 and 35 of the Constitution from 1991 stipulate the right to vote and the right to be elected. Every citizen having turned 18 up to or on the Election Day had the right to vote. The right to vote could be suspended only through final judiciary decision. Eligibility was granted to all citizens having the right to vote unless they were forbidden to join a political party<sup>18</sup>. In order to be elected to the Chamber of Deputies or the bodies of local public administration, the candidates must have turned, up to or on the Election Day, at least 23 years old. In order to be elected in the Senate or as President of Romania they must have turned at least 35 years old.

### **(b) Revision of the Constitution**

120. On the occasion of the revision of the Constitution in 2003, a series of provisions regarding the electoral area were modified.

121. According to art. 2, paragraph 2 of the revised Constitution, the national sovereignty shall reside within the Romanian people, who shall exercise it by means of its representative bodies, resulting from free, periodical and fair elections, as well as by referendum.

122. One of the modifications of the Constitution stipulates the right of the European Union citizens to vote and be elected in the authorities of the local public administration in Romania (art. 16, para. 4) and the right of the Romanian citizens to be elected in the European Parliament, according to the conditions of Romania's accession to the European Union (art. 38).

123. Art. 73, paragraph 3 of the revised Constitution states that the electoral system shall be regulated only by organic law.

124. There has been a series of modifications regarding the elections for the Chamber of Deputies and the Senate:

(a) The guarantee of equal opportunities for men and women to occupy public positions – art.16, paragraph (3);

(b) The diminishing of the age limit for the candidates for the Senate from 35, in the previous regulation, to 33 – art.37 (2);

(c) The establishment of the Permanent Electoral Authority– art.73 para. 3 (a);

(d) The revised Constitution also extended the term of office of the President of Romania, from 4 to 5 years;

<sup>18</sup> In accordance with the Romanian law, civil servants that are active members of the Armed Forces and diplomats are not allowed to be members of political parties.

(e) Arts. 36 and 37 from the Constitution regulate for the Romanian citizens the right to vote and the right to be elected.

125. After the revision of the Constitution, Law no. 68/1992 on the elections for the Chamber of Deputies and Senate, Law no. 69/1992 on the elections of the President of Romania and Law no.70/1991 regarding local elections were abolished and the following ones were adopted: Law no. 370/2004 on the election of the President of Romania, Law no. 373/2004 on the election for the Chamber of Deputies and the Senate and Law no. 67/2004 on the election of local public administration authorities.

**(c) Electoral rights for foreigners**

126. EU citizens having the domicile or residence in Romania and being 18, including those who have reached that age on the Election Day, and who have not been deprived of their electoral rights, are entitled to vote.

127. EU citizens having the right to vote and who have turned at least 23 years of age on the Election Day, including those who have reached that age on the Election Day, have the right to be elected if they have the domicile in the area of that administrative-territorial unit where they intend to be elected and if they are entitled to be members of the political parties, according to art. 40, paragraph 3 of the Romanian Constitution, republished. Also, EU citizens have the right to be elected only to the offices of local councillor and county councillor.

128. EU citizens with permanent residence or having indefinite leave to stay in Romania are entitled to vote or to stand to be elected as Romanian MPs in the European Parliament, as long as they meet the legal requirements. Thus, EU citizens seeking to cast their vote in Romania can vote for the Romanian candidates once they have been registered to vote in the exceptional Electoral Register. No later than 60 calendar days before the Election Day, EU citizens (other than Romanian nationals / and residing in Romania) should register to vote in the exceptional Electoral Register. To do so, one should file a written request accompanied by a copy of any photographic ID, to their respective Mayor.

129. EU citizens who wish to stand for election as Romanian MPs in the European Parliament are requested to file, along with the standard necessary documentation, the following: an affidavit stating nationality, their Romanian address, and the fact they are not standing for election as European MP in any other member state, documentary proof, issued by the relevant national authorities in the country of origin, that the applicant has not been subject to any court order banning him to stand as a candidate; valid photographic ID.

**(d) The new law on the election of the Chamber of Deputies and the Senate**

130. Following a national referendum on the introduction of uninominal voting at the parliamentary elections held in 2007, Law no.68/1992 on the elections for the Chamber of Deputies and Senate was replaced by Law no. 35/2008 on the election of the Chamber of Deputies and the Senate and for the amendment and completion of Law no. 67/2004 for the election of local public administration authorities, of Law no. 215/2001 and of Law no. 393/2004 regarding the statute of local elected officials.<sup>19</sup>

131. Thus, at the 2008 parliamentary elections the old list system was replaced by an original uninominal voting system. Despite its name, the latter is not part of the majority electoral systems, because its objective is to ensure the proportionality of the ratio between the votes of the electorate and the mandates in the Parliament.

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<sup>19</sup> Published in the Official Gazette no. 196 from 13 March 2008.

132. Deputies and senators are elected in uninominal colleges by means of uninominal voting, according to the principle of proportional representation. The representation rate for the elections to the Chamber of Deputies is one deputy to 70,000 inhabitants, while for the election of the Senate it is one senator to 160,000 inhabitants.

133. Each county and the Bucharest Municipality represent a constituency. The Romanian citizens having their domicile abroad form a separate constituency.

134. The delimitation of uninominal colleges must take into account the following rules:

- (a) A constituency may only be composed of the whole uninominal colleges;
- (b) The territory of an uninominal college must coincide with the territory of one and the same county or of the Bucharest Municipality;
- (c) In a locality there can only be full uninominal colleges;
- (d) An uninominal college may consist only of one or more entire localities;
- (e) In Bucharest Municipality, the uninominal colleges may not surpass the boundaries of the Bucharest's districts;
- (f) In the constituency of the Romanian citizens having their domicile abroad there are 4 uninominal colleges for the election of the Chamber of Deputies and 2 uninominal colleges for the election of the Senate;
- (g) Within a constituency, the differences between the uninominal colleges may not be higher than 30%;
- (h) An uninominal college for the election of the Senate consists only of entire and adjoining uninominal colleges for the election of the Chamber of Deputies.

135. The electoral threshold represents 5% of the total number of votes validly cast throughout the entire country for all political parties, political alliances, electoral alliances and organisations of citizens belonging to a national minority. As regards political alliances and electoral alliances, to the 5% threshold, one shall add for a second member of the alliance another 3% of the votes validly cast in the entire country and for each member of the alliance, starting with the third, one percent of the votes validly cast in the entire country, without exceeding 10% of those votes.

136. Also, the electoral threshold was set to 6 wins in the uninominal colleges for the Chamber of Deputies and 3 wins in the uninominal colleges for the Senate.

