

**INTERNATIONAL COVENANT  
ON CIVIL AND POLITICAL RIGHTS**

**YEARBOOK  
OF THE  
HUMAN RIGHTS  
COMMITTEE  
1987**

*Volume II*

*Documents of the twenty-ninth and thirtieth sessions  
(22 March–27 July 1987)  
including the report of the Committee  
to the General Assembly*



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**NOTE**

Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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References to the *Yearbook of the Human Rights Committee* are abbreviated to *Yearbook* . . . followed by the relevant year.

The *Yearbook* . . . 1987 comprises two volumes:

Volume I: Summary records of the public meetings of the sessions (twenty-ninth and thirtieth) covered in the eleventh report of the Committee to the General Assembly;

Volume II: Reports of States parties submitted under article 40 of the International Covenant on Civil and Political Rights and other public documents considered during the twenty-ninth and thirtieth sessions; Reports of the Committee to the General Assembly at its forty-second session; Reservations, declarations, notifications and communications relating to the International Covenant on Civil and Political Rights and the Optional Protocol thereto.

Information on the contents of previous volumes appears in annex III below.

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## Romania

### Second periodic report

[Original: French]  
[29 January 1986]

#### I. General

1. The Romanian conception of the achievement of the civil and political rights contained in the Covenant has repeatedly been expressed in the United Nations, and was also described in detail to the Human Rights Committee at its sixth session, in April 1979.

2. The starting-point for that conception is history's lesson that the manner in which human rights are realized cannot be assessed in the abstract, in isolation from their economic, social and political context and from the specific features of a given society. This is all the more necessary in present world conditions, where differences between economic, social and political systems, levels of economic development and historical and cultural traditions create great variety among the States of the world community.

3. Romania is a socialist country and at the same time a developing country. Its history has been characterized by the virtually continuous armed struggle of the Romanian people against invasion and domination in order to defend its national existence.

4. The unity of the Romanian people and nation, preserved over the centuries by a common language and spiritual structures—despite the vicissitudes of history—was consolidated by the unification of the various provinces of the country in 1600 and 1859, and the reattainment of full political independence in 1877.

5. In 1918, when Transylvania was united with the motherland, the Romanian people achieved its unity as a State, with the entire Romanian people united once again within the frontiers of a single State. In these circumstances, the country's economic, social, political and cultural development was deeply affected for a long period.

6. The anti-fascist and anti-imperialist revolution of social and national liberation of 23 August 1944 and the Romanian people's choice to build a socialist society paved the way for profound economic, social and political changes aimed at ending its underdevelopment, abolishing exploitation and social inequalities, and establishing new social relations founded on fairness and social justice and on a democratic system based on political, economic and social equality and on the participation of all citizens in the management of the State.

7. Thus, by 1984 industrial output had risen 103 times over the 1945 level, and agricultural output was 7.2 times greater than in 1945. Over the last 40 years, 6,285,000 new jobs have been created in the economy as a whole, more than 3 million of them in industry. In 1984, national income was 32 times higher than in 1945 and the social product 32 times higher. Today, more than 81 per cent of the country's population live in new housing.

8. Over this period, thorough unity of all social classes and strata has been forged, and the Romanian people as a whole is devoting all its forces and abilities to the building of a new society, thus displaying its total support for the internal and external policy of the Romanian Communist Party, which expresses its aspirations for liberty and independence, progress and well-being.

9. The economic and social transformations and the qualitative changes in the material and spiritual life of the Romanian people have created a new framework that is conducive to the promotion of human rights, for all citizens, on an equal footing, in close correlation with the progress made in all sectors of activity. It is a matter of constant concern to guarantee the necessary conditions for everyone to be able to make full use of his capacities and abilities and fully enjoy the fruits of his work.

10. The central position occupied by the promotion of human rights in the policy of the Romanian socialist State is highlighted by the Constitution in the following manner: "The purpose of all State activity in the Socialist Republic of Romania is to develop the socialist system and the socialist nation, steadily raise the material and cultural well-being of the people, guarantee human freedom and dignity, and enhance all aspects of the human personality." (Constitution, art. 13 (1).)

11. An essential feature of Romanian thinking and practice with regard to human rights is the emphasis placed on materially guaranteeing them, on ensuring that the necessary means exist for them to be effectively realized. The Constitution and other legislation therefore contain not only legal but also material guarantees. The latter are also included in the five-year and annual plans, in the State budget, in economic and social development programmes, and in the programmes relating to funds allocated for the purpose of steadily raising the general standard of living and improving the quality of life.

12. The achievement of human rights, which are considered indivisible, is seen as involving continuous action to guarantee, first and foremost, economic, social and cultural rights, living and working conditions, and access to education, science and culture, without which the other rights cannot be genuinely achieved on a basis of equality.

13. At the same time, the legal framework for the realization of human rights and fundamental freedoms is being developed and strengthened by extensive legislative activity, which will be reported on below.

14. The institutional framework is being improved and diversified to ensure the increasing participation of citizens in the management of public affairs and of the various sectors of economic and social and political activity, in order to improve the quality of life and steadily raise the material and cultural level of the entire population.

15. In the Romanian view, priority must be given to guaranteeing the right to peace and to life, which is threatened by the enormous increase in nuclear arsenals and the heightened danger of nuclear disaster, a threat which is a *de facto* denial of all human rights.

16. Likewise, Romania considers that there is a close link between individual rights and freedoms and the guaranteeing of national independence, for it is hard to speak of individual freedom when a people is oppressed or when its right to independence is restricted in one way or another.

17. The implementation in Romania of the provisions of the International Covenant on Civil and Political Rights, with which this report deals, should be viewed against this background.

18. In drawing up this report, account has been taken of the suggestions contained in Human Rights Committee documents CCPR/C/XII/CRP.1 of 19 February 1981 and CCPR/C/20 of 19 August 1981. Since it is a second report, it does not repeat all the information transmitted to the Committee in 1979 in the initial report (CCPR/C/1/Add.33), which contains the relevant provisions of the Constitution and other legislation.

## II. Information in relation to individual articles of the Covenant

### Article 1

19. The Socialist Republic of Romania attaches special importance to strict respect for, and complete fulfilment and promotion of, the right of peoples to self-determination and to permanent sovereignty over their natural resources.

20. Respect for, and promotion of, the right of all peoples freely to determine their political status without outside interference and freely to pursue their economic, social and cultural development, and the principle of independence and national sovereignty are fundamental guidelines of Romania's foreign policy.

21. The Romanian people's history of uninterrupted struggle to defend its national existence and independence is confirmation of the fact that respect for every

people's right to self-determination is a tremendous factor for progress and the prime condition for fruitful international co-operation in all spheres.

22. At the same time, as a socialist country and also a developing country and member of the Group of 77, Romania plays an active part in efforts aimed at ending underdevelopment and establishing the new international economic order. The Romanian Government is convinced that, unless there is more rapid progress by the developing countries, unless the economic gaps and inequalities between States and the hunger and poverty of part of the world's population are eliminated, and unless international economic relations are placed on an equitable basis, it will be impossible to speak of lasting peace on our planet.

23. In the view of Romania, the establishment of the new economic order calls for the creation of a new system of political and economic relations which will ensure that the right of peoples to self-determination and to dispose of their natural wealth becomes general and effective.

24. As the President of Romania, Nicolai Ceausescu, has stated, "Romania will continue to strive resolutely to find practical solutions to these complex problems of our day which have profound implications for the future of all mankind, the cause of progress, co-operation and peace, so that a new international economic order may be established which will guarantee the independent development of all nations along the path of progress, well-being and happiness".

25. Since underdevelopment is the consequence of historical and social evolution in which a major role was played by the colonialist policy of domination and oppression and of unfair economic relations, in order to build a new international economic order it is essential that relations among States should be strictly based on the principles of full equality of rights, respect for independence and sovereignty, non-interference in internal affairs, and the right of peoples to sovereignty over their natural resources and to develop independently according to their own wishes.

26. Romania considers that these are all aspects of the close relationship between the establishment of the new international economic order and the right of peoples to self-determination. The universal and effective realization of this right lies at the very heart of the building of the new order which, in turn, will constitute the most appropriate framework for the free and independent development of all nations.

27. The Romanian people, which has made heavy sacrifices to free itself from foreign domination and achieve its unity as a State, continually shows its total solidarity with the struggle of peoples to win and consolidate their national independence.

28. In its long tradition of support for the struggle of other peoples for freedom and independence, and primarily the neighbouring peoples of the Balkans, Romania has in the past granted and continues to grant diplomatic, political, moral and material support to all peoples fighting for their independence and to exercise their right to self-determination. Thus, Romania supported the independence struggle of the peoples of Angola, Mozambique and Zimbabwe, and is lending support to the strug-

gle of the Namibian people for national liberation and of the South African people against the South African regime's *apartheid* policy.

29. In the United Nations, Romania has always actively supported and frequently co-sponsored General Assembly resolutions concerning the achievement of independence by colonial countries and peoples, the question of Namibia, and the elimination of racial discrimination and *apartheid*. As a member of the United Nations Council for Namibia, Romania has played an active part in drawing up recommendations to achieve and guarantee the Territory's independence.

30. At the bilateral level, Romania has always maintained diplomatic relations with national liberation movements, which have had or have diplomatic representatives in Bucharest.

31. The Romanian Head of State has had frequent meetings with the leaders of these movements.

32. The right of self-determination of the Palestinian people and its right to organize itself in its own independent State has been constantly supported by Romania. The Romanian Government has always taken the position of principle that the establishment of a just and viable peace in the Middle East calls for withdrawal by Israel from all Arab territories occupied after the 1967 war, the solution of the problems of the Palestinian people in accordance with its legitimate interests and aspirations, including its right to constitute its own independent State, and the guarantee of the existence, sovereignty and independence of all States of that region.

33. Romania recognizes the Palestine Liberation Organization (PLO) as the legitimate representative of the Palestinian people and considers that it should take part in the negotiations to solve the problems of the Middle East and establish a just and lasting peace in that region of the world. The President of Romania has had frequent meetings with Yasser Arafat, leader of the PLO, which has a diplomatic mission stationed in Bucharest.

34. Romania resolutely upholds the right of the Palestinian people to fulfil its legitimate aspirations to form its own State, and lends active support to all the initiatives undertaken in the United Nations to resolve the problem of the Palestinian people in this manner.

## Article 2

35. Romanian legislation contains numerous special provisions that reaffirm the equality of rights of all citizens, without discrimination, as stipulated in article 17 of the 1965 Constitution, which was cited in the initial report (CCPR/C/1/Add.33) in connection with articles 2-5 of the Covenant.

