

# Romania 2023 Human Rights Report

## Executive Summary

There were no significant changes in the human rights situation in Romania during the year.

Significant human rights issues included credible reports of: cruel, inhuman, or degrading treatment or punishment by the government or on behalf of the government; and serious government corruption.

The government took credible steps to identify and punish officials who may have committed human rights abuses, but in some cases government actions were insufficient and impunity was a problem.

## Section 1. Respect for the Integrity of the Person

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

There were reports the government or its agents might have committed arbitrary or unlawful killings.

Authorities opened an investigation against two local police officers for abusive behavior and involuntary homicide after a man died in police custody in July in the western city of Arad. According to photographs

obtained by media, his body had several face, chest, and arm wounds, indicating he had been beaten. As of year's end, a local police agent was under arrest and a criminal investigation was pending.

In September, Arges county prosecutors indicted two police officers for their alleged involvement in the 2021 involuntary manslaughter of a man being evacuated from a burning restaurant in the city of Pitesti. According to surveillance camera footage of the incident, immediately prior to the man's death, officers appeared to push him to the ground and compress his cervical area during an argument. As of year's end, the case was pending before the Arges County Tribunal.

In February, the High Court of Cassation and Justice transferred the lawsuit against former President Ion Iliescu and former Vice Prime Minister Gelu Voican Voiculescu to the Bucharest Court of Appeal, where it was pending as of year's end. The two were accused of committing crimes against humanity during the 1989 Romanian Revolution.

In July, the High Court of Cassation and Justice issued a final ruling acquitting former communist-era Securitate officials Marin Parvulescu, Vasile Hodis, and Tudor Postelnicu. The three officials had been accused of committing crimes against humanity in 1985 when, according to prosecutors, they were responsible for arresting and beating anticommunist dissident Gheorghe Ursu to death.

## **b. Disappearance**

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

## **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and Other Related Abuses**

The constitution and law criminalized torture and inhuman or degrading treatment, but there were credible reports government officials employed them.

By law, penalties for torture ranged from two to seven years' imprisonment and the loss of certain rights. If torture resulted in the death of the victim, penalties ranged from 15 to 25 years' imprisonment and the loss of certain rights. Penalties for inhuman or degrading treatment ranged from one to five years' imprisonment and the loss of the right to hold public office.

On October 30, several Bucharest police officers responded to a conflict between two residents in a shelter for displaced Ukrainians. According to human rights activists and witnesses, when one of the residents did not follow police instructions, police hit him with a door and punched, kicked, and struck him with their batons after he fell to the ground. Police then handcuffed him and continued to beat him while dragging him out of the room. Police reportedly placed the resident in the Precinct 6 arrest facility,

where they allegedly kept him handcuffed for two days without offering him food. As of year's end, a criminal investigation was pending.

Prosecutors were responsible for investigating abuses. The Directorate for Internal Review within the Romanian Police conducted, under prosecutorial supervision, criminal investigations of abuses committed by members of the police as well as internal administrative investigations.

### **Prison and Detention Center Conditions**

Prison conditions were harsh and overcrowded. Abuse of prisoners by authorities and other prisoners occurred.

**Abusive Physical Conditions:** Gross overcrowding was common.

Inmates complained food quality was poor and sometimes insufficient in quantity. Prisoners had very limited access to hot water. Sanitary facilities were often in a poor state of repair, and detained persons were not provided with appropriate quantities of detergent and hygiene products. Independent observers noted cells were often dilapidated and lacked equipment (storage space, table, and chairs). Mattresses and bedding were often worn out and infested with bed bugs and cockroaches. Prisoners had insufficient in-cell heating in winter. In some prisons, ventilation was inadequate. Prisons reportedly provided insufficient medical care and, according to several reports released by the ombudsperson throughout the

year, inmates did not receive medical checks and treatment in a timely manner.

Prison authorities in some facilities kept prisoners confined to their cells for long periods without opportunity for movement or exercise.

Prisoners regularly assaulted and abused fellow inmates with impunity.

According to nongovernmental organizations (NGOs), lesbian, gay, bisexual, transexual, queer, or intersex (LGBTQI+) persons, individuals with mental health issues, and persons with HIV or AIDS faced disproportionate abuse in prisons by their fellow inmates.

**Administration:** Authorities did not always conduct investigations of credible allegations of mistreatment and inhuman conditions.

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

#### **d. Arbitrary Arrest or Detention**

The constitution and law prohibited arbitrary arrest and detention and provided for the right of any person to challenge the lawfulness of their detention in court. The government generally observed these requirements.

## Arrest Procedures and Treatment of Detainees

Authorities were required to inform detainees at the time of their arrest of the charges against them and their legal rights, including the right to remain silent and the right to an attorney. Police were required to notify detainees of their rights in a language they understood before obtaining a statement. Police were required to bring detainees before a court within 24 hours of arrest. Although authorities usually complied with these requirements, those rights were not always respected. If the alleged offender did not pose any danger while awaiting trial, there was no concern of flight or commission of another crime, and the case did not present a “reasonable suspicion” the person might have committed the offense, the offender could be granted temporary release until trial. Depending on the circumstances of the case, the law allowed for home detention and pretrial investigation under judicial supervision, which required the person accused to report regularly to law enforcement officials. A bail system existed but was seldom used.

Detainees had the right to counsel and, in most cases, had prompt access to a lawyer of their choice. Authorities provided indigent detainees legal counsel at public expense. The arresting officer was responsible for contacting the detainee’s lawyer or, alternatively, the local bar association to arrange for a lawyer. A detainee had the right to meet privately with counsel before the first police interview. In some pretrial facilities and

prisons, however, there was no possibility for private meetings between detainees and their families or attorneys. A lawyer could be present during the interview or interrogation. There were no reports of suspects detained incommunicado.