137. After establishing the political forces, which met the electoral threshold, the county electoral bureau establishes, separately, for the Chamber of Deputies and the Senate, the constituency's electoral quotient, by dividing the total number of votes validly cast for all the electoral competitors, which have met the electoral threshold and for the independent candidates who have obtained the majority of the votes validly cast in the uninominal college in which they stood as candidates to the number of deputies, respectively senators, who are to be elected in that constituency.

138. For each electoral competitor, the total number of votes validly cast in a constituency for all its candidates is divided to that constituency's electoral quotient, the whole number being taken into consideration. The result represents the number of mandates assigned by the county electoral bureau to the electoral competitor. A mandate is assigned to all candidates who obtained the majority of votes validly cast in the Uninominal College in which they stood as candidates.

139. The remaining votes obtained by the electoral competitors as well as the mandates that could not be assigned by the county electoral bureau are notified to the Central Electoral Bureau, which will distribute the remaining mandates in the second stage.

140. The Central Electoral Bureau sums, for the entire country, separately for the Chamber of Deputies and the Senate, the number of votes not used and that which is lower than the constituency electoral quotient in all constituencies, per each political party, political alliance or electoral alliance meeting the electoral threshold. The number of votes thus obtained by each political party, political alliance and electoral alliance is divided by 1,2,3,4, with as many division operations as the number of mandates that could not be assigned at the constituency level. The quotients resulting from this division, irrespective of the electoral competitor they come from, are ranked in a decreasing order, down to the number of unassigned mandates. The lowest of these quotients represents the national electoral quotient, for deputies and, separately, for senators. Each electoral competitor is assigned as many deputy's or senator's mandates as the case may be, as the number of times the national electoral quotient is comprised in the total number of votes validly cast for that political party, political alliance, or electoral alliance, resulting from summing the number of votes not used and those lower than the constituency electoral quotient, at national level.

141. The detailed assignment of the mandates distributed per constituencies is done by the Central Electoral Bureau, as follows:

(a) For each political party, political alliance and electoral alliance that met the electoral threshold, the number of unused votes and those lower than the constituency electoral quotient, in each constituency, is divided by the total number of votes validly cast for that political party, political alliance, or electoral alliance taken into consideration during the mandate distribution at national level. The result thus obtained per each constituency is multiplied by the number of mandates due to that political party, political alliance or electoral alliance. The obtained data is listed in a decreasing order at national level and, separately, in a decreasing order within each constituency. Per each constituency, the first political parties, political alliances or electoral alliances are taken into account, within the limit of the mandates left to be distributed in that constituency. The last number in that operation represents the distribution rate of that constituency. Further on, the Central Electoral Bureau proceeds to mandate distribution per constituencies according to the order of the political parties, political alliances and electoral alliances, as well as the constituencies in the national list, as follows: the first number in the national order list is divided by the distribution rate of the constituency it comes from, thus giving the number of mandates coming to that constituency. Then the procedure is identical for the next numbers in the national order list. If the number of mandates due to a political party, political alliance or electoral alliance or from a constituency is exhausted, the operation goes on without them. If the number in the national order list is lower than the constituency distribution rate, a mandate shall be assigned;

(b) If mandate assignment is not possible in the order mentioned above, the Central Electoral Bureau takes into consideration the constituency where that political party, political alliance or electoral alliance has the highest number of candidates and if, even so, there are mandates left unassigned per constituencies, the constituency where that political party, political alliance or electoral alliance has the highest number of unused votes or votes lower than the constituency electoral quotient;

(c) If there are mandates left unassigned per constituencies, the Central Electoral Bureau establishes them based on an agreement between the political parties, political alliances or electoral alliances to which those mandates are due and in the absence of such an agreement by drawing lots within 24 hours from the closure of the previous operations.

142. At this stage, the county electoral bureau draws up a list containing the candidates who were not assigned mandates in the first stage. The candidates are listed in a decreasing order taking into account the ratio between the votes validly cast in the uninominal colleges

in which they stood as candidates and the electoral quotient of that constituency, calculated to the eighth decimal.

143. If the number of mandates obtained by an electoral competitor by winning in uninominal colleges the highest number of votes is higher or equal to the due number of mandates after the assigning process, that electoral competitor will keep the mandates won by its candidates without gaining other mandates in the second stage.

144. For each electoral competitor that met the electoral threshold, out of the number of mandates assigned per that constituency, the number of mandates directly won by its candidates is subtracted, the result representing the number of mandates that are to be assigned to each electoral competitor in that constituency in the second stage of the assignment process. The number of mandates for each electoral competitor is assigned to its candidates in a decreasing order depending on the position in the list. If the next candidate, who is to be assigned a mandate from the preordained list belongs to an electoral competitor which exhausted the due number of mandates in that constituency or if in the uninominal college in which he stood as a candidate a mandate was already assigned, the county electoral bureau will proceed further to the next candidate on the preordained list until the assignment of all the mandates.

145. If one or more electoral competitors that met the electoral threshold have not received all the mandates they have the right to receive as many mandates as the number of mandates they have the right to. The mandates are assigned supplementary to the candidates of the electoral competitors better placed in the preordained list that did not receive a mandate in the uninominal college in which they stood as candidates by the adequate increasing of the number of mandates in that constituency.

146. In case of death or of a withdrawal of a deputy or senator, in that uninominal college partial elections will be held. The elections are organised only if they are to be held at least 6 months before the date established for the parliamentary elections. The elections take place in a single ballot, the candidate obtaining the majority of votes being pronounced the winner.

**(e) Measures aiming at the increase of women's role in politics**

147. Under the former blocked voting list system used at the parliamentary elections, political parties were obliged to prepare the candidates' lists for the election of deputies and senators so as to make sure both genders were represented.

148. Also, at the local elections, the political parties must draw up the candidates' lists for the election of local councils and county councils so as to ensure the representation of both genders.

**(f) The representation of minorities**

149. At the parliamentary elections, the organisations of citizens belonging to a national minority, which have not met the electoral threshold, are entitled according to the law to one deputy's mandate. In order to determine the votes obtained by the organizations of citizens belonging to national minorities, several steps are to be undertaken. Thus, the Central Electoral Bureau establishes an electoral quotient at national level, representing the average number of validly cast votes necessary for the election of a deputy. The electoral quotient is obtained by dividing the total number of votes validly cast throughout the entire country for the election of the Chamber of Deputies to the total number of uninominal colleges constituted for the election of the Chamber of Deputies. The organization, which obtained at least 10% out of the electoral quotient, is entitled to representation in the Chamber of Deputies. The representative of the organisation of citizens belonging to a national minority, which has obtained the highest number of votes, is pronounced elected.