36. The Labour Code (Act No. 10/1972) stipulates that the right to work shall be guaranteed, without any restriction or distinction on grounds of sex, national origin, race or religion, to all citizens of the Socialist Republic of Romania who are able to engage in an activity in an economic, technical-scientific, social or cultural field, in accordance with their respective abilities, vocational training and aspirations, and the needs of society as a whole (art. 2).

37. The Electoral Act (Act No. 67/1974, repromulgated in 1979) stipulates that the election of representatives to the Grand National Assembly and the people's councils must be based on full equality of citizens' rights, without distinction on grounds of race, national origin, sex or religion (art. 2).

38. Under article 247 of the Penal Code, any public official who imposes restrictions on any citizen in regard to the enjoyment or exercise of his rights, or who places a citizen in any situation of inferiority for reasons of nationality, race, sex or religion, is liable to a penalty of imprisonment for six months to five years. The same penalty is prescribed by article 317 of the Penal Code for nationalist-chauvinistic propaganda or incitement to racial or national hatred. Moreover, under Act No. 28/1978 relating to education and teaching, all citizens of the Socialist Republic of Romania have a right to education, without distinction on grounds of national origin, race, sex or religion and without any restriction that might constitute discrimination (art. 2).

39. Under Act No. 3/1978 concerning the protection of public health, the State undertakes to protect and improve the health of the entire population without distinction on grounds of national origin, race, sex or religion.

40. As in the case of other international instruments, ratification of the Covenant by Romania signifies that its provisions have been incorporated in Romanian domestic legislation.

41. Furthermore, prior to ratification of the Covenant, a study of its provisions showed that they were in keeping with those already embodied in domestic legislation.

42. The provisions of the Covenant are also duly taken into consideration when legislative amendments and new enactments are drafted.

43. Accordingly, citizens wishing to submit complaints need only invoke the provisions of domestic legislation without referring directly to the Covenant.

44. All citizens are able to acquaint themselves with the contents of the Covenant, the text of which can be found in widely-circulated publications such as the *Official Gazette* No. 146 of 20 November 1974 (which is also published in Hungarian); the Compendium of Laws and Decrees, 1974, volume IV, C; and "Human rights in the contemporary world" (a collection of domestic legislative texts and international instruments), Bucharest, Political Literature Publications, 1983.

45. Romanian legislation and legal practice offer numerous ways and means by which supervision can be exercised over the activities of administrative bodies, with a view to ensuring strict respect for the law and the rights of citizens, and there are a variety of ways in which a citizen can submit a complaint against acts by the authorities which he considers prejudicial to his rights.

46. In addition to the methods of recourse and control for which provision is normally made in other legal systems, such as the right to apply for a court injunction in the event of detrimental acts that are prejudicial to the rights of citizens, and control of the legality of acts through the administrative hierarchy, the following forms of control are also exercised: general control of

the application of the Constitution, exercised by the Grand National Assembly (Constitution, art. 43, para. 14); control of the application of laws and decisions promulgated by the Grand National Assembly, which is exercised by the Council of State, the highest permanent organ of State authority (art. 64, para. 6); control of the activities of the Council of Ministers, ministries, other central organs of State administration, and the Department of Public Prosecutions, which is exercised by the Grand National Assembly, the Council of State and the Council of Ministers (arts. 82, 85 and 115); control by the people's councils (local organs of State authority); control of legality by the Department of Public Prosecutions in regard to the activity of State administrative bodies; and the control that is widely exercised by workers, in accordance with Act No. 6 of 29 April 1972.

47. It should also be noted that, with a view to enabling citizens to exercise their right to petition, guaranteed under article 34 of the Constitution which places State organs under an obligation to hear citizens' petitions concerning their personal rights and interests, special legislative enactments have been promulgated, of which the most recent is Act No. 1/1978, concerning measures to deal with complaints and petitions submitted by workers.

48. Under this Act, the managerial bodies of all the socialist units and social institutions are under an obligation to ensure that procedures for the examination and settlement of citizens' complaints are properly organized (art. 4), that complaints are carefully analysed and that the requisite investigations are conducted with a view to their settlement (arts. 5 and 9). Short time-limits have been established for the communication of replies to citizens (art. 11). Detailed provisions specify the terms of reference and responsibilities of central and local State authorities and managerial organs of socialist units and social institutions in regard to the solution of the problems raised in workers' petitions or during the hearings that they are obliged to grant. Ample provision has also been made for the control of this activity (arts. 13-24).

49. Act No. 1/1967, concerning adjudication on petitions submitted to the courts by persons who have suffered injury as a result of illegal administrative acts, was promulgated pursuant to article 35 of the Constitution, under which any person whose rights have been infringed by an illegal act is entitled to apply to the competent authorities for the annulment of the act and compensation for injury.

50. This Act stipulates that a person whose rights have been prejudiced by an illegal administrative act may apply to the competent court for annulment of the illegal administrative act or for an order obliging the administrative organ to take appropriate measures to enable the injured party to recover his rights and receive compensation.

51. Illegal administrative acts include an unjustified refusal to meet a request relating to a right or failure to meet such a request within the time-limit prescribed by law.

52. An appeal against a judgement delivered at first instance may be lodged with a higher court and the law also makes provision for other methods of recourse.

53. If necessary, the legality of an administrative act may be contested before any legal body by entering a plea of illegality.

### Article 3

54. One of the fundamental objectives of Romanian State policy is to ensure complete and effective equality of rights between men and women and full female participation in the political and socio-economic activity of the State and in the development of science and culture.

55. To this end, and pursuant to article 23 of the Constitution, which stipulates that women have rights equivalent to those of men, the legislative acts governing the various economic, social, political, legal and cultural sectors of Romanian life guarantee this equality in the sphere in question.

56. For example, article 14 of the Labour Code stipulates that: "Women have a guaranteed right to assume any function or post in keeping with their training, in order to contribute to the development of material and intellectual production, in such a way as to fulfil the necessary requirements for the upbringing and education of their children".

57. Act No. 12/1971, concerning employment and career development in the socialist institutions of the State, makes provision for training and instruction so that both men and women can occupy managerial positions and obtain promotion to senior posts, without any distinction or discrimination on grounds of sex.

58. Article 2 of Act. No. 28/1978 relating to education and teaching also stipulates the need for equality among all citizens without discrimination and makes no distinction between men and women in regard to access to all levels of education.

59. In fact, a series of economic, political and educational measures have been formulated to ensure the increasing integration of women in Romanian economic, political, social, scientific and cultural activity.

60. To this end, the plenary session of the Central Committee of the Romanian Communist Party, held in June 1973, adopted a long-term strategy designed to intensify endeavours to ensure the vocational training and employment of women and their promotion to managerial posts.

61. Statistics, such as those contained in the "Statistical Yearbook" of the Socialist Republic of Romania for 1984, show that the application of these measures has enabled women to play an increasingly important role in all aspects of national life.

62. It can be seen that girls constitute 48.6 per cent of the total number of students at the primary and junior secondary levels of education, 49.2 per cent at the senior secondary level and 45.3 per cent in higher education.

63. Women currently constitute 36.8 per cent of the total economically active population and 47.5 per cent of the industrial labour force. Proportional female employment in the various industrial branches is illustrated by the following comparative figures: 50 per cent in electronics and automation; 39.1 per cent in the chemical industry; 27.9 per cent in the engineering industry; 86.3 per cent in the clothing industry; 74 per cent in the tex-

tile industry; 69.9 per cent in the leather, fur and footwear industry; 50 per cent in the food industry; 61 per cent in the movement of goods; and 70 per cent in transport and communications.

64. In industry as a whole, the proportion of women holding a vocational qualification amounts to 88.1 per cent of the total female labour force. For example, the proportion of qualified women in the female labour force amounts to 90.7 per cent in the engineering industry, 90.9 per cent in the chemical industry, 94.7 per cent in the textile industry, 96.4 per cent in the clothing industry, 94.5 per cent in polygraphy and 98.5 per cent in telecommunications.

65. Women make up half of qualified staff who have completed their intermediate education, and more than one third of qualified staff who have completed higher education. They constitute 20 per cent of the total number of engineers; 75 per cent of all personnel working in the health sector (40 per cent of medical practitioners are women); 30 per cent of teaching staff in higher education; and 42 per cent of scientific research workers. 3,454 women hold master's degrees and doctorates and 10 women are academicians and corresponding members of the Academy of the Socialist Republic of Romania.

66. Women constitute 57.6 per cent of the agricultural labour force (less than the corresponding figure of 63 per cent in 1975, due to the fact that many women have since become qualified for jobs that require a higher level of training).

67. The role of women in political life also increased during the period 1979-1984. Women now constitute 25 per cent of the members of the Central Committee of the Romanian Communist Party and 33 per cent of the total number of representatives in the Grand National Assembly (as compared with 14.2 per cent in 1975). Two women are vice-presidents and two are secretaries of the Grand National Assembly. Four are members of the State Council and one woman is vice-president of the Council. Of the total number of representatives in the people's councils, 38 per cent are women, and hundreds of women are mayors of towns and villages.

68. In the governmental sphere, one woman holds the post of first deputy prime minister, another has been appointed deputy prime minister, two women are ministers, seven are deputy ministers and three are ambassadors.

69. This emphasis on the social integration of women and their increasingly significant quantitative and qualitative contribution to economic, political and social activity have ensured the progressive elimination of negative traditional attitudes to the role of women in society and have promoted the trend towards equal distribution between the spouses of the tasks associated with housework and the upbringing of children.

70. The principle of equal remuneration for men and women engaged in the same type of work is embodied in article 18 and articles 14 and 151 of the Labour Code. This principle is fully applied by Act No. 57/1974, relating to remuneration for work on the basis of its quantity, quality and social importance, and by other enactments regulating wages of staff in State, co-operative

and social institutions and staff employed by individuals or bodies corporate.

71. It should also be noted that Romania has acceded to the Convention on the Elimination of All Forms of Discrimination Against Women, which was adopted by the General Assembly of the United Nations in 1979.

#### Article 4

72. No situations requiring the implementation of this article have arisen in Romania.

#### Article 6

73. In Romania, the right to life is guaranteed by a number of measures designed to ensure the most appropriate conditions for a higher birth rate, health care, the physical and intellectual development of all citizens, and increased life expectancy. In the legislative sphere, these measures are also reflected in the promulgation of Act No. 3/1978, the 189 articles of which contain comprehensive regulations for the protection of public health (see paras. 84-92 below).

74. Within this context, particular efforts are being made to reduce infant mortality and, to this end, far-reaching measures have been taken in various fields. As a result, the infant mortality rate has been reduced to the lowest recorded level and there has been a simultaneous and significant improvement in the indices relating to the psychosomatic development of children.