The law allowed police to take an individual to a police station without a warrant for endangering others or disrupting public order and required police to release the individual after eight to 12 hours.

### **e. Denial of Fair Public Trial**

The constitution and the law provided for an independent judiciary, and the government generally respected judicial independence and impartiality. Inefficiency and lack of accountability in judicial oversight sometimes undermined judicial independence and impartiality.

Civil society and government watchdogs asserted disciplinary actions were used against judges or prosecutors as political retaliation for their decisions or perceived political inclinations. There were credible allegations judges were removed from cases pending disciplinary actions, and then reassigned when those disciplinary actions were found to have no merit, suggesting disciplinary actions were wrongly used to influence which judges were assigned to sensitive trials.

According to the European Commission's *Rule of Law Report* released on July 5, "Some cases of disciplinary sanctions [against judges and

prosecutors] have continued to raise concerns.” According to the 2023 EU *Justice Scoreboard*, 51 percent of the general population perceived the level of independence of courts and judges to be “fairly or very good.”

## **Trial Procedures**

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

Trial delays occurred due to heavy caseloads and procedural inconsistencies, as well as a lack of sufficient personnel, physical space, and technology.

Conflicts of interest were present in the judicial system in high-profile cases.

In July, the Constitutional Court ruled pension cuts for several categories of public servants, including judicial officials, were unconstitutional, despite the fact these cuts would have directly affected the pensions of the deciding constitutional judges.

In November, Judge Georgiana Farcas-Hingan of the Cluj Court of Appeal denounced the relatives of the mayor of Baia Mare, Catalin Chereches, for attempting to bribe her with €50,000 (\$54,050) in exchange for acquitting Mayor Chereches of corruption charges. Despite being the one to denounce Chereches, Judge Farcas-Hingan remained part of the panel of judges who ultimately condemned the mayor for corruption, after she argued she would be able to remain impartial.



The September Council of Europe’s Group of States Against Corruption report on the country noted there were numerous cases in which private individuals and journalists were denied access to information of public interest. This prevented interested parties from obtaining timely public information, which precluded initiating administrative procedures or accessing the justice system within the statute of limitations.

### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

### **f. Transnational Repression**

Not applicable.

### **g. Property Seizure and Restitution**

The government had laws and mechanisms in place to address Holocaust-era property claims. NGOs and advocacy groups reported the government made some progress, including for foreign citizens.

The government evicted persons from their place of residence and seized their property without due process or adequate restitution between 1940 and 1989.

The law for returning property seized by the former communist and fascist regimes included a “points” system to compensate claimants where

restitution of the original property was not possible. Claimants could use the points to bid in auctions of state-owned property or exchange them for monetary compensation. Local authorities hindered property restitution by failing to complete a land inventory stipulated by law. Associations of former owners asserted the points compensation system was ineffective. They criticized the restitution law for failing to resolve cases fairly, as well as for lengthy delays and corruption.

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

According to the National Authority for Property Restitution, the Jewish community was entitled to receive compensation for communal property

consisting of buildings and land that belonged to the Judaic religious denomination or legal entities of the Jewish community.

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

The Department of State's *Justice for Uncompensated Survivors Today (JUST) Act Report* to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

## **h. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence**

The constitution and law prohibited such actions, and there were no reports authorities failed to respect those prohibitions.

## **Section 2. Respect for Civil Liberties**

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

The constitution provided for freedom of expression, including for members of the press and other media, and the government partially respected this right. Independent media organizations noted excessive politicization of media, corrupt financing mechanisms, as well as editorial policies subordinated to political parties and owners' interests. Reporters and civil society representatives said their freedom of expression was limited by restricted access or paid access to information of public interest issued by the government and public institutions, including expenses, contracts or bids involving public funds, and the academic records of public officials. Reporters and NGOs often had to sue state-controlled ministries, agencies, or local entities to access public information. Some reporters throughout the country were harassed, sued, or threatened by authorities whom they investigated or by their proxies.

**Freedom of Expression:** The law prohibited Holocaust denial and promoting or using symbols representing fascist, racist, xenophobic ideologies, or symbols associated with the interwar nationalist, extremist, fascist, and antisemitic Legionnaire movement.

**Violence and Harassment:** Journalists, due to their reporting, were subjected to harassment and intimidation tactics by authorities.

British freelance investigative journalist Crina Boros claimed staff from the Ministry of Environment, Waters, and Forest subjected her to two hours of aggressive interrogation during a May 18 meeting. Boros was attempting to document allegations of illegal logging, mining, and habitat destruction. As part of her investigation, in August 2022, Boros filed a freedom of information request for data on logging permits and loggers. She claimed one participant in the meeting tried to pressure her to stop investigating and accused her of representing “obscure political interests.” The International Press Institute called on then Minister of Environment Tánczos Barna to publicly denounce the actions of his staff and to provide the data sought by Boros.

On October 24, the Bucharest Court of Appeal Prosecutor’s Office closed the investigation into alleged harassment, threats, blackmail, and privacy violations targeting investigative journalist Emilia Sercan. Sercan reported receiving multiple threats and blackmail attempts after she published in 2022 a story alleging plagiarism in then Prime Minister Ciuca’s doctoral

dissertation. In her complaint, she claimed police assigned to the investigation leaked private pictures of her to media. Several domestic and international media freedom groups, including Reporters without Borders, signed a joint letter condemning the prosecutors' decision and noted several failures and breaches of procedure in the investigation.

Independent online outlet *Hotnews* media claimed the harassment against Sercan was condoned and possibly directed by representatives from the governing National Liberal Party (PNL). *Hotnews* asserted PNL members were instructed to attack Sercan during media interviews and to insist she had "a political vendetta" and "bad intentions." In January, two articles disparaging Sercan were published on Facebook and two news websites. Debunking platform *Misreport* analyzed the posts and claimed they were paid for by an advertising agency registered with the Permanent Electoral Authority as having contracts with the PNL in the 2020 electoral campaigns. Sercan asserted she was the victim of a well-documented "government-orchestrated smear campaign."