150. Following the 2008 parliamentary elections, the organisations of citizens belonging to a national minority gained 18 seats, one per each minority, in the Chamber of Deputies.

151. Also, at local elections, in the event none of the organisations of the citizens belonging to national minorities, other than the Hungarian one, has obtained at least a mandate, a councillor's mandate shall be assigned, from among the ones left from the first stage, to the organisation having reached the election threshold and having obtained the highest number of validly expressed votes of all those organisations.

152. The Democratic Union of the Hungarians in Romania obtained 9 senator mandates and 22 deputy mandates.

**(g) Local public administrative authorities-new electoral rights**

153. Following the adoption of Law no. 215/2001 on the local public administration, the Romanian citizens have the possibility to request the organization of a referendum in order to dissolve the local/county council or to dismiss the mayor of their locality. The referendum shall be organised as a result of a request addressed to this end to the "prefect" by at least 25% of the number of citizens with voting rights registered on the electoral lists of the territorial-administrative unit.

154. Law no. 35/2008 on the election of the Chamber of Deputies and the Senate and for the amendment and completion of Law no. 67/2004 for the election of local public administration authorities, of Law no 215/2001 and of Law no. 393/2004 regarding the statute of local elected officials introduced the direct election of the presidents of county councils at the local elections held in 2008.

**(h) Referenda**

155. The organization of national and local referenda is regulated by Law no. 3/2000.

156. Since the last report, four national referenda were held in Romania (a referendum on the revision of the Constitution in 2003 and a referendum on the dismissal of the President in May 2007, both having decisional value, a consultative referendum on the introduction of the uninominal voting at the parliamentary elections, which was held in 2007, and a consultative referendum on the reduction of the number of parliamentarians and on transforming the Parliament into a unicameral one), plus countless local referenda.

**6. Recognition of non-governmental organisations**

157. The main aspects related to non-governmental organizations are governed by the Governmental Decision no. 26/2000 regarding associations and foundations, which regulates the creation, registration, organization and functioning of private nonprofit organizations.

158. To obtain legal personality, associate members conclude the constitutive act and the association statute, in an authentic form or certified by a lawyer, which must include several compulsory elements, required under the sanction of absolute nullity.

159. Any associate members, who are empowered under the terms of article 6 (2) (h) of Governmental Decision no. 26/2000, may make an application for registration of the association in the Register of associations and foundations located in the graft court of the territorial constituency where the association will have its headquarters.

160. The application form will be accompanied by the following documents:

- (a) The constitutive act;
- (b) The status of the association;

(c) Documents proving the establishment and initial assets;

(d) Evidence of availability of the name issued by the Ministry of Justice or, where appropriate, of its reasoned refusal.

161. Within three days after filing of the application and of the documents referred to in Art. 7, para. 2, a judge appointed by the court president will verify their legality and order, and then a decision is made on the entry of the association in the Register of associations and foundations.

162. The Association acquires legal personality by its entry in the Register of associations and foundations, actually located in the territorial constituency of the court where the association is located.

163. The conclusion by which registration is performed is automatically communicated to the local financial body in whose territorial jurisdiction the association is located, using the number of entry in the Register of associations and foundations. When the conclusion of registration becomes irrevocable, a certificate of registration is issued, which includes: the name of the association, its location, the duration of operation, number and date of admission to the Register of associations and foundations.

### III. General framework for the protection and promotion of human rights in Romania

#### Acceptance and ratification of international and regional human rights agreements

164. The acceptance and ratification by Romania of international and regional human rights agreements are listed in the tables below.

##### 1. Fundamental international human rights agreements

<i>Convention/ Protocol</i>	<i>Signature (S)</i> <i>Ratifications (R)</i> <i>Accession (A)</i>	<i>Declarations</i>
International Covenant on Economic, Social and Cultural Rights, 1966	<b>R</b> 9/12/1974	<p>Declaration regarding:</p> <p>(a) The provisions of art. 26 (1) are inconsistent with the principle that multilateral international treaties whose purposes concern the international community as a whole must be open to universal participation.</p> <p>(b) The maintenance in a state of dependence of certain territories referred to in articles 1 (3) and 14 of the International Covenant on Economic, Social and Cultural Rights is inconsistent with the Charter of the United Nations and the instruments adopted by the Organization on the granting of independence to colonial countries and peoples, including the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations, adopted unanimously by the</p>

<i>Convention/ Protocol</i>	<i>Signature (S)</i> <i>Ratifications (R)</i> <i>Accession (A)</i>	<i>Declarations</i>
		United Nations General Assembly in its resolution 2625 (XXV) of 1970, which solemnly proclaims the duty of States to promote the realization of the principle of equal rights and self-determination of peoples in order to bring a speedy end to colonialism.
International Covenant on Civil and Political Rights, 1966	<b>R</b> 9/12/1974	Declaration regarding:  (a) The provisions of article 48 (1) of the International Covenant on Civil and Political Rights are inconsistent with the principle that multilateral international treaties whose purposes concern the international community as a whole must be open to universal participation.  (b) The maintenance in a state of dependence of certain territories referred to in article 1 (3) of the International Covenant on Civil and Political Rights is inconsistent with the Charter of the United Nations and the instruments adopted by the Organization on the granting of independence to colonial countries and peoples, including the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted unanimously by the United Nations General Assembly in its resolution 2625 (XXV) of 1970, which solemnly proclaims the duty of States to promote the realization of the principle of equal rights and self-determination of peoples in order to bring a speedy end to colonialism.
International Convention on the Elimination of All Forms of Racial Discrimination, 1965	<b>A</b> 15/09/1970	Declaration regarding: The provisions of articles 17 and 18 of the International Convention on the Elimination of All Forms of Racial Discrimination are not in accordance with the principle that multilateral treaties, the aims and objectives of which concern the world community as a whole, should be open to participation by all States.
Convention on the Elimination of All Forms of Discrimination against Women, 1979	<b>R</b> 7/01/1982	
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	<b>A</b> 18/12/1990	
Convention on the Rights of the Child, 1989	<b>R</b> 28/09/1990	
Optional Protocol to the International Covenant on Civil	<b>A</b> 20/07/1993	Romania considers that, in accordance with article 5, paragraph 2(a) of the Protocol, the