75. The measures adopted are based primarily on continuous medical and social surveillance of pregnant women, mothers and young children. Accordingly, expectant mothers are given medical examinations and assistance at clinics and their medical prescriptions are dispensed free of charge during their pregnancy and confinement.

76. Medical prescriptions are dispensed free of charge for children up to the age of 16 years, or until completion of their education.

77. Women are entitled to a period of pre-natal and post-natal leave amounting to 112 days. Periods of leave are also granted to mothers with sick children under three years of age so that they can look after them. None of these periods of leave is deducted from annual paid leave (Labour Code, arts. 155 and 157). Provision is also made for measures to ensure the welfare of pregnant women and mothers who are breast-feeding since, under articles 152 and 154 of the Labour Code, they are entitled to change their place of work if such a change is deemed necessary. Work units are obliged to grant mothers a two-hour break to breast-feed and look after their children under one year of age (Labour Code, art. 156).

78. In order to bring up and educate their children up to the age of six years, mothers are also entitled to work part-time (Labour Code, art. 158) and, for purposes of calculating length of service, such part-time work is regarded as full-time work. Alternatively, they may temporarily give up their employment (Act No. 1/1970, art. 9, relating to the organization and regulation of employment in State socialist institutions).

79. Children enjoy free prophylactic and therapeutic medical assistance, both at home and in hospital (including clinics and sanatoriums), as well as free welfare assistance and education in nurseries and homes (Act No. 3/1978, arts. 23, 25, 34 and 35, relating to the protection of public health).

80. The use and handling of drugs have never posed a public health problem in Romania. Having acceded to the Single Convention on Narcotic Drugs of 1961 and its subsequent amending protocol, Romania is co-operating in the international campaign to combat drug abuse.

81. At the domestic level, article 1 of Act No. 73/1969, relating to narcotic products and substances prohibits the production and possession of narcotic products or substances, as well as all forms of traffic therein. This Act also prohibits the medical prescription of such substances when they are not necessary, the organization and authorization of their use in certain places, the conduct of experiments with narcotic products and substances, their administration in any form whatsoever to another person without medical instruction to that effect, and the gathering or possession of plants for the purpose of extracting the narcotic substances contained therein.

82. The Act specifies the circumstances in which narcotic products and substances may be manufactured, imported, exported, stored, destroyed, held and administered, as well as the conditions under which certain institutions are permitted to handle drugs, measures and obligations to prevent drug addiction, and the bodies that are authorized to monitor the application of the regulations laid down in the Act and to establish criminal violations of the provisions of article 1 thereof. The procedures for the establishment and punishment of infringements of the regulations concerning narcotic products and substances are set forth in Decision No. 899/1970 of the Council of Ministers.

83. As a member of Interpol, Romania is also making sustained efforts to apprehend foreign offenders attempting to transport drugs and narcotics through its territory or endeavouring to evade prosecution by authorities who have discovered their activities.

84. In view of the special concern that is being shown for the protection and improvement of public health in Romania, comprehensive regulations in this respect have been promulgated in Act No. 3/1978, relating to the protection of public health.

85. The first and second articles of this Act stipulate that the protection of public health, the full utilization of the working and creative capacity of the population, and the upbringing and education of vigorous generations constitute objectives of Romanian State policy in the overall programme for the development of the country and the enhancement of the welfare and prosperity of the nation as a whole.

86. Public health is protected by a variety of economic, social, cultural and health-related measures incorporated in the national economic and social development plan.

87. This is the basis on which the necessary conditions have been created to ensure the healthy physical and intellectual development of all citizens, to sustain the increase in the birth rate, to protect mothers and chil-

dren, and to meet the requirements of occupational health and safety.

88. In addition to those measures aimed at the protection and improvement of public health and the prevention of disease, every effort is also being made to provide treatment and cure in the event of sickness, to ensure recovery of the ability to work, and to prolong the life and economic activity of all citizens.

89. The law establishes detailed regulations concerning the organization of activities to protect public health, the status of health personnel and their obligations, measures to improve public health (environmental and occupational hygiene, the protection and development of the health of mothers, children and young people, preventing and combating chronic, non-transmissible diseases, physical education and sport, and public health education), medical assistance in spas and health resorts, and scientific research for medical purposes.

90. As a result of the measures taken every year in this context, the population has been provided with an increasing number of medical and social services, and this has led to better indices of psychosomatic development for the younger generations and an improvement in all disease and death rate indices.

91. By attaching importance to prophylactic activities, most of which are intersectoral by nature, it has simultaneously been possible to involve the population in the protection and improvement of their own health, since each sector of activity has concerned itself with this problem to the extent of its own involvement.

92. During the period of 5 January 1977 to 1 July 1982, the Romanian population increased from 21,559,910 to 22,477,763.

93. In the Socialist Republic of Romania, the possession and use of arms, ammunition and explosives are subject to legislative regulations of a particularly restrictive nature which are designed to ensure that no one will be arbitrarily deprived of his life. Thus in accordance with article 36 of Decree No. 367/1971, relating to arms, ammunition and explosives (re-promulgated in 1976), firearms may be used by the bodies empowered to do so only in order to carry out official duties or military missions and only if such use is absolutely necessary and it is not possible to use other means of prevention and constraint. The Decree sets out the following restrictive situations in which they may be used:

(a) Against persons who make surprise attacks on other persons serving as guards, escorts or security guards, or against persons who, through a surprise attack seriously endanger the object guarded;

(b) Against persons who illegally enter or leave a perimeter or areas guarded in accordance with orders;

(c) In order to immobilize or restrain offenders who respond or attempt to respond with weapons or any other objects which may endanger life by causing bodily harm;

(d) In order to prevent the escape of persons under escort or persons legally detained;

(e) In order to immobilize offenders who attempt to flee, after committing serious offences, if their continued liberty creates a particularly serious danger.

94. The death penalty does not form part of the general system of penalties set out in the Romanian Penal Code. The special nature of this penalty has led to separate provision being made for it (Penal Code, art. 54) as an "exceptional measure for the most serious offences" (treason, espionage, action likely to endanger State security, attacks against communities, air piracy with particularly serious consequences).

95. Existing legislation therefore provides for the death penalty for a small number of offences and as an alternative penalty to imprisonment for a specific period (15-20 years), this further restricts the sphere of application of this penalty.

96. The death penalty may not be imposed on an offender who was under 18 years of age when he committed the offence or on a pregnant woman or a woman with a child under three years of age on the date when the offence was committed or the sentence passed.

97. Persons sentenced to death have the right to appeal for pardon. The spouse, legal representative and counsel of the person sentenced have the same right. Pardon is granted by the President of the Republic, who may also decide to commute the death penalty.

98. In the context of the protection of the right to life, since the termination of a pregnancy is an act with serious consequences for the health of the mother and has serious adverse effects on the birth rate and the natural growth of the population, article 1 of Decree No. 770/1966 forbids the termination of pregnancy. In accordance with article 2, however, termination of pregnancy may exceptionally be authorized in the following circumstances:

- (a) If the pregnancy endangers the woman's life to an extent which cannot be remedied by any other means;
- (b) If one of the parents suffers from a serious hereditary illness or an illness which may result in congenital deformity;
- (c) If the pregnant woman shows serious physical, psychological or sensorial disabilities;
- (d) If the woman has reached the age of 40;
- (e) If the woman has given birth to four children and is bringing them up herself;
- (f) If the pregnancy is the result of rape or incest.

#### Article 7

99. Corporal punishment and solitary confinement are not referred to in Romanian criminal legislation. Torture and cruel, inhuman or degrading treatment are forbidden by law.

100. In accordance with article 52 of the Romanian Penal Code, the penalty of imprisonment is imposed with the aim of developing a proper attitude to work, public order, the law and the rules of social behaviour. This article also expressly provides that the imposition of the penalty must not cause physical suffering or physically degrade the prisoner.

101. Persons who may have been subjected to cruel, inhuman or degrading treatment during criminal proceedings or in the course of a sentence of imprisonment

have the right to demand that those responsible should be punished and demand adequate damages.

102. Thus, inflicting cruel treatment on a person held in custody, serving a sentence or undergoing a security or corrective training measure is punishable by imprisonment for one to five years (Penal Code, art. 567).

103. The use of promises, threats or violence against a person during the pre-trial proceedings or trial in order to obtain statements is punishable by imprisonment for one to three years (Penal Code, art. 226, para. 2).

104. In accordance with article 172 of Act No. 3/1978 relating to the protection of public health, the introduction, use or experimentation on human beings of medicines, biological products for human use, apparatus and technical or medical products which have not been authorized, or where appropriate, registered by the Ministry of Health is forbidden and punishable by law.

#### Article 8

105. Romania is a party to the Geneva Conventions of 1926 and 1956, and in accordance with article 190 of the Penal Code placing or holding a person in a state of slavery and traffic in slaves are punishable by imprisonment for 3 to 10 years and by the forfeiture of certain rights.

106. Existing Romanian legislation does not provide for the penalty of forced labour.

107. The obligation to perform socially-useful work is always the subject of a judgement handed down by a court in the circumstances provided for by law. This is in keeping with the provisions of article 8, paragraph 3 (c), of the Covenant.

108. The courts may impose penalties which do not involve custody but take the form of compulsory labour in cases in which they consider that there are adequate grounds for achieving the purpose of the penalty by substituting this measure (Penal Code, art. 86) and for offences punishable by a maximum of five years' imprisonment (Decree No. 218/1977, art. 1 relating to transitional measures of punishment and rehabilitation through labour of persons who have committed offences provided for in criminal law).

109. Correctional labour as a means of application of a penalty has the following characteristics:

- (a) It is not compulsory for the convicted person, who may refuse to perform such work (in which case he will, of course, be obliged to serve the prison sentence which he was spared by the judge's favourable decision);
- (b) Generally speaking, the labour is performed in the enterprise where the sentenced person worked before his sentence;
- (c) The working conditions are the same as for his colleagues who have not been tried, taking due account of his qualifications;
- (d) The convicted person lives at home with his family, but may not leave his locality without permission;
- (e) He enjoys all the rights of an employee, with certain exceptions (his pay is reduced by 15-50 per cent, the

period during which he performs correctional labour does not count towards seniority, and he is not permitted to take leave while serving his sentence).

110. It should be pointed out that, in accordance with article 191 of the Penal Code, "forcing a person, in cases other than those prescribed by law, to perform labour against his will or perform compulsory labour is an offence punishable by imprisonment for six months to three years".

111. Under Act No. 25/1976 relating to the employment in useful work of persons fit for work, a number of measures have been taken to integrate into employment persons who have sought, in isolated cases, to lead a parasitic existence.

112. Thus all persons fit for work who have reached the age of 16 and are not engaged in any form of education or vocational training are obliged to register with the offices dealing with labour problems and social welfare and to ask to be allocated a job.