**Libel/Slander Laws:** Libel and defamation were not criminal offenses.

Nevertheless, incumbent and former government officials filed civil cases and criminal complaints against investigative journalists as a pressure tactic.

## **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content.

## **b. Freedoms of Peaceful Assembly and Association**

The constitution and law provided for the freedoms of peaceful assembly and association, and the government generally respected these rights.

## **c. Freedom of Religion**

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

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

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

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

## e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law provided for the granting of asylum or refugee status, and the government had an established system for providing protection to refugees.

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

**Abuse of Refugees and Asylum Seekers:** According to NGOs, several incidents of harassment, discrimination, abuses against refugees and asylum seekers, pushbacks, and deviations from asylum procedures at border areas occurred throughout the year. Most incidents were not reported because of



fear, lack of information, inadequate support services, and inefficient redress mechanisms. UNHCR reported that on three occasions in January, government authorities at the border with Serbia pushed back refugees and asylum seekers from third countries transiting through Serbia.

**Access to Basic Services:** Displaced persons from Ukraine faced significant barriers in accessing health services. Romanian law provided direct access to free, specialized health care for Ukrainians who received temporary protection status. In practice, however, many hospitals asked for referrals from family doctors before providing treatment. Widespread difficulties in registering with family doctors and securing appointments were reported due to burdensome bureaucratic procedures and language barriers.

**Durable Solutions:** The country accepted some refugees and asylum seekers for resettlement. Throughout the year, the government cooperated with UNHCR and the International Organization for Migration to resettle 79 Syrian individuals in the country. The government offered naturalization to refugees residing on their territory. As of November, three refugees received Romanian citizenship.

**Temporary Protection:** The government provided temporary protection status to approximately 40,000 individuals and offered resources and support to approximately 100,000 individuals who did not apply for refugee status, many of whom arrived from Ukraine. The government could grant “tolerated status” to persons who did not meet the requirements for

refugee status or subsidiary protection, but who could not be returned for various reasons. These reasons included stateless persons who were not accepted by their former country of habitual residence or whose lives or well-being were at risk. Persons with “tolerated status” had the right to work but not to benefit from any other social protection or inclusion provisions, and the government could restrict their freedom of movement to a specific region of the country.

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

## **f. Status and Treatment of Internally Displaced Persons**

Not applicable.

## **g. Stateless Persons**

According to the Ministry of Foreign Affairs, as of year’s end there were 291 stateless persons with valid residence documents in the country. These included nonnational legal residents, stateless persons of Romanian origin, as well as persons granted some form of international protection. Data on stateless persons, including on persons at risk of statelessness and persons of undetermined nationality, were not reliable due to the absence of a procedure to determine statelessness, the absence of a single designated authority responsible for this task, and the lack of adequate identification and registration of persons with unknown or undetermined nationality.

Laws and policies afforded the opportunity to acquire or confirm citizenship. The law included favorable provisions for stateless persons of Romanian origin to reacquire citizenship. Nevertheless, a significant gap persisted due to the lack of safeguards against statelessness for children born in the country who were stateless because their parents either were themselves stateless or were foreigners unable to transmit their nationality.

## **Section 3. Freedom to Participate in the Political**

### **Process**

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

### **Elections and Political Participation**

**Abuses or Irregularities in Recent Elections:** The country's 2019 presidential elections and 2020 parliamentary elections were considered free and fair and without significant irregularities.

**Political Parties and Political Participation:** The law required political parties to register with the Bucharest Tribunal and to submit their statutes, program, and a roster of at least three members. Critics asserted certain requirements undermined the freedom of association. These included the requirement for parties to field candidates – by themselves or in alliance – in

at least 75 electoral constituencies in two successive local elections or field a full slate of candidates in at least one county or partial slates of candidates in a minimum of three counties in two successive parliamentary elections.

### **Participation of Women and Members of Marginalized or Vulnerable**

**Groups:** Societal attitudes presented a significant barrier to the participation of women in politics and public service, and women were underrepresented in positions of authority.

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

## Section 4. Corruption in Government

The law provided criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were numerous high-profile prosecutions and reports of serious official corruption during the year, sometimes with impunity.

In March, parliament amended the Whistleblower Law to ensure greater anonymity for whistleblowers. The Constitutional Court issued several rulings (in 2018 and 2022) that changed calculations of the statute of limitations, which critics asserted resulted in a significant number of cases in which defendants could no longer be held criminally responsible. As a result, during the year, courts dismissed several high-level corruption and abuse of office cases and overturned multiple criminal convictions. In July, the European Court of Justice ruled the changes in the criminal statute of limitations had an impact on the financial interests of the European Union and asserted the statute of limitations provisions should not lead to dismissals in criminal cases. NGOs and judicial watchdog groups noted this resulted in an uneven and unpredictable judicial practice, with some judges dismissing cases and overturning convictions based on the Constitutional Court's decisions and other judges refusing to do so, based on the European Court's decision.

**Corruption:** Corruption and misuse of public funds were widespread.

Transparency International noted high levels of corruption were reported at

customs and inside of police units. Bribery was widely perceived to be common in the public sector, especially in the health-care system. Media reported during the year the National Anti-corruption Directorate prosecuted more than 50 cases related to corruption in the health-care system, including cases against a manager, seven doctors, and three hospital directors.

In March, former Neamt County Council President Ionel Arsene was sentenced to six years and eight months in prison for influence peddling and accepting bribes to intervene in the management of the National Integrity Agency to remove a political rival from office. Arsene left the country before the court's ruling was issued and reportedly went to Italy, where he was awaiting extradition.