<i>Convention/ Protocol</i>	<i>Signature (S)</i> <i>Ratifications (R)</i> <i>Accession (A)</i>	<i>Declarations</i>
and Political Rights, 1966		Human Rights Committee shall not have competence to consider communications from an individual if the matter is being or has already been examined under another procedure of international investigation or settlement.
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women, 1999	<b>R 25/08/2003</b>	
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 2002	<b>R 2/07/ 2009</b>	“In accordance with Article 24, paragraph 1 of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Romania declares that it postpones for three years the implementation of the obligations under Part IV of the Optional Protocol, concerning national preventive mechanisms.”
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, 2000	<b>R 10/11/2001</b>	Declaration: “According to the law, military service is compulsory for Romanian citizens, males, who reached the age of 20, except in case of war or upon request, during peacetime, when they may be recruited after the age of 18.”
Optional Protocol to the Convention on the Rights of the Child on the sale of the children, child prostitution and child pornography, 2000	<b>R 18/10/ 2001</b>	
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of death penalty, 1989	<b>R 27/02/1991</b>	
Convention on the Rights of Persons with Disabilities	<b>R 31/01/2011</b>	

165. Romania also signed the International Convention for the Protection of All Persons from Enforced Disappearance.

## 2. Other United Nations human rights conventions and associated conventions

<i>Convention / protocol</i>	<i>Signature (S)</i> <i>Ratification (R)</i> <i>Accession (A)</i>
Convention on the Prevention and Punishment of the Crime of Genocide, 1948	<b>A 02/11/1950</b>

<i>Convention / protocol</i>	<i>Signature (S)</i>
	<i>Ratification (R)</i>
	<i>Accession (A)</i>
Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, 1950	A 15/02/ 1955
Slavery Convention, 1926 as amended 1953	R 13/11/ 1957
Rome Statute of the International Criminal Court, 1998	R 11/04/2002
Convention relating to the Status of Refugees, 1951 and its 1967 Protocol	A 07/08/1991
Convention relating to the Status of Stateless Persons, 1954	A 27/01/2006
Convention on the Reduction of Statelessness, 1961	A 27/01/2006
United Nations Convention against Transnational Organized Crime, 2000	R 04.12.2002
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, 2000	R 04.12.2002
Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, 2000	R 04.12.2002
Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, 2001	A 16/04/2004
Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity	R 15/09/1969
International Convention on the Suppression and Punishment of the Crime of Apartheid	R 15/08/1978

### 3. Conventions of the International Labour Organization

<i>Convention / protocol</i>	<i>Signature (S)</i>
	<i>Ratification (R)</i>
	<i>Accession (A)</i>
Weekly Rest (Industry) Convention , 1921 (No. 14)	R 18/08/1923
Forced Labour Convention, 1930 (No. 29)	R 28/05/1957
Labour Inspection Convention, 1947 (No. 81)	R 06/06/1973
Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)	R 28/05/1957
Right to Organise and Collective Bargaining Convention, 1949 (No. 98)	R 26/11/1958
Equal Remuneration Convention, 1951 (No. 100)	R 28/05/1957
Social Security (Minimum Standards) Convention, 1952 (No. 102)	R 15/10/2009
Abolition of Forced Labour Convention, 1957 (No. 105)	R 03/08/1998
Discrimination (Employment and Occupation) Convention, 1958 (No. 111)	R 06/06/1973
Employment Policy Convention, 1964 (No. 122)	R 06/06/1973

<i>Convention / protocol</i>	<i>Signature (S)</i>	<i>Ratification (R)</i>	<i>Accession (A)</i>
Labour Inspection (Agriculture) Convention, 1969 (No. 129)		R 28/10/1975	
Minimum Wage-Fixing Convention, 1970 (No. 131)		R 28/10/1975	
Minimum Age Convention, 1973 (No. 138)		R 19/11/1975	
Worst Forms of Child Labour Convention, 1999 (No. 182)		R 13/12/2000	
Maternity Protection Convention, 2000 (No. 183)		R 23/10/2002	
<b>4. Conventions of the United Nations Educational, Scientific and Cultural Organization</b>			
<i>Convention / protocol</i>	<i>Signature (S)</i>	<i>Ratification (R)</i>	<i>Accession (A)</i>
Convention against Discrimination in Education		R 09/07/1964	
<b>5. Conventions of the Hague Conference on Private International Law</b>			
<i>Convention / protocol</i>	<i>Signature (S)</i>	<i>Ratification (R)</i>	<i>Accession (A)</i>
Convention on the Civil Aspects of International Child Abduction, 1980		A 01/02/1990	
Convention on International Access to Justice, 1980		A 01/11/2003	
Convention on Protection of Children and Cooperation in respect of Intercountry Adoption, 1993		R 01/05/1955	
Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children, 1996			S
<b>6. Geneva Conventions and other treaties on international humanitarian law</b>			
<i>Convention / protocol</i>	<i>Signature (S)</i>	<i>Ratification (R)</i>	<i>Accession (A)</i>
Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, 1949		R 01/06/1954	
Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, 1949		R 01/06/1954	
Geneva Convention (III) relative to the Treatment of Prisoners of War, 1949		R 01/06/1954	
Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, 1949		R 01/06/1954	
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I), 1977		R 21/06/1990	

<i>Convention / protocol</i>	<i>Signature (S)</i>	<i>Ratification (R)</i>	<i>Accession (A)</i>
Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II), 1977		R 21/06/1990	
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and On Their Destruction, 1987			R 30/11/2000

#### 7. Regional human rights conventions

<i>Convention / protocol</i>	<i>Signature (S)</i>	<i>Ratification (R)</i>	<i>Accession (A)</i>
European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950		R 20/06/1994	
European Social Charter, 1961		R 07/05/1999	
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, 1987		R 04/10/1994	
European Charter for Regional or Minority Languages, 1992		R 29/01/2008	
Framework Convention for the Protection of National Minorities, 1995		R 11/05/1995	

## IV. Legal and institutional framework for the protection and the promotion of human rights at the national level

### A. Treaty on the European Union

166. Romania joined the European Union on 1 January 2007 and ratified the Treaty of Lisbon by Law no. 13/February 7, 2008.

167. The EU Treaty places the principles of liberty, democracy, respect for human rights and fundamental freedoms at the core of the Union's values.

168. The Treaty of Lisbon, which entered into force on 1 December 2009, strengthens the principles regarding the human rights and fundamental freedoms:

(a) Article 6 (ex Article F) of the EU Treaty has been amended so as to reaffirm the principle of respect for human rights and fundamental freedoms;

(b) A procedure is laid down for dealing with cases where a Member State has committed a breach of the principles on which the Union is based;

(c) More effective action is to be taken to combat not only discrimination based on nationality, but also discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation;

(d) New provisions on equal treatment for men and women are inserted in the Treaty on the European Union;

(e) Individuals are afforded greater protection with regard to the processing and free movement of personal data;

(f) The Final Act was accompanied by declarations on the abolition of the death penalty, respect for the status of churches and philosophical or non-confessional organizations, and on the needs of persons with a disability.