113. This obligation is not binding on peasants who work their own family farms, craftsmen with their own workshops or own-account workers engaged in activities permitted by law. Similarly, it is not binding on women caring for their children or involved in household activities in their own homes.

114. The political, State and public organizations undertake continuing educational activities in order to train and assist all persons fit for work to perform work which is useful for society.

115. In order to influence persons leading a parasitic existence and convince them to take a job, meetings are organized to discuss their situation.

116. In cases where, despite all the support given, the person in question refuses to do regular work he may be compelled, by court decision, to work for a year on a building site, or in an agricultural, forestry or other economic unit.

117. The court, by its order, compels the unit to employ the person in question.

118. Integration is effected through educational missions, since the law does not provide for penalties.

119. In view of the fact that the number of persons who refuse to work is very small and that very few orders are issued in accordance with Act No. 25/1976, the sphere of application of this Act is very limited.

### Article 9

120. In accordance with article 31 of the Constitution, which guarantees the inviolability of the person, no one may be detained or arrested unless there is well-founded evidence or indications that he has committed an act specified in and punishable by law.

121. The Code of Criminal Procedure thus provides that measures which may lead to pre-trial custody, namely, arrest and detention, may not be ordered unless there is well-founded evidence or indications that the person in question has committed an act specified in criminal law, and only in certain cases provided for by law, namely: *flagrante delicto*; escape or concealment by the detainee in order to evade proceedings or trial; at-

tempt by the detainee to influence a witness or to destroy material evidence; the establishment by law of a penalty of more than two years' imprisonment in respect of the act perpetrated; and a situation where leaving the detainee at liberty would constitute a danger to the public order (arts. 143, 146 and 148).

122. Arrest for the purposes of detention in order to apply the penalty can only be consequent on a final sentence.

123. Detention may be ordered by the investigating bodies for a maximum period of 24 hours, without possibility of extension. Should it be necessary to extend the deprivation of freedom, provision must be made for pre-trial detention (Code of Criminal Procedure, arts. 143-144).

124. Pre-trial detention may be imposed only by means of a detention order issued by the prosecutor or the court (arts. 146 and 151).

125. The order must state, in addition to other information, the offence with which the person is charged and the specific reasons for his arrest.

126. A copy of the order must be given to the accused so that he may be directly and immediately informed of the reasons for his detention and the charges against him (arts. 137, 151 and 152).

127. The accused must be questioned before being formally detained (art. 150).

128. Detention or pre-trial arrest may be terminated on application and must be terminated *ex officio* when there are no further reasons for maintaining it (art. 139).

129. The duration of detention of a person against whom criminal proceedings have been instituted may not exceed five days (arts. 146, 229 and 233). If criminal proceedings have begun, the duration of detention may not exceed one month. It may be extended, under the conditions established by law and with reasons stated, for one month on a maximum of three occasions, following examination of the relevant documents and the hearing of the accused, by the prosecutor senior to the prosecutor who proposes the extension or by the senior chief prosecutor of the Public Prosecutor's Department when the detention order was issued by a chief prosecutor (arts. 149, 155 and 157).

130. If it is considered that a further extension is required, the competent body must be informed. This body, in the presence of the accused assisted by his counsel, may order the detention to be extended for a further 30 days. It may grant other extensions, none of which may exceed 30 days (arts. 158 and 159).

131. As regards legal provisions to prevent illegal deprivation of freedom, mention should be made of articles 71 and 72 of Act No. 52/1968 relating to the organization of the judiciary and articles 23 *et seq.* of Act No. 60/1968 relating to the organization and operation of the Public Prosecutor's Department of the Socialist Republic of Romania. In accordance with these articles the President of the Departmental Court or the judges delegated by him or the prosecutors have an obligation to verify the legality of the detention, at the place of detention itself, and may consider requests and complaints from detainees, and may hear them without any third party present.

132. Cases involving accused persons under detention must be concluded as a matter of urgency and priority by the competent judicial bodies (arts. 261, para. 3, and 293).

133. If the accused is brought before the court while under detention, the court is obliged to verify, officially, on the occasion of his first appearance, that the detention and maintenance of detention are in order (art. 300).

134. A person under pre-trial detention has the right, guaranteed by law, to express objections when he is questioned prior to the issue of the detention order or when it is put into effect, to protest against the detention and to request his release at any time during his detention, in which case the judicial bodies have the correlative obligation to consider and resolve his requests promptly (arts. 141, 152, 153, 157, 252 and 275).

135. Any person who is arbitrarily detained has the right to compensation by the State for the injury he has suffered. In accordance with article 504, paragraph 2 of the Code of Criminal Procedure, the right to such compensation falls to a detainee against whom proceedings have subsequently been dropped or who has been acquitted because he did not commit the act with which he was charged or because the act was never committed.

136. Any unlawful detention or arrest, or any application of a penalty or security or rehabilitation measure in a manner other than as provided for by law is punishable by imprisonment for six months to three years (Penal Code, art. 266, para. 1).

137. Throughout a criminal trial, both during pre-trial proceedings and during the trial proper, the accused has the right to the assistance of defence counsel; this right is guaranteed by article 31 of the Constitution and by articles 6 and 7 of the Code of Criminal Procedure.

138. Legal aid by a lawyer is theoretically optional, but is obligatory when the accused is under detention in connection with another case. If the accused has not selected a defence counsel, steps are taken *ex officio* to appoint such counsel, whose assignment ceases when the counsel selected makes his services available (Code of Criminal Procedure, art. 171).

139. The detainee may enter an application against this measure or for the reduction of its duration; such applications are resolved by the prosecutors through the official channels (*ibid.*, arts. 275 and 276).

#### Article 10

140. The regulations governing the application of penalties of imprisonment are laid down in the Application of Penalties Act (No. 23/1969). In drafting this Act, account was also taken of the recommendations contained in the United Nations Standard Minimum Rules for the Treatment of Prisoners of 1955.

141. Accused prisoners are kept separate from convicted prisoners, and receive more favourable treatment in terms of frequency of visits, receipt of parcels, and correspondence, including the right to send sealed letters to State bodies (Act No. 23/1969, arts. 39 and 40).

142. There are no political prisoners in the Socialist Republic of Romania under any form of deprivation of freedom.

143. In the exercise of their supervisory powers, the president of the court or the judge delegated by him and the procurator dealing with a particular case have the right of access to places of detention or work, in accordance with the law. The representatives of bodies having supervisory powers and persons authorized by the Ministry responsible for places of detention also have access to such places (Act No. 23/1969, art. 30).

144. Any prisoner, without distinction as to his legal status (on remand in custody or serving a sentence), has the right to receive and send correspondence, to be visited by his family or friends, and to consult a lawyer (*ibid.*, arts. 17, 18 and 40).

145. In special circumstances, a person serving a sentence may be allowed to leave the prison for up to five days in order to settle family or other matters of a serious nature (*ibid.*, art. 23 (1)).

146. Many methods are used to ensure the re-education and social rehabilitation of prisoners. They include the acquisition of new qualifications in the case of persons whose sentence bars them from practising the vocation in which they were previously engaged and which they used in order to commit offences; the completion of compulsory general education (10 years) through courses organized with the support of the Ministry of Education; and educational, cultural and sporting activities (*ibid.*, arts. 5 and 6).

147. In accordance with the provisions of article 56 of the Penal Code, the regulations governing the application of penalties of imprisonment are based on the requirement that convicted persons must perform useful work for which they are fit, on respect for disciplined work and for internal discipline in places of detention, on educational activities for convicted prisoners, and on incentives and remuneration for those who prove to be hard-working and give serious reason to believe that they are susceptible to rehabilitation. Under article 14 of Act No. 23/1969, on their release ex-convicts are guaranteed productive employment in keeping with their previous qualifications or those which they have acquired while serving their sentence. They receive assistance in resolving personal or family problems and in resuming work.

148. Under Decree No. 24 of 30 January 1970 relating to bail and the substitution in some cases of a fine for a prison sentence, in the case of a sentence of up to 10 years imprisonment imposed on an alien not resident in Romania who has committed offences within the national territory, the court may order that the term of imprisonment be replaced by a fine.

149. Such replacement of a term of imprisonment may be ordered, at the request of the accused, in the sentence of the court once the conviction has become final, and before the start of or during the term of imprisonment (Decree No. 24/1970, arts. 4-6).

#### Article 11

150. Romanian legislation does not provide for the penalty of imprisonment on the ground of inability to fulfil a contractual obligation.

### Article 12

151. In accordance with the regulations concerning passports (Decree No. 156/1970 and Council of Ministers Decision No. 424/1970), passports are issued to applicants for the purpose of temporary travel abroad by the departmental inspectorates of the Ministry of the Interior, and to applicants wishing to take up residence abroad by the Passport and Visa Commission of the Council of Ministers.

152. A holder of a Romanian passport who is resident abroad has the right to return to the country temporarily or permanently (Decree No. 156/1970, art. 5).

153. A passport may be refused, withdrawn or cancelled in respect of a Romanian citizen:

(a) Against whom criminal proceedings have been instituted or charges have been brought, so that he may stand trial in a criminal court;

(b) Who is in debt to a socialist organization or a natural person and is seeking to avoid repaying the debt by leaving the country; or

(c) Who, by going abroad, might harm the interests of the Romanian State or its good relations with other States.

154. A person who has been refused a passport or visa may lodge an appeal, which is decided in accordance with the provisions of Decree No. 156/1970.

155. Romanian legislation does not provide for the penalty of banishment.

### Article 13

156. As described in the initial report (CCPR/C/1/Add.33) under article 13, an alien may be expelled in the following circumstances: if he has committed an offence, in which case the expulsion is decided on by the court (Penal Code, art. 117); if he has committed an offence against Romanian law or has, by his attitude and behaviour, harmed the interests of the Romanian State, the expulsion may be ordered by the Minister of the Interior (Act No. 25/1969, arts. 20 and 21, relating to the status of aliens in the Socialist Republic of Romania). The person concerned may appeal against such a decision to the competent State bodies in accordance with Act No. 1/1978, referred to in paras. 47 and 48 above.

### Article 14

157. The application of, and respect for, the principle of the independence of the Judiciary, guaranteed by article 111 of the Constitution and article 6 of the Act relating to the Organization of the Judiciary (No. 58/1968), are ensured by the body or regulations concerning the organization and activity of the courts.

158. A first guarantee is provided by the regulation to the effect that judicial review takes place exclusively as a result of an appeal against a decision of an inferior court (ordinary or extraordinary appeals, etc.) and is carried out by the hierarchically superior court. No body may interfere in the activity of the courts and judicial activity may not be influenced in any way; the Ministry of

Justice and the presidents of courts only have the right to supervise the administrative business of the courts so as to ensure that their activities are carried on smoothly and their judgements executed.