In August, three explosions at an unlicensed liquefied petroleum gas station near Bucharest killed six and injured more than 50 others. Investigations later revealed the gas station was owned by the son of Caracal's mayor. Media reported the gas station was allowed to operate despite irregularities, due to corruption and political patronage. At year's end, the owners of the gas station were placed under house arrest and were awaiting trial.

For additional information concerning corruption in the country, please see the Department of State's *Investment Climate Statement* for the country

and the Department of State's *International Narcotics Control Strategy Report*, which includes information on financial crimes.

## **Section 5. Governmental Posture Towards International and Nongovernmental Monitoring and Investigation of Alleged Abuses of Human Rights**

Several domestic and international human rights groups generally operated without government restriction to monitor or investigate human rights conditions or cases and publish their findings. Government officials generally met with human rights NGOs and were cooperative and sometimes responsive to their views.

On April 6, the Ministry of Labor rescinded an agreement with the NGO Center for Legal Resources, which allowed inspections of residential institutions for persons with disabilities. The decision to prevent access was announced after the NGO published critical reports alleging poor living conditions, the deprivation of freedom, and inadequate investigations of deaths in privately run, government-funded institutions for persons with disabilities near Bucharest.

**Government Human Rights Bodies:** The Office of the Ombudsperson had limited power and no authority to protect citizens' constitutional rights in cases requiring judicial action. The ombudsperson served as the national

preventive mechanism tasked with implementing the optional protocol to the UN Convention against Torture. The ombudsperson had the authority to conduct monitoring visits to places where individuals were deprived of their liberty, including prisons, psychiatric hospitals, and asylum centers.

The Office of the Children's Ombudsperson was empowered to examine human rights complaints made by children or their legal representatives. The Council for Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities was authorized to make unannounced visits in centers and hospitals for persons with disabilities to verify if the rights of these persons were respected, issue recommendations, and submit criminal complaints. Each chamber of parliament had a human rights committee tasked with drafting reports on bills pertaining to human rights.

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



## Section 6. Discrimination and Societal Abuses

### Women

**Rape and Domestic Violence:** Rape of a person, regardless of gender, including spousal and domestic or intimate partner rape and other forms of domestic and sexual violence, as well as so-called corrective rape of LGBTQI+ persons, was illegal. The law provided for five to 10 years' imprisonment for rape and two to seven years' imprisonment for sexual assault. If there were no aggravating circumstances and the attack did not lead to death, police and prosecutors required a survivor's complaint, even if there was independent physical evidence. In some cases, the government did not enforce the law on rape and domestic violence effectively.

Human rights activists reported some police officers tried to dissuade survivors of rape or domestic violence from pressing charges against the perpetrator and, in some cases, refused to register criminal complaints submitted by survivors. In some instances, police delayed action against sexual abusers. According to media reports, after being notified regarding cases of domestic violence, some members of police ignored the problem or tried to mediate between the survivors and the perpetrator.

The law classified family violence as a separate offense from domestic violence and stipulated that when murder, battery, or other serious violence was committed against a family member, the penalty was increased. The

law also stated that, if the parties reconciled, criminal liability was removed. The law on equal opportunities for men and women included cyberviolence among the forms of domestic violence and defined it as the occurrence of online harassment, online messages that incited hate based on gender criteria, or the nonconsensual publication of private graphic content that aimed to humiliate, scare, threaten, or reduce survivors to silence. There were no regulations to implement these amendments.

Gender-based violence, including domestic violence, was a serious problem. The law provided for the issuance of provisional restraining orders by police for a maximum of five days and restraining orders by a court for a maximum of six months upon the survivor's request or at the request of a prosecutor, the state representative in charge of protecting survivors of family violence, or, if the survivor agreed, a social service provider. Violation of a restraining order was punishable by imprisonment for six months to five years, but judges could issue lesser sentences because of overlapping legislation. The court could also order an abuser to undergo psychological counseling. Police lacked procedures for the implementation and monitoring of restraining orders. Courts prosecuted very few cases of domestic violence.

**Other Forms of Gender-based Violence or Harassment:** Bride kidnapping occurred in some marginalized communities and was underreported. In such cases, suitors or complicit family members kidnapped underage girls as a way to force the survivor or her family into agreeing to a future marriage. NGOs noted bride kidnapping was largely undocumented and difficult to

prove due to social stigma. In January, police in Sibiu opened an investigation for illegal deprivation of liberty and arrested five persons who allegedly kidnapped a girl age 14 with the intention of forcing her to marry one of the kidnappers.

**Discrimination:** The law provided the same legal status and rights for women as for men. The government enforced the law effectively, but women faced discrimination in economic participation and political empowerment. Some women, especially those from vulnerable communities, experienced discrimination in marriage, divorce, child custody, employment, credit, pay, owning or managing businesses or property, education, judicial processes, and housing. There were reports of discrimination in employment, and women were overrepresented in lower-paying jobs.

The law mandated equal pay for equal work. The statistical office of the European Union (Eurostat) reported the pay gap between men and women in the country was 3.6 percent in 2021, as compared with 2.4 percent in 2020. While the law mandated women employees be allowed to reenter the workforce after maternity leave in their previous or a similar job, pregnant women and other women of childbearing age suffered unacknowledged discrimination in the labor market. Women experienced discrimination in access to pension benefits and retirement. Roma women and women from rural or poor communities faced significant barriers in accessing public health services because of insufficient family physicians in

small towns or villages and racist attitudes. There were reports of attacks against transgender women by unknown persons in public spaces and refusals by private companies to provide services to transgender women.