169. Moreover, the Treaty of Lisbon makes legally binding the Charter of Fundamental Rights of the European Union, a document containing human rights provisions, solemnly proclaimed by the European Parliament, the Council of the European Union and the European Commission on December 7, 2000.

## **B. List of basic rights and restrictions to the rights**

170. The Constitution of Romania contains a specific title on fundamental rights and freedoms. Article 15 states that all citizens enjoy the rights and freedoms granted to them by the Constitution and other laws.

171. The following rights and freedoms are expressly provided for: right to life, right to physical and mental integrity, individual freedom, right to defense, freedom of movement, personal and family privacy, inviolability of domicile, secrecy of correspondence, freedom of conscience, freedom of expression, right to information, right to education, access to culture, rights to protection of health, right to a healthy environment, right to vote, right to be elected, freedom of assembly, right of association, right to work and social protection of labour, prohibition of forced labour, right to strike, right of private property, economic freedom, right of inheritance, right to a decent standard of living, protection of children and young people, protection of disabled persons, right of petition, right of a person aggrieved by a public authority.

172. The Constitution requires that Romanian citizens, foreign citizens and stateless persons exercise their constitutional rights and freedoms in good faith, without any infringement of the rights and liberties of others.

173. Numerous provisions safeguarding human rights and fundamental freedoms are contained in various organic and ordinary laws.

174. According to Article 53 of the Constitution, restrictions to the exercise of certain rights and freedoms may only be set out by law and only if considered necessary in a democratic society, as well as if it becomes necessary in order to defend the national security, the public order, the health or the public morality, the citizens' rights and liberties, the carrying out of a criminal investigation, as well as to prevent the consequences of a national calamity, disaster or a very serious catastrophe. The measure of restriction must be proportional with the situation that determined it, must be applied without discrimination and without affecting the existence of the respective right.

175. Article 19 of the Romanian Constitution, as revised, ensures the legality of the procedures of expulsion and extradition. No Romanian citizen may be extradited or expelled from Romania. Aliens and stateless persons may be extradited only in compliance with an international agreement or on the basis of reciprocity. Expulsion or extradition is ruled by the court.

### **1. Civil and political rights**

176. Article 22 of the Constitution guarantees the right to life and the right to physical and mental integrity and prohibits the death penalty.

177. According to the same Article, no one may be subjected to torture or to any kind of inhuman or degrading punishment or treatment.

178. Article 41 of the Romanian Constitution, as revised, stipulates that the right to work cannot be restricted and the choice of a profession or workplace is free. In accordance with Article 42, forced labor is prohibited. Forced labor does not include:

(a) Activities related to military service, as well as activities performed in lieu thereof, according to the law, due to religious or conscience-related reasons;

(b) The work of a sentenced person, carried out under normal conditions, during detention or conditional release;

(c) Any services required to deal with a calamity or any other danger, as well as those which are part of normal civil obligations as established by law.

179. According to Article 23 of the Romanian Constitution, individual freedom and security of person are inviolable. Search, detention or arrest of a person are permitted only in cases and under procedures provided by the law.

180. If there are well-grounded reasons to believe that a person has committed a crime, that person can be detained by the police for a period not exceeding 24 hours. The custody order must include the date and the hour when it was enforced, while the release order, the date and the hour when this measure was terminated. If the criminal investigation authorities consider necessary to impose the measure of preventive custody, they have to submit a well-argued request to the prosecutor.

181. Taking into account that Article 23 (13) states that freedom deprivation penalties can only be based on criminal grounds, the imprisonment for breach of contractual obligations is not possible.

182. One of the fundamental rights of a Romanian citizen, granted by Article 25 of the Romanian Constitution, as revised, is the right to free movement within and outside the country. The exercise of the right to free movement implies a citizen's freedom to emigrate and to return to his/her country, as well as to establish his domicile or residence anywhere in the country. The conditions for the exercise of this right are set out by law.

183. According to Article 21 (3) of the Romanian Constitution, all parties are entitled to a fair trial and a solution of their cases within a reasonable term.

184. Every person is entitled to bring cases before the courts for the defense of his legitimate rights, liberties and interests. The exercise of this right can not be restricted by any law. Also Article 16 of the Constitution states the principle of equality before the law and public authorities, without any privilege or discrimination.

185. According to Article 26 of the Constitution, "any natural person has the right to freely dispose of himself unless by this he infringes on the rights and freedoms of others, on public order or morals". Moreover, the public authorities "shall respect and protect the intimate, family and private life".

186. Article 27 of the revised Constitution states that the domicile and the residence are inviolable "No one shall enter or remain in the domicile or residence of a person without his consent". An exemption from these provisions can operate, according to the law, for the following instances:

(a) Carrying into execution a warrant for arrest or a court decree;

(b) Removing a risk to someone's life, physical integrity, or a person's assets;

(c) Defending national security or public order;

(d) Preventing the spread of an epidemic.

187. Article 27 also states that searches shall only be ordered by a judge and carried out under terms and forms stipulated by the law. Searches during the night are forbidden, except for crimes in flagrante delicto.

188. Article 28 of the Constitution establishes the secrecy of correspondence, stating that secrecy of the letters, telegrams and other postal communications, of telephone conversations, and of any other legal means of communication is inviolable.

189. Constitutional provisions on freedom of thought, opinion and religious beliefs are to be found in Article 29. According to that article:

(1) Freedom of thought, opinion and religious beliefs shall not be restricted in any form whatsoever. No one shall be compelled to embrace an opinion or religion contrary to his own convictions.

(2) Freedom of conscience is guaranteed; it must be manifested in a spirit of tolerance and mutual respect.

...

(6) Parents or legal tutors have the right to ensure, in accordance with their own convictions, the education of the minor children whose responsibility devolves on them.

190. The Romanian Constitution also establishes the principle of equality between citizens, irrespective of their religious beliefs and, on this basis, forbids any form of discrimination based on religion (art. 4. 2 and art. 16), as well as any incitement to religious hatred (art. 30.7).

191. Freedom of expression is regulated by Article 30, paragraph 1 of the Constitution: "Freedom of expression of thoughts, opinions, or beliefs, and freedom of any creation, by words, in writing, in pictures, by sounds or other means of communication in public are inviolable". This article also contains the basic provisions guaranteeing the liberty of the press (free setting up of publications, prohibition of censorship, interdiction to suppress any publication).