159. A second guarantee is provided by the method of selection of judges and of their guaranteed tenure of office. Judges and people's assessors are elected in the case of all three categories of courts (justices of the peace, departmental courts, Supreme Court) and can be removed only by those who elected them.

160. Thirdly, the principle is protected by the guarantees provided for in the Code of Civil Procedure and the Code of Criminal Procedure, in particular secrecy of deliberations, public hearings, principle of continuity (the same full court tries a case from beginning to end), and principle of direct contact (the court must directly explore all the information relevant to the solution of the case, without imposing a predetermined specific situation or conclusion).

161. Furthermore, the press may not publish or circulate information concerning proceedings that are taking place which anticipates the decisions that may be taken by the judicial bodies (Press Act, No. 3/1974, art. 69).

162. Under the procedure established by Act No. 1/1967, article 11 (see para. 49 above), where an application filed by a person for violation of his rights has been accepted by the court, and an administrative body is obliged to issue an administrative order or deliver a certificate, attestation or some other document, the execution of the final judgement must be carried out within the period established by that judgement. If no such period is specified, the final judgement must be carried out within 30 days of its being handed down.

163. For every day it delays in issuing the administrative order or other document mentioned above, the administrative body is liable to a fine over and above the damages due to the plaintiff.

164. In all other cases, the judgement is executed in accordance with the ordinary law.

165. In accordance with article 42 of Act No. 58/1968 relating to the Organization of the Judiciary, the presidents of the departmental courts and of the court of the city of Bucharest, and the judges of these courts and of the courts of justices of the peace are elected by the Departmental People's Councils or, the People's Council of the City of Bucharest, on the proposal of the Ministry of Justice.

166. Elections are valid for the term of office of the People's Council, and the persons elected remain in office until such time as new elections of presidents and judges are held.

167. Judges may be delegated or seconded in the interests of the service (under the conditions established by the Labour Code) to another jurisdiction in the same department by the president of the departmental court. Justices of the peace may be transferred on request or in the interests of the service within the department—under the conditions established by the Labour Code—by the Ministry of Justice (Act No. 58/1968, art. 56).

168. The Ministry of Justice may propose to the Departmental People's Council that judges should be re-

lieved of their duties with a view to their election in another department (*ibid.*, art. 57).

169. In the case of serious misconduct, the Ministry of Justice may, at the request of the disciplinary council, propose to the Departmental People's Council that justices of the peace or judges of the departmental courts should be dismissed.

170. The Supreme Court is elected by the Grand National Assembly for the duration of that Assembly (five years) and functions until the election of a new Supreme Court by the next Grand National Assembly five years later (Constitution, art. 105). The President of the Supreme Court may propose the dismissal of Supreme Court judges to the Grand National Assembly (Act No. 58/1968, art. 60, para. 2).

171. The office of judge is open to women as well as men, and there are women judges in courts of all levels.

172. The law establishes a limitative list of exceptions to the principle of the public nature of court proceedings, as laid down by article 10 of the Constitution and reaffirmed in article 10 of the Act relating to the Organization of the Judiciary.

173. *In criminal cases*, proceedings are held *in camera* in the case of the trial of a minor, which may be attended by the parents, the guardian authority, the person to whose care the minor has been entrusted, counsel for the parties and other persons whose presence is considered necessary by the court (Code of Criminal Procedure, art. 485). In cases where it is considered that a public trial would be prejudicial to the interests of the State, socialist morality, or a person's dignity or private life, the whole or part of the proceedings may be held *in camera* (*ibid.*, art. 290).

174. *In civil cases*, the court may decide that the proceedings shall be held *in camera* if public proceedings may be prejudicial to public order or morality or to the parties. In such a case, the parties to the case may be accompanied by, in addition to their counsel, not more than two persons designated by them (Code of Civil Procedure, art. 121).

175. In practice, it is quite rare for court proceedings to be held *in camera*.

176. In exercising his right to defence (referred to in paras. 137-139 above), the accused is free to choose and consult his counsel before the start of the trial.

177. To guarantee this right, legal aid is compulsory in criminal cases (see paragraph 137 above); if the accused has not chosen counsel, the court appoints counsel who ceases his activity when counsel selected by the accused makes his services available (Code of Criminal Procedure, art. 171).

178. If the defence counsel is absent during the trial and cannot be replaced, the case is postponed. The accused may defend himself in all cases where legal aid is not compulsory, and may put questions to all witnesses.

179. Legal proceedings take place in the Romanian language, but in the administrative territorial units inhabited by a population of other than Romanian nationality, use of the mother tongue of that population is guaranteed. Parties who do not speak the language in which the

proceedings are being conducted are given the opportunity to take cognizance of the documents in the case, through a translator, and have the right to address the court and submit conclusions in their mother tongue (Constitution, art. 109).

180. Any person finally convicted of an offence is entitled to compensation by the State for injury suffered if, following a retrial of the case, it is established by a final judgement that he did not commit the act with which he was charged or that the alleged act was never committed. An action for compensation may be brought by the person concerned and, in the event of his death, may be continued or brought by his dependants (Code of Criminal Procedure, arts. 504 and 505).

#### Articles 15 and 16

181. The relevant provisions of Romanian legislation concerning these articles were given in the initial report (CCPR/C/1/Add.33).

#### Article 17

182. Under article 32 of the Constitution, which guarantees the inviolability of the home, no one may enter a person's home without his consent, except in cases and circumstances expressly provided for by law. Unlawful entry, in any manner whatsoever, into a person's home without his consent, and refusal to leave it at his request constitute offences under article 192 of the Penal Code.

183. A dwelling may be searched only in connection with judicial proceedings, in order to collect objects or documents and evidence in a case, and only in the conditions established by law. The latter include: authorization by the procurator (except where a person agrees in writing to the search and in cases of *flagrante delicto*); the obligation of the person conducting the search to present his identity papers and his authorization; the presence of the person concerned or of his representative, or of neighbours, and attendance of witnesses during the search; and the obligation to draw up a written report (Code of Criminal Procedure, art. 100).

184. Romanian legislation forbids the opening of private correspondence and the interception of telephone conversations, since the secrecy of correspondence and of telephone communications is guaranteed by the Constitution (art. 33).

185. Secrecy of correspondence may be temporarily waived only in connection with a criminal trial: if it is considered necessary in order to establish the facts of the case, the investigating body, with the authorization of the procurator or of the court, may arrange for the postal or transport services to withhold and hand over letters, telegrams or any other types of correspondence or items sent by or to the accused (Code of Criminal Procedure, art. 98).

186. Romanian legislation does not provide for telephone tapping, or the interception or recording of telephone communications.

187. The unlawful opening of correspondence or the interception of a communication by telephone, telegraph or any other means of long distance communication constitutes an offence punishable by imprisonment for one month to one year or a fine. The same penalty applies in the case of the removal, destruction or withholding of correspondence and divulging its contents or the contents of an intercepted conversation or communication (Penal Code, art. 195). Consequently, the above do not constitute evidence.

### Article 18

188. In accordance with article 30 of the Constitution, "Everyone is free to hold or not to hold a religious belief. Freedom to engage in religious worship is guaranteed. Religious denominations organize and operate freely. The manner in which they organize and operate is regulated by law."

189. Romanian legislation guarantees that no one may be prosecuted for his religious or atheistic beliefs or forced to take part in the religious services of a religious denomination (Decree No. 177/1948, arts. 3 and 4, containing general provisions relating to religious denominations).

190. The above provisions also guarantee that parents have the possibility of giving their children a religious education, through the children's participation in religious worship by their parents, or of not giving them such an education.

191. In order to organize, religious denominations must be recognized by decree of the State Council issued on the proposal of the Council of Ministers at the recommendation of the Department of Religious Affairs. When justified, such recognition may be withdrawn in the same way (*ibid.*, art. 13).

192. Recognized religious denominations may organize themselves in accordance with their own rules, in keeping with their teaching, canons and traditions, and may set up establishments, associations, religious orders and congregations (*ibid.*, art. 7).

193. Obstruction or disturbance of the freedom of worship of a religious denomination, that is organized and functioning in conformity with the law, as well as the act of compelling a person by force to take part in the religious services of any denomination or to engage in a religious act connected with its worship, are punishable by imprisonment for one to six months or a fine (Penal Code, art. 318).

194. Under the Constitution, the school is separate from the Church; the only religious schools allowed are those specially intended for the training of servers for religious worship.

195. Thus, in accordance with articles 44, 48 and 50 of Decree No. 177/1948, religious denominations are free to organize teaching for the training of their religious personnel (training of servers for religious worship, schools for cantors and for the training of ministers of religion) and may maintain boarding establishments for pupils and students. Details about these educational institutions owned by the various religious denomina-

tions were given in the initial report (CCPR/C/1/Add.33), under article 18.

196. That report also gave facts and figures concerning a variety of denominational publications, periodicals and books.

197. Each religious denomination has its own places of worship. The numbers are as follows:

Romanian Orthodox .....	12 309
Serbian Orthodox .....	56
Roman Catholic .....	1 148
Reformed .....	977
C.A. Evangelical .....	254
S.P. Evangelical .....	46
Unitarian .....	135
Old-Christian .....	46
Armenian-Gregorian .....	23
Islamic .....	79
Jewish .....	120
Seventh-Day Adventist .....	523
Baptist .....	950
Pentecostal .....	792
Christian-Gospel .....	380

### Articles 19 and 20

198. Implementing article 28 of the Constitution (see initial report CCPR/C/1/Add.33, under article 19), the Press Act (No. 3/1974, re-promulgated in 1978) stipulates that freedom of the press is a fundamental right. This right is guaranteed to all citizens, who are granted conditions in which they can, through the press, express their opinions on problems of general interest and public character, and the right to be informed about domestic and international events (Act No. 3/1974, art. 2).

199. The press has a duty to intervene in a critical spirit in order to eliminate deficiencies and adverse situations in any sphere of activity (art. 14). The right to publish a press organ is held by the State political organizations, the mass organizations and other legal persons (art. 17).

200. Any natural or legal person may address himself to the press organs concerning any problem of public interest or character, and may formulate opinions, proposals, observations or complaints. The press organs are obliged either to publish the material received as such or use it in the preparation of articles, or to transmit it to the organ or organization which, by virtue of its legal powers, is competent and under obligation to resolve the points raised; the organ or organization in question is required to report on action taken to the press organ within 30 days. The press organ is required to bring the response to the attention of the person concerned within a maximum period of 15 days. The press is required to adopt a firm attitude towards any person who impedes exercise of the right of criticism, irrespective of his office (art. 68).

