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Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: January – June 2007

ROMANIA

This country entry has been extracted from a forthcoming Amnesty International (AI) report, *Europe and Central Asia: Summary of Amnesty International's Concerns in the Region: January – June 2007* (AI Index: EUR 01/010/2007), to be issued later in 2007. Anyone wanting further information on other AI concerns in Europe and Central Asia should consult the full document.

Background

The first half of 2007 was marked by political instability caused by the rivalry between Prime Minister Călin Popescu-Tăriceanu and President Traian Băsescu. On 18 April members of the Romanian parliament voted to suspend President Băsescu from office after he had been accused of constitutional violations. In a subsequent 19 May referendum on impeachment an overwhelming majority -- 74 per cent -- of Romanians who went to the polls that day voted against dismissing President Băsescu.

On 1 January Bulgaria and Romania became member states of the European Union (EU). On 27 June the European Commission (EC) issued its report on the progress made by both states in meeting the accompanying measures decided by the EC when they joined the EU. The EC warned both states to take more action to fight corruption, but did not impose any sanctions for their failure to meet reform targets. The EC noted that Romania had made progress with judicial reform but needed to do more to implement the changes. The EU urged Romania to ensure a more transparent and efficient judicial process; to establish an agency to check conflicts of interest; and to take more effective action against high-level corruption.

Renditions and secret detention centres (update to AI Index: EUR 01/001/2007)

International bodies continued to raise concerns about Romania's alleged involvement in the USA's programme of secret detentions and renditions (the illegal transfer of people between states outside of any judicial process), and its inadequate responses to their investigations.

On 14 February members of the European Parliament's Temporary Committee on allegations of illegal activity in Europe by the US Central Intelligence Agency (CIA) released the results of their investigation. They concluded that Romania did not investigate properly the claims that the USA may have operated secret detention facilities in its territory; criticized Romania's inquiry report as superficial, and expressed concern about the lack of control by Romanian authorities over US activities in military bases in their country. AI had raised concerns that last-minute attempts to weaken the Temporary Committee's report were a worrying sign of the European Parliament's vulnerability to national and party interests, despite the grave nature of abuses: kidnapping, torture and disappearances (see AI Index: IOR 61/005/2007).

On 8 June, , the Rapporteur on secret detentions of the Parliamentary Assembly of the Council of Europe (PACE), Senator Dick Marty, issued a second report revealing new evidence that US "high-value detainees" were held in secret Central Intelligence Agency (CIA) secret detention centres in Poland and Romania during the period 2002-2005, and alleged a secret agreement among members of the North Atlantic Treaty Organization (NATO) in October 2001 which provided the basic framework for this and other illegal CIA activities in Europe. In an explanatory memorandum made public the same day, Senator Dick Marty said he had cross-referenced the credible testimonies of over 30 members of intelligence services in the US and Europe with analysis of "data strings" from the international flight planning system. AI applauded the report and the extraordinary investigative work undertaken by Dick Marty's office in getting to the well-concealed truth about the US-led secret detention programme (see, AI Index: IOR 30/013/2007). The report strengthened AI's finding that three former secret detainees, whose cases were extensively documented over a year ago, had been held in an Eastern European "black site".

Later that month as PACE was preparing to debate Senator Marty's report, AI called on Poland and Romania to conduct independent, impartial and thorough investigations into new information concerning CIA flights and secret detention centres on their territories (see AI Index: EUR 37/003/2007). AI also called on PACE to adopt the draft Resolution and Recommendation on rendition and secret detention accompanying Senator Dick Marty's report. PACE subsequently endorsed Senator Marty's report on 27 June, with 124 votes in favour, 37 against and eight abstentions, backing its conclusions that "it is now established with a high degree of probability that secret detention centres operated by the CIA, forming part of the High Value Detainee (HVD) program, existed for some years in Poland and Romania.." When adopting the Recommendation, the PACE called on the need for democratic oversight of military intelligence services and foreign intelligence services operating on their territory; urged the restrictions on the investigations on the grounds of "national security" to be lifted; and urged compensation to the victims of the unlawful transfers and detention. Both Poland and Romania denied their involvement with secret detention centres and the Romanian delegation announced its withdrawal from the PACE.

Unlawful killings by Romanian members of UNMIK Civilian Police (see also entry on Serbia/Kosovo)

Eleven members of a Romanian Special Police Unit were repatriated from Kosovo on 21 March. The law enforcement officers were reportedly assisting in an investigation by the UN Interim Administration Mission in Kosovo (UNMIK) Department of Justice into the deaths of two men -- Mon Balaj and Arbën Xheladini -- and the serious injury of another -- Zenel Zeneli -- during a demonstration on 10 February in Priština/Prishtinë, Kosovo. This investigation had established that the men had been killed by members of the Romanian Formed Police Unit, who had been deployed to the largely non-violent demonstration, and

had discharged apparently out-of-date rubber bullets which killed and injured the men (see also AI Index: EUR 70/002/2007).