192. Freedom of expression undergoes certain limitations, set out by the law. Thus, the Constitution states that freedom of expression shall not be prejudicial to the dignity, honor, privacy of person, and the right to one's own image. Also, any defamation of the country and the nation, any instigation to a war of aggression, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism, or public violence, as well as any obscene conduct contrary to morality shall be prohibited by law.

193. Article 31 of the Constitution stipulates the right to information: "A person's right of access to any information of public interest shall not be restricted." At the same time, the right to information shall not be prejudicial to the measures of protection of young people or national security.

194. In accordance with Article 39 of the Romanian Constitution, public meetings, processions, demonstrations or any other assembly are free and may be organized and held only peacefully, without weapons of any kind whatsoever.

195. The right of association is stipulated by the Romanian Constitution. According to Article 40 (1), "Citizens may freely associate into political parties, trade unions, employers' associations, and other forms of association".

196. The recognition of family as a fundamental element of society is also part of the Romanian Constitution. The family is founded on the freely consented marriage of the

spouses, their full equality, as well as the right and duty of the parents to ensure the upbringing, education and instruction of their children.

197. The basic rights of the child are stipulated in the Constitution. Thus Article 49 reads as follows:

- (1) Children and young people shall enjoy special protection and assistance in the pursuit of their rights.
- (2) The State shall grant allowances for children and benefits for the care of ill or disabled children. Other forms of social protection for children and young people shall be established by law.
- (3) The exploitation of minors, their employment in activities that might be harmful to their health, or morals, or might endanger their life and normal development are prohibited.
- (4) Minors under the age of fifteen may not be employed for any paid labour.
- (5) The public authorities are bound to contribute to secure the conditions for the free participation of young people in the political, social, economic, cultural and sporting life of the country.

198. According to article 2 of the Constitution, national sovereignty resides with the Romanian people that exercise it by means of their representative bodies, resulting from free, periodical and fair elections, as well as by referendum. Articles 36, 37 and 38 are concerned with the right to vote, right to be elected and right to be elected to the European Parliament.

## **2. Economic rights**

199. Article 44 of the Constitution protects the ownership and regulates the prerequisites for expropriation. Furthermore, Article 136 states that private property is inviolable.

200. The economic freedom of the persons is protected by Article 45 of the Constitution, which guarantees the free access to an economic activity, free enterprise, as well as their exercise under the law.

201. Article 9 refers to trade unions, employers' associations and vocational associations. Their activity is aimed to contribute to the protection of rights and to the promotion of their members' vocational, economic and social interests.

## **3. Cultural rights**

202. Article 32 of the Constitution guarantees the right to education. Para. 3 guarantees, for the persons belonging to national minorities, the right to learn their mother tongue and their right to be educated in this language. State education shall be free (para. 4) and education at all levels shall take place in state, private or confessional institutions (para. 5).

203. The freedom of religious education is ensured by the State, in accordance with the specific requirements of each religious cult (para 7).

204. Article 32, para 6, guarantees the autonomy of universities.

205. The right of every citizen to participate to cultural life is recognized and guaranteed by Article 33 of the Romanian Constitution. The second paragraph stipulates that person's freedom to develop his/her spirituality and to get access to the values of national and universal culture shall not be limited, while the third paragraph advocates that the State must make sure that spiritual identity is preserved, national culture is supported, arts are

stimulated, cultural legacy is protected and preserved, contemporary creativity is developed, and Romania's cultural and artistic values are promoted throughout the world.

#### **4. Social rights**

206. Particular significance is given to the inviolability of the human being. According to Article 22, para. 1, the right to life, as well as the right to physical and mental integrity of person are guaranteed. No one may be subjected to torture or any kind of inhuman or degrading punishment or treatment and the death penalty is prohibited (paras. 2 and 3). The same spirit of the inviolability of the human being is the basis for the provisions of Article 23 stressing that individual freedom and security of a person are inviolable.

207. The care for the human being is reflected by the provisions of Article 34 of the Constitution that guarantees the right to the protection of health and the obligation of the State to take measures to ensure public health, to organize a medical care and social security system as well as to take other measures in order to protect the physical and mental health of the person.

208. The social dimension of the right to work is stipulated across the Articles 41, 42 and 43. These articles guarantee the right to work, the duration of a working day, interdiction of the forced labor, the right to strike of the employees.

209. A significant provision for the protection of the individual is comprised in Article 47, para. 1, that guarantees measures of economic development and social protection, in order to ensure a decent living standard for its citizens. Para. 2 underlines the right to pensions, paid maternity leave, medical care in public health centres, unemployment benefits and other forms of public or private social securities.

210. The social principles founding the family and the rights of the child as well as the equality before the law of the children born out of matrimony with those born in matrimony are comprised in Article 48 of the Constitution. The rights of the child are also subject to the provisions of Article 49. The first paragraph states that children and young people shall enjoy special protection and assistance in the pursuit of their rights. The second paragraph refers to allowances for children and benefits for the care of ill or disabled children, while the third paragraph prohibits the exploitation of minors, their employment in activities that might be harmful to their health, or morals, or might endanger their life and normal development. Minors under the age of fifteen may not be employed for any paid labour (para. 4). Also, the public authorities are bound to contribute to secure the conditions for the free participation of young people in the political, social, economic, cultural and sporting life of the country (para. 5).

211. The rights of the disabled persons are subject to Art. 50. These persons enjoy special protection and the State shall provide the accomplishment of a national policy of equal opportunities, disability prevention and treatment, so that disabled persons can effectively participate in community life, while observing the rights and duties of their parents or legal guardians

#### **C. Relation between treaties and national legislation on human rights**

212. The Constitution stipulates that treaties ratified by the Parliament are part of the national law. Consequently, the rights and freedoms set forth in the international legal instruments in the field of human rights to which Romania is a party get translated into the national legislation.

213. Moreover, article 20 of the Constitution stipulates that constitutional provisions concerning the citizens' rights and freedoms shall be interpreted and enforced in

conformity with the Universal Declaration of Human Rights, with the covenants and other treaties Romania is party to.

214. In case of inconsistencies between these covenants and treaties, and the national laws, the international regulations shall take precedence, unless domestic legislation comprises more favourable provisions.

## **D. State institutions entitled to protect human rights and legal aspects of protection**

### **1. State institutions in the juridical field**

215. Protection and promotion of human rights is guaranteed by a vast network of judicial, quasi-judicial institutions and other national agencies. According to article 21 of the Constitution, every person is entitled to bring cases before the courts for the defense of his/her legitimate rights, liberties and interests.