201. With regard to the limitations on freedom of the press, Act No. 3/1974, article 69, implementing article 29<sup>a</sup> of the Constitution, reproduced in the initial report (CCPR/C/1/Add.33), under article 19, provides that freedom of the press may not be exercised for purposes hostile to the socialist regime, the legal system estab-

lished by the Constitution or other legislation, the rights or legitimate interests of natural or legal persons, or socialist morality.

202. Among these limitations is the prohibition of the publication and dissemination of material which is contrary to the Constitution, communicates secret information, data or documents, incorporates false or alarmist information or comments threatening or jeopardizing law and order or representing a danger to State security, incites to non-observance of the laws or the perpetration of acts constituting offences, propagates Fascist, obscurantist or anti-humanitarian views, or constitutes chauvinistic propaganda inciting to racial or national hatred or violence or detrimental to national pride. Also prohibited is the publication of material which infringes morality, constitutes incitement to violation of ethical standards and standards of social behaviour, furnishes information on legal proceedings currently under way, anticipates decisions which are required to be taken by judicial organs or contains inaccurate data or information liable to jeopardize a person's legitimate interests, dignity, honour, reputation, or social or professional prestige, or material by means of which a person is insulted, slandered or threatened (art. 69).

203. Responsibility for ensuring compliance with the provisions of article 69 by each press organ is incumbent on the competent board of directors, editorial board or chief editor (art. 70).

204. Any natural or legal person who considers himself to be injured by inaccurate statements in the press may, within a period of 30 days, request the press organ in question to publish or disseminate an objective response and take steps to re-establish the truth. The press organ is obliged to publish the response free of charge within 15 days. If it refuses to do so, the person in question may take legal action (arts. 72-75).

205. The Penal Code (arts. 205, 206, 236, 237 and 356) establishes penalties for insults, slander, defamation and insulting behaviour, as well as for propaganda for war and the dissemination of tendentious or fabricated news that might serve as incitement to war.

206. Among the acts constituting offences for which it establishes penalties, the Press Act covers any form of persecution of persons who have contributed information to the press or expressed critical opinions in the press, and pressure or other acts of intimidation against such persons (art. 91).

207. As shown in the initial report (CCPR/C/1/Add.33), under article 20, article 356 of the Penal Code makes propaganda for war punishable by imprisonment for 5 to 15 years, loss of certain rights and partial confiscation of property. Article 317 of the Code makes nationalistic or chauvinistic propaganda and incitement to racial or national hatred punishable by imprisonment for 6 months to 5 years.

### Article 21

208. Freedom of assembly, meetings and demonstrations is guaranteed by the Constitution (art. 28). In accordance with article 29, paragraph 1, this freedom may not be exercised for purposes hostile to the socialist system or the interests of the workers.

209. The purpose of such a limitation is to prevent the exercise of the freedom of peaceful assembly for anti-democratic purposes and to protect public order and morality, and the rights and freedoms of others.

210. Romanian legislation does not require prior authorization for assemblies, meetings and demonstrations. If, however, a decision is taken to prohibit a meeting, a protest may be made under the right of petition guaranteed by article 34 of the Constitution and in conformity with the provisions of Act No. 1/1978 (see paras. 47 and 48 above).

### Article 22

211. Article 27 of the Constitution, reproduced in the initial report (CCPR/C/1/Add.33), under article 22 of the Covenant, guarantees the right of association of citizens without restriction. The only exception consists of the prohibition of any association of a Fascist or anti-democratic character, participation in such associations and propaganda of a Fascist or anti-democratic character, which are punishable by law. The purpose of the prohibition of such associations is to prevent the establishment of associations which are incompatible with a democratic society and whose aim is to engage in activities contrary to public order or the security of citizens or the State.

212. As regards the exercise of the right of association in Romania, account should be taken of certain characteristics which are typical of the associations that have been established. These are public and mass organizations whose purpose is to undertake activities of interest to the workers in general (trade unions) or substantial social classes or categories of the population (e.g. co-operative organizations, which, in rural areas, are made up of the great majority of peasants in the form of agricultural production co-operatives or other forms, young people's organizations, women's organizations etc.), or activities in certain spheres (literary or artistic creation, science and technology, sport, etc.).

213. The public and mass organizations are not State organizations. They are established on the basis of the free consent of their members and have their own structure as laid down in their statutes, which also stipulate the contribution to be made by their members. They undertake their activities on a voluntary and social basis.

214. At the same time, in conformity with article 27, paragraph 2, of the Constitution, the public and mass organizations ensure the broad participation of the masses in political, social and cultural activity and in the exercise of social supervision, thus forming an essential component of socialist democracy.

215. The public and mass organizations thus participate directly in the solution of problems arising in the lives and work of the people and in the development of society; many such organizations have important responsibilities in this respect and representatives in the most important organs of the State. Members of the Council of Ministers include the president of the Central Council of the General Federation of Trade Unions, the president of the National Union of Agricultural Production Co-operatives, the president of the National Council of Women and the first secretary of the Central Committee

of the Communist Youth Union (Constitution, art. 80, para. 2). The State supports the activity of the public and mass organizations, establishes the conditions necessary for the development of their material basis, and protects their assets (*ibid.*, art. 27, para. 3).

216. Given the unity of the essential goals and interests of all citizens of Romania, to which reference was made in part I of the report, there are no socio-political bases which are at variance with, or opposed to, the policy of the Romanian socialist State.

217. By their number and diversity, the public and mass organizations provide a broad framework for the expression of the opinions of citizens in the very varied and widespread spheres which they encompass, for the purpose of the development of criticism and to attract attention to deficiencies in these areas and the formulation of proposals to eliminate them.

218. In order to improve the framework for the participation of citizens in the solution of social problems, the Socialist Unity and Democracy Front (FDUS) was established in 1968. The Front is defined in article 25, fourth paragraph, of the Constitution as the broadest representative democratic, revolutionary, permanent political body, which constitutes the organizational framework for the association, under the direction of the Romanian Communist Party, of the political and social forces of the nation and of all public and mass organizations, for the purpose of the participation of the entire population in the execution of the domestic and foreign policy of the Party and the State and in the organization of all spheres of activity.

219. The same goal of meeting the desire of citizens to participate on an increasing scale in social and political leadership underlay the establishment, in 1981 within the context of the FDUS, of the Socialist Unity and Democracy Organization as a political body composed of individual members from among citizens over the age of 18 who, generally speaking, are not members of the Romanian Communist Party.

220. In accordance with article 2 of the Trade Union Act (No. 52/1945), all natural persons working in the same profession or in similar or related professions are granted the right freely to establish vocational trade unions. The Act also provides that no one may be compelled to be a member, not to be a member or to cease to be a member of a vocational trade union against his will.

221. The trade unions acquire legal personality simply by virtue of their recognition, once the justice of the peace finds that their establishment, as decided on by the founder members, fulfils the conditions laid down by law.

222. Article 19 (*k*) of the Labour Code provides that employees have the right to join trade-union organizations and other public organizations, in accordance with the provisions of the Constitution.

223. The Labour Code further stipulates that trade unions are vocational organizations established on the basis of the right of association, as provided for in the Constitution, and operate on the basis of the statutes of the General Federation of Trade Unions, unions in various branches of activity and unit trade-union organizations (art. 64).

224. The trade unions play an important part in the economic, social and political activity of the country.

225. They thus serve the interests of the workers by participating directly in the formulation and implementation of party policy for the purpose of establishing the best possible working conditions and constantly raising the standard of living of the workers. They participate directly—at all levels—in the management of economic and social activity and their representatives are members of workers' councils, collective leadership organs, ministries and other central organs, as well as the Government (art. 165, para. 2).

226. In accordance with Act No. 5/1978 (re-promulgated in 1982) relating to the organization and structure of the State socialist institutions and their operation on the basis of economic and financial self-management by the workers, the presidents of the trade unions are the vice-presidents of the workers' councils (collective leadership organs) in all enterprises and institutions, and the presidents of the general assembly of workers, the supreme form of worker self-management (Act No. 5/1978, arts. 35, 46, 62, 99 and 113).

227. The president of the trade union also participates in the discussion of major problems concerning the performance of economic tasks and the rights and obligations of workers (*ibid.*, art. 39).

228. The President of the Central Council of the General Federation of Trade Unions is a member of the Government (Constitution, art. 80).

229. In accordance with article 167 of the Labour Code, trade unions participate directly, jointly with the competent State bodies, in the formulation and application of all regulations concerning the rights and obligations of workers possessing legislative initiative. The regulations concerning legal relations in the labour field are drawn up jointly by the Council of Ministers or by the other central bodies of the State administration, together with the Central Council of the General Federation of Trade Unions, or with the advice or agreement of the Council.

230. Trade-union delegates are members of various commissions concerned with the exercise of the rights of workers, of commissions dealing with questions relating to supervision and advancement in employment, and of commissions on unit pensions and social security (art. 8 of Act No. 12/1971 and art. 5 of the regulations approved by Decree No. 217/1977).

231. The trade unions have important functions with regard to legal relations in the labour field, for example, in the event of termination of a labour contract on the initiative of the unit, where consultation with the trade-union committee is obligatory. When the question concerns employees who are members of the committee or other trade-union bodies, the senior trade-union body must also be consulted (Labour Code, art. 134, para. 1).

232. Trade-union organizations defend before all jurisdictional bodies and before State and social bodies the rights of their members arising from labour legislation (*ibid.*, art. 169).

233. In the field of labour jurisdiction, trade union bodies have other functions as well. For example, where the judgement commission—a social jurisdictional

body—examines labour disputes, it has to be enlarged by two delegated members, of whom one is appointed by the management of the unit and the other by the trade-union committee. Similarly, in disputes in which the question at issue does not involve more than 1,000 lei, the trade union committee can request a review of the judgement commission's decision, which remains final at that level (Act No. 59/1968, art. 7, re-promulgated in 1973).

234. The trade unions are also responsible for organizing the cultural, artistic and sports activities of units, utilizing for that purpose their own resources and the means at the unit's disposal; they concern themselves with the efficient organization and judicious utilization of workers' leisure time, collaborating closely with other public organizations and specialized bodies (Labour Code, art. 166).

235. It is within this framework, as well as that of the General Federation of Trade Unions, that many trade-union artistic groups have developed.

236. The leaders of the socialist units have an obligation to support the activities of trade unions by providing the material conditions for the proper performance of those activities. They also have a duty to examine and decide on proposals by trade-union bodies which seek to improve the activity of the units and the working and living conditions of the workers (*ibid.*, art. 170).

### Article 23

237. The equality of rights between men and women is widely reflected in the provisions of the Family Code. Article 1 of the Code states that the basis of the family is marriage entered into with the free consent of the spouses; men and women have equal rights in relations between the spouses and in the exercise of rights with regard to children. The Code further provides that men and women have equal rights in marriage (art. 25) and that the spouses take decisions jointly on all questions concerning the marriage (art. 26).