Despite requests by UNMIK and by AI, the Romanian authorities withdrew from Kosovo the 11 police officers who had been assisting the investigation and who were reportedly in possession of crucial information. AI urged the Romanian Ministry of Interior to return the 11 police officers to Kosovo, noting that any continuing evasion in a case involving such serious human rights violations seriously undermined the international community's credibility in Kosovo and elsewhere. AI also reminded the Romanian authorities of the provisions of international standards relating to the use of force and firearms.

International scrutiny

On 15 March the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment issued an Addendum following up on recommendations made after visits to several countries including Romania. With regard to Romania the Special Rapporteur expressed his concerns that the number of inmates exceeded the officially designated capacity of existing detention centres. He also called on the General Police Inspectorate to establish effective procedures for internal monitoring of the behaviour and disciplining of their agents, in particular with a view to eliminating practices of torture and ill-treatment.

Failure to protect people with mental disabilities

Concerns remained on the situation of people, children in particular, in institutions for people with mental disabilities.

In April, the non-governmental Centre of Legal Resources (Centrul de Resurse Juridice, CRJ) and the UN Children's Fund (UNICEF) released a report entitled Monitoring the rights of mentally disabled children and young people in public institutions. The report cited cases of alleged violations of the human rights of children and young people with mental disabilities, which included lack of food, adequate clothing and footwear, of sheets, pillows or beds; lack of activity and stimulation; lack of adequate medication and treatment; lack of training and motivation of staff; abusive application of patient restraint measures and isolation from the rest of the community.

In more than two thirds of the institutions visited, the conditions of accommodation reportedly did not meet the minimum compulsory standards set out for residential care services addressing children with mental disabilities which stipulate a space of six square metres per child and a maximum of four children in a dormitory. In some institutions, the living conditions were reported as extremely precarious with "very low temperatures... broken windows and no hot water." The report also highlighted cases of children who were allegedly arbitrarily admitted to psychiatric hospitals without a specific treatment or diagnosis and in some cases of parentless children, the local authorities alleged as a reason the temporary lack of alternative care.

On 19 June, the non-governmental organization (NGO) Inclusion Romania denounced "the still alarming situation of people with intellectual disabilities" and called for the creation of an independent body which would regularly monitor the human rights situation of persons with intellectual disabilities in institutions, with clear accountability for violators. It also called for the deinstitutionalization process to be accelerated, and for the development of community based services.

On 28 June, following a visit to the Neuropsychiatric Rehabilitation and Recovery Centre in Bolintinul din Vale, the CRJ reported that conditions were virtually unchanged since its previous visit in 2003. Almost all the 107 residents were reportedly poorly dressed or undressed, there were no rehabilitation activities, and patients were lacking sufficient food. Living conditions were inadequate with no privacy for the patients and extremely poor hygiene, resulting in the alleged spread of parasites and infections among inmates.

The Romani community

UNICEF in its report *Breaking the cycle of exclusion. Roma children in South-East Europe* issued in March, reported that in Romania less than half of poor households have running water at home, but around 70 per cent of Roma households are without a water supply. Roma have also low rates of health insurance (estimated at only one third), the most common reason reportedly being the cost of the scheme. School segregation of Romani children continued to be a subject of concern as those schools have poorer facilities and employ unqualified teachers.

On 23 May, the Committee of Ministers of the Council of Europe adopted the conclusions on the Romania's implementation of the Framework Convention for the Protection of National Minorities. The Committee expressed continuing concerns about the implementation of measures adopted towards minorities, Roma in particular, who continue to confront serious difficulties and manifestations of discrimination in different fields, including employment, housing, health and education.

The Committee of Ministers also mentioned in its conclusions the reported public manifestations of hostility and intolerance by the media, certain members of public authorities and, in spite of improvements in this area, in the conduct of certain members of the police.

On 19 May, President Traian Băsescu reportedly called a journalist a "dirty gypsy", but apologized later for causing the journalist "an undeserved moral damage." Several national and international Roma NGOs (including Romani-CRISS and the Strasbourg-based European Roma and Travellers Forum) wrote to the president accusing him of "racist, discriminatory and offensive behaviour", and the National Council Against Discrimination called for the president to explain himself.

LGBT rights march attacked

On 9 June around 500 activists marched through the capital, Bucharest, to demonstrate against discrimination and to call for the legislation of same-sex marriages, on the occasion of Gayfest 2007 organized by the lesbian, gay, bisexual and transgender (LGBT) community. Romanian riot police detained dozens of counter-demonstrators as hundreds of them tried to violently break up the march. Police fired tear gas to hold the counter-demonstrators at bay after some threw stones and attempted to break through protective cordons staffed by 700 officers. This was the second year that the parade had been allowed by the authorities, after previous attempts.