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

According to several NGOs and observers, there were infrastructure and information barriers to an individual's ability to maintain their reproductive health, including the lack of community health care and age-appropriate sex education for adolescents. Some women, especially those from poor, rural, or Romani communities, had difficulty accessing reproductive health services due to a lack of information, ethnic discrimination, and poverty. Access to government-funded contraception and family planning services was limited because of insufficient funding and training for health professionals. NGOs, health professionals, and social workers identified underreported child sex abuse and limited access to information regarding reproductive health and contraception as the leading factors contributing to high teenage pregnancy rates. Several NGOs reported the school curriculum lacked sufficient lessons on reproductive health.

Although home birth was not prohibited by law, regulations forbade health professionals from providing home birth services.

The government provided access to emergency health care and some sexual and reproductive health services to survivors of sexual violence, but some

women had difficulties accessing these services. Emergency contraceptives were available in pharmacies without a prescription, but patients were expected to privately fund the cost even when used as part of the clinical management of rape. Postexposure prophylaxis was not available as part of the clinical management of rape. Access to emergency health care for the management of complications arising from abortion was available.

According to a report released in May by the Center for Reproductive Rights, displaced women from Ukraine could not access affordable, good quality sexual and reproductive health care. There were several reports displaced Ukrainians had to travel temporarily from the country to Ukraine to access such services.

### **Systemic Racial or Ethnic Violence and Discrimination**

Under the law, discrimination and harassment based on ethnic or racial criteria was punishable by a civil fine unless criminal legal provisions were applicable. According to the criminal code, public incitement to hatred or discrimination against a category of persons was punishable by imprisonment or a criminal fine. Special laws criminalized the spread of antisemitic or anti-Roma ideas and symbols, as well as ideas and symbols related to fascist, racist, and xenophobic ideologies. Committing any crime on the basis of the victim's ethnicity or race represented an aggravating circumstance, which carried a higher penalty. The government did not

enforce the law effectively. Prosecutions based on discrimination and violence against racial or ethnic minorities were rare.

A report released in April by the Council of Europe Advisory Committee on the Framework Convention for the Protection of National Minorities found anti-Roma sentiment was a serious societal problem. According to the report, authorities did not adequately investigate police violence against Roma. The report also noted persistent segregation of Roma in education and housing and inadequate access to health care, clean water, and sanitation.

Romani groups alleged they were harassed by police and subjected to brutality, including beatings. Some lawyers refused to defend Romani persons, while police, prosecutors, and judges were perceived to hold negative stereotypes of Roma. A lack of identity documents excluded many Roma from participating in elections, receiving social benefits, accessing health insurance, securing property documents, and participating in the labor market. NGOs reported Roma were often denied access to, or refused service in, some public places. Roma also experienced poor access to government services, a shortage of employment opportunities, high rates of school attrition, and poor housing. Roma faced discrimination in the criminal justice system.

In July, a public hospital in the city of Urziceni allegedly refused to provide emergency medical care to a deaf and nonverbal pregnant Romani woman.

As a result, the woman gave birth outside the hospital on the pavement. Media, NGOs, and the woman's family claimed hospital staff refused to provide medical care because of anti-Roma prejudice, while the hospital's manager asserted the unit did not have a gynecology ward.

In August, the Anti-Discrimination Council imposed a fine on the municipality of Cluj-Napoca for adopting a city council decision that discriminated against Roma by permanently preventing certain groups from accessing social housing.

Ethnic Hungarians reported discrimination related mainly to the use of the Hungarian language. Ethnic Hungarians reported the government did not enforce the law stating ethnic minorities were entitled to interact with local governments in their native language in localities where a minority constituted at least 20 percent of the population. There were reports local authorities did not enforce the law requiring localities with at least a 20 percent minority population to have bilingual road signs.

## Children

**Birth Registration:** Although birth registration was mandatory by law, it was not universal, and authorities denied some children public services as a result. Most unregistered children had access to schools, and authorities assisted in obtaining birth documents for unregistered children, but the education of unregistered children depended on the decision of school

authorities. The law provided simplified birth registration for children whose mothers did not have proper documentation to register their children.

**Education:** There was discrimination in the way education was provided to Romani children. Despite a 2016 order by the Ministry of Education forbidding segregation of Romani students, several NGOs reported segregation along ethnic lines persisted in schools. In September, the civic group Aresel alleged the Nicolae Balcescu public school in the town of Dragasani denied dozens of local Romani children admission to the town's main school, despite the families submitting the required enrollment documentation and meeting the general requirements for enrollment. Instead, school officials reportedly sent the children to a different school that lacked resources and was located in the outskirts of the town.

**Child Abuse:** The law prohibited child abuse and violence against children, but the government did not enforce the law effectively. The law was not interpreted as prohibiting all corporal punishment. Child abuse, including emotional, physical, and psychological violence and neglect, was a serious problem.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage was 18, but the law permitted children as young as 16 to marry under certain circumstances. The law was effectively enforced by the government. Illegal child marriage was reportedly common in certain social groups, particularly



among some Romani communities. NGOs and media reported cases of Romani girls and boys as young as 11 being sold into marriage by their families. Child protection authorities and police did not always intervene in such cases. There were no public policies to discourage child marriage.

**Sexual Exploitation of Children:** The law criminalized sexual corruption of children (which included subjecting children to sexual acts other than intercourse or forcing children to perform such acts), luring children for sexual purposes or commercial sexual exploitation, sale, grooming, or using children for commercial sexual exploitation, including child sex trafficking.

Pimping and pandering involving children were aggravated circumstances and increased sentences by 50 percent. The law provided one- to 12-year prison sentences for persons convicted of sexual acts with children, depending on the circumstances and the child's age. Sexual intercourse with a child age 14 to 16 was punishable by a one- to five-year prison sentence. Sexual intercourse with a person younger than 14 was punishable by a two- to nine-year prison sentence and deprivation of some rights.