216. Courts in Romania are represented by courts of law, tribunals, specialized tribunals, courts of appeal and the High Court of Cassation and Justice.

217. The Constitutional Court guarantees the supremacy of the Constitution. Amongst others, this Court has the power to raise an objection as to the unconstitutionality of laws and ordinances, brought up before courts of law or commercial arbitration, including on grounds related to the respect of human rights and fundamental freedoms. The provisions of the laws and ordinances in force, which are found to be unconstitutional, cease their legal effects, unless brought into line with the provisions of the Constitution. Treaties or international agreements found to be contrary to the Constitution cannot be ratified.

218. The institution of the Advocate of the People (AvP) – the Ombudsman – was created in 1999, in order to defend the natural persons' rights and freedoms in their relation with the public administration. The AvP is an autonomous institution, acting independently from any other public authority. It exercises its duties *ex officio* or upon request by the persons whose rights and freedoms have been infringed by the public administration. These requests can be submitted by any natural person, irrespective of citizenship, age, gender, political affiliation or religious beliefs. The AvP has a daily program of hearings, which represents the main means of dialogue with the citizens. The AvP has the right to conduct its own investigations and to request from the public administration authorities any information or documents necessary for the proper conduct of the investigations. In exercising its duties, the AvP also makes recommendations, which cannot be subject to parliamentary or judicial control, and notifies the public administration authorities on the illegality of administrative acts or actions. If the AvP finds that a complaint is justified and a human rights violation has been committed, it requests the responsible public authority to revise or revoke the administrative act in question, to ensure compensation for the damage and to ensure restoration to original situation (*restitutio in integrum*). At the same time, if the AvP finds that a complaint falls under the competence of the court of law, it can redirect it to the Ministry of Justice, the Public Ministry or to the president of a court of law, who are obliged to communicate the measures taken. The AvP submits annual reports to the Parliament or upon request. These reports can include recommendations to modify existing legislation or proposals of measures aiming to protect citizens' rights and freedoms. Also, the AvP may notify the Constitutional Court with objections of unconstitutionality of laws adopted by the Parliament before their promulgation by the President; may seize the Constitutional Court with exceptions of unconstitutionality of laws and ordinances in force; may issue advisory opinions on exceptions of unconstitutionality of laws and ordinances referring to citizens' human rights and freedoms, upon request by

the Constitutional Court. The AvP has 14 territorial offices covering the same areas as the jurisdictional competence of the Courts of Appeal.

219. In 2001, the Government created the National Council for Combating Discrimination (NCCD), as the main specialized body of the central public administration responsible for the enforcement and observance of anti-discrimination legislation. The Council is an autonomous public institution, with legal personality, under parliamentary control. It carries out its activity without any restriction or influence coming from other public institutions or authorities. Its annual report is debated and approved by the Parliament. NCCD is an instrument designed specifically to fight all forms of discrimination. NCCD is qualified to investigate, establish and sanction cases of discrimination. At the same time, the Council elaborates and applies public policies in the field of non-discrimination. NCCD receives and reviews petitions and complaints regarding violations of the legal provisions concerning the principle of equality and non-discrimination from individuals and groups of persons, NGOs, other legal entities and public institutions. The Steering Board of the NCCD, in exercising its decision-making role, analyses the petitions and complaints received, and adopts the appropriate measures, following investigations carried out by the specialized staff of the Council (the Inspection Team). Once the decision has been adopted, the Steering Board establishes the sanction, which can be a notice or the payment of a fine. The Steering Board also decides on the specific amount of money to be paid by the natural person or by the legal entity, for perpetrating a discriminatory act. It is possible to appeal the decision of NCCD under the procedure provided for by the ordinary law.

## **2. Legal aspects of protection**

220. The provisions of the various human rights instruments to which Romania is a party can be invoked before and directly enforced by courts.

221. There is no separate compensation system applying when human rights are violated, but the general provisions apply. The aggrieved party can demand compensation from the State.

## **3. Other State institutions with responsibilities related to human rights protection**

222. There is a full range of institutions that oversee the implementation of human rights, apart from the ones mentioned above, such as the Advocate of the People and the National Council for Combating Discrimination.

223. The Department for Inter-Ethnic Relations (DIR), created in 2001, is a specialized body of the central public administration, within the Romanian Government. One of its main purposes is to develop a coherent policy on interethnic relations based on a real decentralization and partnership with local authorities and civil society. It promotes specific programmes aimed at enhancing understanding and dialogue between the majority and the national minorities. DIR has also territorial offices in the main interethnic areas of the country.

224. The Council for National Minorities, created in 1993, is a consultative body of the Romanian Government. It facilitates a permanent relation with the organizations of persons belonging to national minorities as it is composed of representatives of all national minority organizations represented in the Parliament.

225. The National Agency for Roma was created in 2004, as a specialized body of the Romanian Government, with legal personality, in charge with elaborating, coordinating, monitoring and evaluating public policies for Roma minority in Romania.

226. The Ministry of Administration and Interior deals with matters related to refugees, internally-displaced people, migrant workers, aliens and non-citizens.

227. The National Council of the Audio-Visual is an autonomous public institution, under parliamentary control, which is authorized to adopt normative decisions, to issue public summons and apply contravention sanctions in support of its role to ensure, inter alia, the application of anti-discrimination policies in the field of audiovisual.

228. Almost all the institutions mentioned above have designed strategies and plans of action, meant to address the specificities related to each sector in the human rights field.

#### **4. Regional courts**

229. As of the date Romania became party to the European Convention on Human Rights (1994), all persons under the jurisdiction of the Romanian State have gained access to the European Court of Human Rights, which defends the rights and freedoms granted under the provisions of the Convention. However, a case can be taken by the Court only after all domestic remedies have been exhausted. Between 1<sup>st</sup> of January 1998 and 31<sup>st</sup> of December 2008, 24,097 persons lodged applications against Romania with the European Court of Human Rights. The Court declared admissible only 283 applications and handed down judgements in 279 cases. In 14 cases, the Government and the applicants reached partial or total friendly settlements. At the beginning of 2008, there were 8,300 applications against Romania pending before the Court. The Court found mostly violations of the right to a fair trial and the right to protection of property. In some cases, the Court found violations of the prohibition of inhuman and degrading treatments, violations of the right to respect the private and family life, home and correspondence, lack of effective investigation or too lengthy proceedings, as well as ethnic discrimination (Roma). Following the judgements and decisions handed down by the Court in 2009, the Government paid a total amount of around 12 millions euro. In addition, a number of laws, including provisions of the Civil Procedure Code and Criminal Code have been modified.