238. Similarly, the Code establishes the obligation of the spouses to contribute, according to the means of each, to the expenses of the marriage (art. 29); the common ownership of property, regarded as common property that is acquired by either spouse during the marriage, the property being administered and utilized jointly by the spouses who dispose of it in the same manner (arts. 30 and 35, para. 1); equal rights and duties of both parents towards their minor children, without any distinction based on whether they were born out of wedlock, were born within the marriage or were adopted (art. 97, para. 1); adoption by the parents by mutual consent of measures relating to the person and property of the children (art. 98, para. 1).

239. The measures laid down by Romanian legislation with a view to helping working mothers are set out in paras. 73-79 above.

240. In accordance with article 5 of Act No. 25/1969 relating to the situation of foreigners in Romania, the legal provisions concerning domicile and residence established for Romanian citizens also apply in an equivalent manner to foreigners, without any distinction as to whether or not they are married to Romanian citi-

zens. The manner in which the provisions are applied to foreigners is set out in articles 5-22 of the Act.

241. Under Romanian legislation, one of the conditions that must be fulfilled for Romanian citizenship to be granted to a foreigner relates to the length of time that person has been domiciled in the territory of Romania: three years for a foreign citizen with a Romanian spouse and five years in other cases. For the other conditions, no distinction is made.

242. A person is also considered a Romanian citizen by birth if he (a) is born in Romanian territory, even if only one of his parents is a Romanian citizen; and (b) is born abroad and both parents or only one of them has Romanian citizenship.

243. Under the law, adultery has no legal effects on the children. Children born of adulterine relationships have the status of children born out of wedlock (see para. 245 below).

244. Adultery is defined and punished by the Penal Code without any distinction between women and men. Under article 304 of the Code, a married person who engages in extramarital sexual relations is punishable by imprisonment for one to six months, criminal action being initiated by complaint brought by the innocent spouse.

### Article 24

245. The law makes no distinction between the legal status of children born out of wedlock and those born within a marriage. Article 63 of the Family Code states the following:

A child who is born out of wedlock and whose relationship has been established by recognition or by judicial decision enjoys, in respect of his parent and his family relationship, the same legal situation as that of a child born within a marriage.

246. In Romania, the State has adopted many measures relating to the upbringing of children.

247. A large network of day-nurseries and kindergartens has been set up to provide free medical care, teaching and education for children.

248. The general expenses of day-nurseries and kindergartens are covered primarily by funds allocated from the State budget and from the resources of socialist units (funds for social activities, participation in profits, for bonuses); food costs and certain maintenance and operating expenses are met by contributions from parents, at reduced rates, according to their income (Decree No. 65/1982, arts. 4 and 6, relating to the organization of day-nurseries and kindergartens and the establishment of parents' contributions for the children enrolled).

249. The children accepted in day-nurseries and kindergartens are primarily those whose mothers are working or pursuing studies (*ibid.*, art. 9). Day-nurseries and kindergartens may also accept children of foreign citizens temporarily resident in Romania (art. 10).

250. The number of children in day-nurseries and kindergartens is now 936,000 as compared with 84,000 in 1975.

251. The State budget allocates about 6,000 lei annually for the care of one child in a day-nursery, 2,417 lei for a child of pre-school age in a kindergarten, 2,100

lei for a pupil in a primary or junior secondary school, 4,049 lei for a pupil in a senior secondary school and 12,253 lei for a student.

252. The State has also organized pre-school education which, like all education, is free. Its purpose is to help to stimulate the child's mind and understanding, and to promote his harmonious development and assimilation of the knowledge necessary for his preparation for school (Educational Act No. 28/1978, art. 24).

253. Pre-school education is organized for children between three and six years of age and is provided in kindergartens, with a daily programme of four to six hours; it is also possible to organize kindergartens with a longer programme or with a weekly programme (*ibid.*, art. 25).

254. State allowances for children have been established (current regulations contained in Decree No. 246/1977) as a form of material assistance granted to the family to ensure the children's upbringing. Child allowances are granted monthly in amounts differentiated according to the number of children maintained by the family, the income of the recipient of the allocation and whether he is domiciled in an urban or rural environment. Persons receiving State allowances for children are obliged to use them exclusively for their upbringing (Decree No. 246/1977, arts. 1 and 2).

255. Funds for State children's allowances, which amounted to 7.4 billion lei in 1975 have now risen to 11 billion lei. The sums which have become available following reductions in military expenditure are intended to be used to increase these allowances.

256. In addition, in accordance with Decree No. 197/1977, separate cash subsidies are given to mothers who are caring for five or more children, according to their number; mothers who give birth to a third child receive a fixed benefit and a further benefit for any child born subsequently. The subsidies granted to the wives of men performing military service who have children under eight years of age or who are pregnant have been increased.

257. Similarly, special protection has been organized for certain categories of minors (Act No. 3/1970 relating to the protection of certain categories of minors). Such protection is granted to children whose parents have died and who have no other person under obligation to provide for their maintenance, to handicapped persons requiring special care, to children whose physical, moral or intellectual development and health are endangered in their family, and children who have committed criminal offences while not subject to criminal liability (art. 1).

258. As forms of protection, the law provides for placement in a family, the child being entrusted to a family or a person who receives an allowance for his maintenance. If the application of this measure is not possible, the children are entrusted to homes for children up to the age of three years, homes for children of pre-school and school age, schools or homes for handicapped persons, etc. (arts. 2 and 5).

259. Adoption—regulated by articles 66-85 of the Family Code—confers on the adopted child in respect of the adoptive parent the same rights and obligations as

those of a child born within a marriage towards his parents; the adoptive parent assumes parental obligations.

## Article 25

260. The opportunity guaranteed by the law to all citizens to participate in the election of representative bodies of State power is regulated by the provisions of the Constitution, reproduced in the initial report (CCPR/C/1/Add.33), under article 25, and by those of the Electoral Act (No. 67/1974, re-promulgated in 1979).

261. The right to elect is an equal and universal right in the sense that all Romanian citizens may exercise it if they have reached the age of 18, are not insane or mentally deficient, have not been deprived of legal capacity and have not been sentenced by a final judgement to temporary loss of electoral rights (Act No. 67/1974, art. 4).

262. In accordance with the provisions of the Constitution and the Electoral Act, all Romanian citizens who have the right to vote and have reached the age of 23 have the right to be elected.

263. Citizens having the right to vote are inscribed on the lists of electors compiled, in accordance with the law, by the committees or bureaux of the people's councils. Electors are listed according to domicile within each constituency. They are displayed 30 days before the day of the vote. Citizens who note errors in the lists have the right to submit complaints to the body which compiled them; this body is obliged to rectify them within three days. If the action taken is not considered satisfactory, the person in question may complain to the justice of the peace, who is required to make a final ruling within three days (*ibid.*, arts. 17 and 21).

264. Following the posting by the district electoral commission of the names of the final candidates, voters have the right to submit, within the conditions laid down by law, complaints against the admission or rejection of a given candidature; such complaints are resolved by the constituency electoral commissions (art. 22).

265. Candidates are nominated by the Socialist Unity and Democracy Front for each electoral constituency, within the framework of electoral assemblies, organized in enterprises and socialist economic organizations, socio-cultural institutions, districts and villages. Submission of a candidature must be accompanied or followed by a statement of acceptance by the candidate.

266. Following verification of the candidates' fulfilment of the legal conditions and the validity of the report on the submission of candidatures, the electoral commission takes measures to ensure that the candidatures submitted are brought to the attention of the public by appropriate means. There may be two or even three candidates for the office of deputy.

267. With regard to secrecy of the ballot, Act No. 67/1974 provides that the voter casts his vote in a polling room or booth in which no other person may be present (arts. 71 and 72).

268. Similarly, on election day, the chairman of the electoral commission of the constituency, in the presence of other members of the commission, checks the ballot boxes and seals them; after the elections they are

opened, in accordance with a similar procedure (arts. 68 and 78).

269. In order to ensure the unrestricted exercise of the right to elect and to be elected, the Electoral Act of the Socialist Republic of Romania also contains provisions of a penal nature. For example, article 105 provides that anyone who has prevented by any means the free exercise of the right to elect and to be elected or who has falsified, by any means, the electoral proceedings or the results of voting shall be liable to imprisonment for six months to five years and to suspension of certain rights.

270. The constitutional principles and the provisions of the Electoral Act (No. 67/1974) guarantee the equality of rights of all citizens with regard to the elections of deputies and, in that connection, adequate representation of the co-inhabiting nationalities in the supreme body of State power.

271. Thus, in the 1980-1985 term of office of the Grand National Assembly, the co-inhabiting nationalities accounted for 10 per cent of the total number of deputies (37 out of 369). Of those deputies, 29 (7.5 per cent) were Hungarian and 6 (2.5 per cent) were of other nationalities.

272. In the development of the Romanian Socialist State, alongside the growth of the role of the representative bodies, there has been increasing use of forms of direct participation by the citizens in the management of State affairs and in the adoption of decisions at all levels.

273. Among the main forms of direct participation in the management of national life and the life of the State, mention may be made of the following:

(a) Consultation of the masses on the preparation of legislation and other normative acts and on important problems regarding the economic and social development of the country, departments and communities;

(b) Public debate on the most important bills and draft decisions, prior to their submission for adoption by the competent State bodies, with a view to improvement through proposals by citizens, so that they will be more consistent with their needs and interests;

(c) Participation by workers in the leadership of socialist units in order to bring about economic and financial self-management by the workers, creating for that purpose, as collective management bodies, State socialist units, workers' councils, which consist of at least 75 per cent of workers and supervisors directly involved in production and which resolve current problems affecting their activities, as well as general assemblies and management forums which discuss and take decisions on all fundamental problems relating to the development of production and the steady improvement of the living conditions of persons working in the respective units; with regard to agriculture, there are also, with similar functions, management councils of agricultural production co-operatives, as well as general assemblies of co-operative farmers;

(d) Institutionalization of new national forums of democratic leadership, which meet periodically, as well as the congress of councils of workers in industry, construction and transport, the farming congress, the con-

gress of people's councils, the congress of political education and socialist culture, and the congress on education; all these gatherings ensure the broad participation at the national level of the working masses in the discussion and adoption of the most important decisions concerning the country's economic and social development;

(e) The establishment of new democratic bodies of a permanent nature, such as the National Council of Workers in Industry, Construction and Transport, the National Council on Agriculture, and the Legislative Chamber of People's Councils, consisting of State supervisory personnel, and representatives of workers directly involved in production and high level specialists;

(f) Periodic consultations in various fields, which take place at the country or department level with executive staff from industry, agriculture, the construction industry, foreign trade, etc.;

(g) Broad involvement of all categories of citizens in activities relating to the administration and best possible utilization of the means provided by society, within the framework of the social supervision of State units and co-operatives, health units, provision of services to the population, and social support and jurisdictional bodies, in order to achieve the social, cultural and economic objectives, for the defence of the system of law and legality.