The law allowed authorities to maintain a registry of individuals who committed sexual offenses against or exploited adults and children. The law prohibited child pornography and other forms of online child sexual exploitation and abuse. Authorities enforced the law. Child pornography was a separate offense and carried a sentence, depending on the circumstances, of up to seven years' imprisonment. The maximum sentence

was increased to nine years if the perpetrator was a family member or guardian or if the child's life was endangered.

Prosecutorial offices and courts had different opinions on the minimum age of consensual sex, and consequently, in some cases, sexual intercourse with children as young as 12 was treated as the lesser crime of sexual acts with minors instead of rape. In June, parliament passed a law establishing 16 as the national legal age of consent. Child protection NGOs noted some judges lacked awareness of the issue and showed bias against victims, who often came from socially disadvantaged groups. Investigators found it hard to prove sexual coercion of children because of a lack of infrastructure, such as child-friendly interview rooms and the use of widely recognized methodologies developed by child psychologists to conduct forensic interviews with underage victims. A report released in February by Save the Children Romania noted that between 2014 and 2020, authorities dismissed charges in approximately 80 percent of cases concerning sexual abuse against children.

## **Antisemitism**

According to the 2021 census, the Jewish population numbered 2,378. Representatives of the Jewish community stated the Jewish population numbered approximately 7,000. Incidents of antisemitism occurred during the year.

Material promoting antisemitic views and glorifying the fascist Legionnaire movement appeared on the internet. According to a July study released by the Elie Wiesel Institute for the Study of the Holocaust in Romania, several articles published online between May 2022 and June 2023 claimed Jews were behind “an alleged war against Russia started by Ukraine.” According to the same study, most antisemitic hate speech on social media included Holocaust distortion, Jewish conspiracy theories, and a trivialization of National Socialism by associating it with modern day Ukraine or Israel.

Streets, organizations, schools, and libraries continued to be named after persons convicted for war crimes or crimes against humanity. The Wiesel Institute continued to request the renaming of Radu Gyr Street in Cluj-Napoca, named after a commander and antisemitic ideologist of the fascist Legionnaire Movement convicted of war crimes. The local government did not change the name of the street.

During a June soccer match in Bucharest between the Under-21 teams of Romania and Ukraine, Romanian supporters displayed a banner bearing the message “No step back/Like in the summer of ‘27” referencing the establishment of the fascist Legionnaire Movement in 1927.

Several acts of vandalism that included the painting of antisemitic messages in public spaces occurred throughout the year. On September 21, unknown persons painted several swastikas and antisemitic messages on the walls of a synagogue in the city of Timisoara. The incident took place after the

synagogue hosted a play regarding an antisemitic attack in 1938 by members of the Legionnaire Movement. Police opened a criminal investigation.

For further information on incidents in the country of antisemitism, whether or not those incidents were motivated by religion, and for reporting on the ability of Jews to exercise freedom of religion or belief, please see the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

## Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/trafficking-in-persons-report/](http://www.state.gov/trafficking-in-persons-report/).

## Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics

**Criminalization:** The law did not criminalize consensual same-sex conduct between adults. There were no laws against debauchery or cross dressing. Seemingly neutral laws, such as laws on immorality or loitering, were not disproportionately applied to LGBTQI+ persons.

**Violence and Harassment:** Media and civil society reported that during the July 21-29 Bucharest Pride events, several cases of violence against LGBTQI+

persons occurred. There were no reports police or other government agents incited, perpetrated, condoned, or tolerated violence or harassment against LGBTQI+ individuals or those reporting such abuse. On July 29, unknown persons infiltrated the Bucharest Pride march and threw tear gas at participants. Following the march, a group of 10 persons swore and spit at three participants, and one of the perpetrators physically attacked a participant. On July 27 in Bucharest, a man joined a Pride event in a park and physically attacked a volunteer who was helping the organizers. The assailant tried to distribute stickers bearing symbols of the Legionnaire Movement.

The NGO ACCEPT noted children could press charges only with the approval of their parents. In many cases, LGBTQI+ children were reluctant to disclose their sexual orientation to their parents and take the necessary legal steps in case of discrimination or violence. According to ACCEPT, hate crimes were severely underreported and authorities had not initiated prosecutions of any reported LGBTQI+ hate crimes since 2006.

**Discrimination:** The law prohibited discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, or sex characteristics. The government did not always enforce such laws. The law did not recognize LGBTQI+ couples and their families.

NGOs reported societal discrimination against LGBTQI+ persons was common but underreported. Discrimination against LGBTQI+ persons in

employment, housing, and education was common. In August, the owners of a building in the western city of Oradea pressured their tenants, the NGO MA Hub, not to host Pride events and threatened to terminate the lease contract. Consequently, Pride organizers were forced to change the location of the Oradea Pride events. In October, a human rights activist reported a private printing company refused to print flyers regarding prejudice towards lesbians. The owner of the company reportedly told the activist that printing the flyers was against his beliefs and against nature.

Access to adequate psychological and health services was limited because some psychologists refused to accept transgender patients, and some medical staff discriminated against them. Intersex individuals faced several problems, including extreme social stigma and frequent distrust of doctors, that deterred them from seeking medical treatment.

On May 23, the European Court of Human Rights ruled the government infringed upon the rights of 21 same-sex couples to a private and family life by not offering legal recognition and protection to same-sex unions.

**Availability of Legal Gender Recognition:** The legal provisions governing legal gender recognition for transgender persons were vague and incomplete. In some cases, authorities refused legal gender recognition unless an individual had first undergone sex reassignment surgery. For official documents, individuals who applied for gender recognition were required to provide medical documentation.

**Involuntary or Coercive Medical or Psychological Practices:** So-called conversion therapies were not explicitly forbidden by law; however, civil society groups stated there were no such cases reported publicly. They noted unconfirmed reports of individual cases where parents brought children to psychologists hoping they would “change or influence” the child’s sexual orientation.