230. After joining the European Union, in 2007, protection of human rights is also provided, under certain specific conditions, by the Court of Justice of the European Union. Moreover, the protection will be enhanced once the UE adheres to the European Convention on Human Rights, in accordance with Article 6, para. 2 from the Treaty on European Union.

#### **5. Information and publications on human rights**

231. Seminars and other public events on human rights issues, as well as various internet sites are used by public institutions as important means to disseminate information on human rights treaties.

232. Articles on human rights issues appear both in the major newspapers and in the local press.

#### **6. Human rights education**

233. In Romania, education in the field of human rights is achieved during the pre-university school, based on formal curricula or informal extra-curricula. The formal curricula imply systematic education, structured according to the level of education, and specialized personnel (educators in kindergarten, primary school educators and teachers). The disciplines that include human rights subjects are as follows: civic education, civic culture, sociology, philosophy, social studies and intercultural education.

234. Informal extra-curricula consist in educative activities undertaken outside the formal education system, by the school or in partnership with local authorities, NGOs or other institutions.

235. Training programs in the field of human rights are regularly undertaken by ministries and agencies. Such programs include both compulsory and optional courses.

#### **7. Awareness-raising of human rights issues by the mass media**

236. In the context of the campaign “Say NO to discrimination” carried out by the Council of Europe in collaboration with the Ministry of Administration and Interior, the latter granted assistance by disseminating the campaign message through the press, at the local level.

#### **8. Cooperation with non-governmental organizations**

237. The public institutions responsible with human rights issues have cooperation protocols with NGOs, based on which they undertake training programs or information campaigns.

### **V. Reporting process at the national level**

238. The common core document and Romania’s reports to human rights treaty bodies presented so far were prepared under the coordination of the Ministry of Foreign Affairs, by the relevant ministries or agencies, depending on each report. Elaboration of contributions to the reports usually implies several rounds of meetings of all the ministries and agencies that are in charge with writing the report, as well as discussions with NGOs. The collaboration of the institutions in this type of endeavour is not based on a specific regulation and does not take the form of an official structure.

239. The same procedure is used for the implementation of recommendations issued by any of the treaty bodies.

240. The national legislature is not involved in the process of preparing a report to the treaty bodies, but it may be when it comes to implementing recommendations.

#### **A. Information regarding non-discrimination and equality**

##### **Legal provisions**

241. The revision of the Romanian Constitution in 2003<sup>20</sup> brought a number of changes to the provisions on preventing discrimination. Article 4 indicates that the State foundation is laid on the unity of the Romanian people and the solidarity of its citizens, while Romania is the common and indivisible homeland of all its citizens, without any discrimination, including on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin.

242. Article 16 of the Romanian Constitution recognizes the principle of equality of rights (“citizens are equal before the law and public authorities, without any privilege or discrimination”) and the principle of legality (“no one is above the law”). Also, all

<sup>20</sup> Law no. 429/2003 on the revision of the Constitution, subsequently approved by referendum, entered into force in October 2003.

substantial laws include provisions on combating discrimination and ensuring equal access to rights and freedoms.

243. Equal opportunities between women and men are guaranteed by the Constitution. Thus Article 16 (3) stipulates that “access to public, civil, or military positions or dignities may be granted, according to the law, to persons whose citizenship is Romanian and whose domicile is in Romania. The Romanian State shall guarantee equal opportunities for men and women to occupy such positions and dignities.” At the same time, Article 41 (4) specifies that “on equal work with men, women shall get equal wages”, while Article 48 (1) stipulates that “the family is founded on the freely consented marriage of the spouses, their full equality, as well as the right and duty of the parents to ensure the upbringing, education and instruction of their children.”

## **B. Institutional aspects of the protection of equality and non-discrimination**

244. The Romanian institutional landscape in terms of protecting equality and non-discrimination is a complex one. While the National Council for Combating Discrimination was specifically created to address issues of equality and non-discrimination, being responsible for the enforcement and observance of anti-discrimination legislation and for providing statistics in this field, there is a series of institutions that deal with strategic and implementation issues, such as: the Department for Inter-Ethnic Relations, tasked with undertaking specific programmes aimed at enhancing understanding and dialogue between the majority and the national minorities, and the National Agency for Roma, in charge of elaborating, coordinating, monitoring and evaluating public policies for Roma minority in Romania. Besides the above-mentioned institutions, several ministries undertake non-discrimination programmes, adapted to the field of their respective competence: education, youth, sports, health, culture etc.

245. In the field of media, the National Council of the Audio-Visual is charged with the application of anti-discrimination laws related to audiovisual policies or programmes.

## **C. Educational programmes and information campaigns**

246. Important information campaigns were undertaken in Romania, which can be mentioned here. In 2005, the National Agency for Employment in cooperation with the National Agency for Roma organised the Employment Caravan for Roma, an initiative aimed at informing Roma about their rights and about the services they can benefit from in order to find jobs.

247. The anti-discrimination campaign SPER (“Stop the Prejudices against the Roma!”) was a complex and comprehensive project focused on Roma issues that aimed at informing the Roma target public of their rights, while raising awareness of the Roma reality for the non-Roma population. An outcome of the campaign was the History Manual on the Roma Minority for the 4th grade, which comprised also a guide for teachers providing historical data.

248. The campaign School without Discrimination was launched in October 2007, by the National Council for Combating Discrimination, in partnership with the National Agency for Roma, in order to prevent racist attitudes, prejudices and segregation cases at the primary and secondary levels of education, through intercultural activities.

249. The National Agency on Equal Opportunities undertook various measures meant to help women become aware of their rights, as well as to counter gender stereotypes. The

Agency organised successful awareness-raising campaigns, such as the 2007 Take Part in Decision Making campaign, addressed to the general public and in particular to women, which included video-spots, posters and brochures. Another example is the distribution of leaflets (e.g. “Women, know your rights!”) which contain useful compilations of relevant legislation and information on means to report cases of gender discrimination.

## **VI. Legal recourse**

250. For all discrimination cases, the victim is entitled to claim damages in a court of law, proportional to the act, as well as the restoration of the situation prior to discrimination or the cessation of the situation created by discrimination, in accordance with the common law. An important element is the reverse of the burden of proof in discrimination cases, as it lies on the person against whom the complaint has been made.

251. If the victim wishes to avoid a judicial recourse, he or she can make use of administrative or quasi-judicial complaint mechanisms, such as the Ombudsman or the National Council for Combating Discrimination, as mentioned in a previous chapter. The claim for damages is exempted from judicial taxes and is not conditioned by any notice from the National Council for Combating Discrimination.

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