There were no reports of medically unnecessary and irreversible surgeries on nonconsenting children or adult intersex persons.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:**

There were no laws or other restrictions on individuals speaking or media reporting on LGBTQI+ matters, on the ability of LGBTQI+ individuals to assemble in public or private or to form associations, or on the ability of LGBTQI+ organizations to legally register or convene events.

## **Persons with Disabilities**

Discrimination against persons with disabilities was a problem. Persons with disabilities could not access education, health services, public buildings, and transportation on an equal basis with others. Laws and regulations required such access, but the government did not fully enforce the law. Government information and communication on disability concerns was not always provided in accessible format.

Discrimination against children with disabilities in education was a widespread problem due to lack of adequate teacher training on inclusion of children with disabilities and lack of investment to make schools accessible. According to official data, 40 percent of children with disabilities were either placed in segregated schools or not placed in school at all.

Limited access to justice for persons with disabilities was a problem. A May report released by the Center for Legal Resources noted suspects and defendants with intellectual or psychosocial disabilities had limited physical access to courts and police precincts, did not receive accessible information regarding their rights and criminal procedures, and faced prejudice by law enforcement who questioned their capacity to participate in judicial procedures.

Abuse targeting institutionalized persons with disabilities was a significant problem. The Center for Legal Resources, the Council for Monitoring the Implementation of the Convention on the Rights of Persons with Disabilities, and media identified a series of problems in psychiatric hospitals and in centers for persons with disabilities, including verbal and physical abuse of patients, sedation, excessive use of physical restraints, lack of hygiene, inadequate living conditions, and lack of adequate medical care.

A report released by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) on September 9 noted a series of problems in psychiatric hospitals, including physical abuse



by staff, poor living conditions, significant reliance on pharmacotherapy to the detriment of psychosocial and occupational therapy, insufficient safeguards concerning the immobilization of agitated patients, the restraint of patients to their beds with straps, and conditions amounting to inhuman and degrading treatment. Overcrowding was a problem. According to the CPT, at the Padureni-Grajduri Psychiatric and Safety Measures Hospital, there were only 390 beds for 452 patients, despite having an official capacity of only 251. The CPT reported dormitories were crammed with beds and in the admission ward, 18 patients were accommodated in a room of 258 square feet with only nine beds.

The NGO Center for Legal Resources reported a significant number of persons with disabilities were under conservatorship, a status that restricted their right to liberty and their rights to work, vote, or consent to medical procedures. NGOs asserted the government had not fully implemented legislation adopted in 2022 that allowed for the lifting of conservatorship and provided for alternative protection measures. In 2020 the Constitutional Court deemed conservatorship unconstitutional because it did not include safeguards to ensure respect for fundamental rights and freedoms, had no possibility of periodic review, and did not differentiate the degree of incapacitation.

On July 4, law enforcement and first responders rescued 98 elderly persons with disabilities from government-funded nursing homes in two Bucharest suburbs and arrested dozens of suspects, including local officials and private

investors. According to reports by law enforcement, media, and the NGO Center for Legal Resources, the owners and staff of the nursing homes committed various types of abuse against the residents, including labor exploitation, inhuman and cruel treatment, physical violence, and attempts to fraudulently transfer the pensions and apartments of some of the patients to the managers of the homes. Sexual abuse, lack of access to adequate health services, poor hygiene, poor living conditions, and starvation were among the problems identified in the nursing homes.

During a July 27 visit at a residential center for persons with disabilities in Mures County, the Center for Legal Resources identified several residents who were kept in storage rooms with no access to light or ventilation. Several of the residents were found with untreated health conditions, including bleeding wounds and malnutrition, and others reported the staff tied them up and beat them. Authorities closed the center, and law enforcement started an investigation.

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

employment threshold. Local labor offices had limited success in facilitating employment for persons with disabilities.

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

In August, authorities arrested five therapists working for a nongovernmental center for children with disabilities in Suceava County. According to law enforcement personnel, each of the five defendants repeatedly committed physical, verbal, and emotional abuse against several children in their care.

## **Other Societal Violence or Discrimination**

Societal discrimination against persons with HIV or AIDS was common. HIV-related stigma impeded access to routine medical and dental care. Reports occurred of medical staff refusing to treat HIV-positive patients. NGOs reported patients suffering from cancer and tuberculosis faced discrimination in the workplace. By law the government was required to support tuberculosis patients by providing monthly food allowances,

medical leave, and psychological support, but the government did not prevent workplace discrimination.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

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

Under the law, those with individual labor contracts, most civil servants, members of cooperatives, farmers, and independent workers could join unions. Unemployed individuals could remain in or join a union. Military employees of the Ministries of National Defense and Interior, personnel from intelligence agencies, magistrates, elected officials, and senior government officials did not have the right to unionize. The law prohibited public authorities, employers, or organizations from interfering, limiting, or

preventing unions from organizing, developing internal regulations, and selecting representatives.

The law required employers with more than 10 employees to negotiate a collective labor agreement. Collective labor agreements could be concluded within a company, by groups of workplaces, at the collective bargaining sector level, or at the national level. Unions or union confederations representing at least 35 percent of workers could negotiate on behalf of employees. If a union did not exist, employers could negotiate with worker representatives who were elected by at least “50 percent plus one” of employees. Employers who refused to initiate negotiation of a collective bargaining agreement could receive fines. Employers were required to inform and consult unions on topics with a direct impact on labor relations, including transfers, acquisitions, mergers, collective layoffs, and the company’s future economic prospects.

Generally, unions could not strike if a collective labor agreement was in place or for labor claims regulated by law. Before organizing a wider strike, unions were required to first pursue conciliation, mediation, or arbitration with the Labor Inspectorate or Ministry of Labor and Social Protection, and, if these failed, organize a warning strike. Unions were required to give employers 48 hours’ notice before striking. Employers could challenge strikes in court, and companies could claim damages from strike organizers if a court deemed a strike illegal. The law permitted strikes only in defense of workers’ collective economic, social, and professional interests and not

for political gains. Unions could hold solidarity strikes to show support for employees in the same group or sector and could also strike against governmental social and economic policies that affected or diminished rights provided by collective labor agreements.

The law set criteria for declaring unions as representative based on the type of negotiation. Specifically, only confederations of unions could engage in national negotiations. A union confederation was required to have branches in at least “50 percent plus one” of all counties and represent at least 5 percent of all workers nationally. For negotiations with sectors or with groups of employers, unions were required to represent at least 5 percent of the respective pools of workers. In negotiations with individual employers, unions were required to represent at least 35 percent of the company’s workers. A union maintained its representative status for four years, unless challenged in court.

Over the past several years, companies often created separate legal entities to transfer employees, thereby avoiding representation thresholds. It was difficult to legally prove employers laid off employees in retaliation for union activities. Penalties, which were sometimes applied against violators, were commensurate with or less than those for analogous crimes such as civil rights violations. The National Council for Combating Discrimination fined employers for antiunion discrimination, although it lacked the power to order reinstatement or other penalties. Employees usually were required to seek a court order to obtain reinstatement.

## **b. Prohibition of Forced or Compulsory Labor**

See the Department of State's annual *Trafficking in Persons Report* at:

<https://www.state.gov/trafficking-in-persons-report/>.

## **c. Prohibition of Child Labor and Minimum Age for Employment**

The law prohibited all the worst forms of child labor. The law provided that the minimum age for most forms of employment was 16 and included limitations of working hours and occupational safety and health restrictions for children and applied to children working in all sectors. Children age 15 could work with the consent of parents or guardians if the activities did not endanger their health, morality, or safety. Children age 14 could work with the consent of parents or guardians if the child was accompanied by an adult at all times while working.

The law prohibited persons younger than 18 from working in hazardous conditions, and it included a list of dangerous jobs and specified penalties for offenders. Some examples of hazardous jobs for children included those posing a high risk of accident or damage to health, exposure to psychological or sexual risk, night shifts, exposure to harmful temperatures, and those that required the use of hazardous equipment. Parents whose children carried out hazardous activities were required to attend parental education programs or counseling and could be fined if they failed to do so.

Children who worked had the right to continue their education, and the law obliged employers to assist in this regard. Children ages 15 to 18 could work a maximum of six hours per day and no more than 30 hours per week, provided their school attendance was not affected. Businesses that imposed tasks incommensurate with children's physical abilities or that failed to respect restrictions on children's working hours could face fines. Many children reportedly did not attend school while working. Children had the right to an additional three days of annual leave.

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

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



The government did not effectively enforce the child labor law. Penalties were commensurate with those for other serious crimes such as kidnapping, but resources were inadequate to uniformly apply penalties against violators. Government efforts focused on reacting to reported cases, and ANDPDCA dedicated limited resources to prevention programs. Incidents of child labor were widely believed to be much higher than official statistics. Child labor, including begging, selling trinkets on the street, and washing windshields, was widespread in Romani communities, especially in urban areas.

#### **d. Discrimination (see section 6)**

#### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provided for a national minimum wage that was greater than the official estimate for the poverty income level. The law provided for a standard workweek of 40 hours or five days. Workers were entitled to overtime pay for weekend or holiday work or work of more than 40 hours. An employee's workweek could not exceed 48 hours per week on average over a four-month period, although exceptions were allowed for certain sectors or professions. The law required a 48-hour rest period in the workweek, although most workers received two days off per week. During reductions in workplace activity for economic or technical reasons, the law allowed employers to shorten an employee's workweek and reduce the associated salary. Excessive overtime could lead to fines for employers if

workers filed a complaint, but complaints were rare. The law prohibited compulsory overtime.

**Occupational Safety and Health:** Occupational safety and health (OSH) standards were appropriate for main industries, but compliance and enforcement were weak. The government proactively identified unsafe conditions by conducting formal inspections in vulnerable sectors, based on a prenotification calendar. They also conducted ad hoc investigations upon receiving complaints or notifications. Workers could remove themselves from situations they deemed dangerous to their health or safety without jeopardy to their employment. The construction, agriculture, and small manufacturing sectors were particularly problematic sectors for both labor underreporting and neglecting health and safety standards.

**Wage, Hour, and OSH Enforcement:** The Ministry of Labor and Social Protection, through the Labor Inspectorate, was responsible for enforcing the law on working conditions, hours, minimum wage rates, and OSH laws, although enforcement was not always effective. Penalties for violations were commensurate with those for similar crimes but were only applied sometimes against violators. Labor inspectors had the authority to make unannounced visits and initiate sanctions, but the number of inspectors was insufficient to enforce compliance in all sectors.

The Labor Inspectorate collaborated with the National Authority for Fiscal Administration to conduct joint operations to check employers in sectors

prone to underreported labor, including the textile, construction, security, cleaning, food preparation, transportation, and storage industries.

Investigations often focused on underpayment of taxes rather than workers' rights.

Not all workplace accidents were investigated by labor inspectors.

Companies investigated minor incidents, while labor inspectors investigated more severe ones, typically those that resulted in fatalities or serious injuries. If appropriate, incidents could be referred for criminal investigation. Union leaders often claimed labor inspectors only superficially investigated workplace accidents, including ones involving fatalities, and that inspectors often wrongly concluded the victims were at fault in most fatal accidents.

A European Parliament study estimated the informal economy represented 29 percent of GDP in 2022. Workers in the informal sector were not covered by wage, hour, and OSH laws and inspections.