274. Romanian legislation has established no conditions for the recruitment of an employee other than those connected with his training and occupational qualifications and the requirements of the unit concerned. In certain areas, there are particular requirements relating to the reputation and moral conduct of the person in question.

275. Under article 18, paragraph 1, of the Constitution, each citizen is guaranteed the possibility of undertaking, in accordance with his qualifications, activities in the economic, administrative, social and cultural fields.

276. The Labour Code (art. 62, para. 2) provides that the recruitment of an employee by a State socialist unit shall be carried out in accordance with the requirements of the unit, with due regard for the qualifications, vocational training and preferences of the person concerned, together with his capacity to satisfy other requirements specific to the work he is to carry out, in the circumstances provided for by the law.

277. Article 1, paragraph 2, of Act No. 12/1971 on the recruitment and promotion of persons employed by the State socialist units provides that every citizen may choose his work place, recruitment being carried out in accordance with his training and occupational qualifications and the requirements of society and the collective in which he is employed.

#### Article 26

278. See paragraphs 35-39, 49-53, 104 and 111-119 of the present report.

### Article 27

279. Romania is a unitary national State, in which Romanians represent 89.1 per cent of the population. According to the "Statistical Yearbook", of the total population of 21,559,910 recorded in the 1977 census, the co-inhabiting nationalities numbered 2,352,419, or 10.9 per cent, comprising: Hungarians (7.7 per cent), Germans (1.5 per cent), Gypsies (0.4 per cent), Ukrainians (0.3 per cent), Serbo-Croats (0.2 per cent), Jews (0.1 per cent) and less than 0.1 per cent for each of several other nationalities (Russians, Tartars, Slovaks and Turks).

280. It should be remembered that, in the historical context, the Romanian citizens of other nationalities who are currently living in Romania stem from the age-old development of the peoples in this part of Europe (a phenomenon which, indeed, is quite general throughout the world), which resulted from several causes, the main ones being movements of immigration into Romanian territory by population groups from other continents and areas, the occupation of certain parts of Romanian territory by foreign Powers, and the settlement and exploitation of a population group by forcible colonization. The settlement of population groups belonging to the co-inhabiting nationalities began towards the end of the first millenium A.D., when the process of forming the Romanian people had already been completed, and took place in stages, each of which had its own specific characteristics.

281. As regards the legal status of the co-inhabiting nationalities, its main features are the guarantee that their rights are fully equal to those of all other citizens of the country, and their right to use their mother tongue and develop their own culture.

282. As for equality of rights, this is fully guaranteed by both the Constitution (art. 17) and ordinary legislation, as has already been shown in connection with article 2 of the Covenant. We might also add, by way of example, the following provisions: Act No. 56/1968 on the organization and functioning of the people's councils (re-promulgated in 1976) provides that these councils guarantee to all citizens regardless of nationality, full equality of rights in all sectors of economic, political, legal, social and cultural life (art. 6, para. 1). To that end, in administrative and territorial units inhabited also by non-Romanian nationalities, workers of such nationalities are among those elected to local organs of State power and local organs of State administration (art. 6, para. 2). Moreover, the people's councils, which base their activities upon the principles of socialist democracy, must ensure the direct participation of all citizens, without distinction as to nationality, race, sex or religion, in the implementation of decisions and measures adopted (art. 4, para. 1).

283. In accordance with article 105 of Act No. 28/1978 on education and tuition:

The young people of the co-inhabiting nationalities shall be guaranteed equal conditions of education in all forms of teaching institution and shall be assigned to any work place, in accordance with the needs of the economy and of social activity, their training and their qualifications.

284. In fact, the participation of all citizens belonging to the co-inhabiting nationalities in all sectors of

economic, political, social and cultural activity is guaranteed. For example, as has already been mentioned in connection with article 25 of the Covenant, 37 of the 369 deputies in the Grand National Assembly—or 10 per cent of the total—are members of the co-inhabiting nationalities.

285. There are councils of workers belonging to the co-inhabiting nationalities in Romania which are designed to contribute to the active participation of these nationalities in the whole economic, political and cultural life of the country and which belong to the Socialist Unity and Democracy Front. There are such councils for Hungarian, German, Serbian and Ukrainian workers.

286. With regard to the other rights of the co-inhabiting nationalities, the following guarantees are set forth in articles 22 and 109 of the Constitution, which read:

*Art. 22.* In the Socialist Republic of Romania, the co-inhabiting nationalities are assured the right freely to use their mother tongue and also to have books, newspapers, magazines, theatres and education at all levels in their own language. In administrative and territorial units inhabited also by a population of other than Romanian nationality, all organs and institutions shall also use the written and spoken language of the nationality concerned and shall appoint officials of that nationality or other citizens who know the language and way of life of the local population.

*Art. 109.* In the Socialist Republic of Romania, the Romanian language is used during legal proceedings but, in administrative and territorial units inhabited also by a population of other than Romanian nationality, use of the mother tongue of that population shall be guaranteed.

Parties who do not speak the language in which the legal proceedings are being conducted are given the opportunity to take cognizance of the documents in the case and have the right to address the court and submit pleas in their mother tongue through a translator.

These provisions of the Constitution are developed by various bodies of legislation.

287. Article 6, paragraph 2, of Act No. 56/1968 relating to the organization and functioning of the people's councils provides that, in administrative units inhabited also by non-Romanian nationalities:

The local organs shall also use the written and spoken language of the nationality concerned and shall appoint officials of that nationality or other citizens who know the language and way of life of the local population.

Article 21, paragraph 5, article 24, paragraph 2, and article 38 of Act No. 56/1968 provide that, in such administrative units, the mother tongue of the non-Romanian nationality shall be used in discussions; decisions of the people's councils having the force of regulations, other important decisions, and decisions having the force of regulations of the committees or executive bureaux shall also be brought to the attention of the citizens in the language of the nationality in question.

288. Decree No. 468/1971 relating to measures to improve the application and dissemination of the laws specifies that special attention shall be paid to the dissemination of the law in the languages of the co-inhabiting nationalities, in the departments where such nationalities live alongside Romanians.

289. As for the guarantee that the mother tongues of the co-inhabiting nationalities will be used in legal proceedings, the provisions of article 109 of the Constitution have been applied and developed by Act No. 58/1968 relating to the organization of the judiciary (art. 8, paras. 2 and 3), the Code of Criminal Procedure

(arts. 7, 8 and 128) and the Code of Civil Procedure (art. 142).

290. The co-inhabiting nationalities are guaranteed, in accordance with the provisions of the Constitution, free use of their mother tongue in education and the opportunity of studying in depth the language in question (Act No. 28/1978 relating to education and tuition, art. 4, para. 2).

291. In administrative and territorial units inhabited also by non-Romanian nationalities, educational units, sections, classes or groups are organized with tuition also in the language of the nationality concerned (art. 106).

292. To enable the young people of the co-inhabiting nationalities to play a vigorous part in the whole political, social and cultural activity of the country, they are given the opportunity to learn the Romanian language by studying it at primary and secondary schools, in which tuition is given in the languages of the co-inhabiting nationalities; certain subjects may be taught in Romanian (art. 107).

293. Parents or young people belonging to the co-inhabiting nationalities may opt for registration in an educational unit where tuition is given in the language of the respective nationality or in a Romanian-language unit; in the latter case they can, on request, study the language of the nationality concerned (art. 108).

294. In the entrance examination, candidates belonging to the co-inhabiting nationalities are entitled to be tested in the language of their nationality on the subjects they have studied in that language (art. 109).

295. To ensure the proper development of education in the languages of the co-inhabiting nationalities, the Ministry of Education and Teaching ensures that teaching staff are trained and fully qualified and that the necessary school books and other materials are provided (art. 110).

296. As for the application of these provisions, in the school year 1982/83, out of a total of 13,282 kindergartens, 1,385 were operating in the languages of the co-inhabiting nationalities (1,074 in Hungarian, 275 in German and 36 in other languages). In these pre-school units, there were 70,447 children and 2,648 teachers belonging to these nationalities out of totals of 902,608 and 34,955, respectively.

297. In primary and secondary education, there were 1,690 units and sections teaching in the languages of the co-inhabiting nationalities (out of a total of 14,367), comprising 1,307 teaching in Hungarian, 324 in German and 59 in other languages, with 216,255 pupils in all and 11,327 teachers belonging to these nationalities.

298. In senior secondary schools, there were 447 units and sections teaching in the languages of the co-inhabiting nationalities (373 in Hungarian, 65 in German and 9 in other languages) out of a total number of 1,391 schools in that category. There were 54,600 students studying in the languages of the co-inhabiting nationalities (out of a total of 1,205,158 pupils) and 1,836 teachers belonging to these nationalities (out of a total of 47,079).

299. Over the last five school years (1977/78-1982/83, the number of children and pupils registered in the various educational establishments using the languages of the co-inhabiting nationalities increased by 23,500.

300. Out of a total of 555 school books published in the languages of the co-inhabiting nationalities (which the pupils receive free of charge), there are 191 in Hungarian, 123 in German and 241 in the languages of the other nationalities (Serbo-Croat, Slovak, Ukrainian, Greek, Czech, Polish, Bulgarian and Turkish).

301. In the 44 institutions of higher education in Romania during the academic year 1982/83, there were 11,996 students belonging to the co-inhabiting nationalities, comprising 8,900 Hungarians, 2,095 Germans, 371 Serbs and 630 of other nationalities.

302. The distribution by field of study was as follows: 61.3 per cent engaged in technical studies, 13.8 per cent studying medicine, 6.4 per cent studying agricultural subjects and 1.8 per cent studying arts subjects. This distribution corresponds by and large to the distribution for Romanian students.

303. The entrance examination for any institution of higher education in Romania can be taken in a language of the co-inhabiting nationalities.

304. During the 1980/81 academic year, there were 1,228 lecturers belonging to the co-inhabiting nationalities (710 Hungarians, 206 Germans and 312 of other nationalities). Of the senior staff, there were 67 belonging to those nationalities, namely, 6 vice-rectors, 10 deans, 8 vice-deans and 39 professors, 63.7 per cent of whom were Hungarians.

305. As for publications and the cultural life of the co-inhabiting nationalities, it may be mentioned in the first place that 52 newspapers and periodicals are published in their languages (32 in Hungarian, 8 in German, 3 in Serbian, 1 in Ukrainian, 1 in Armenian and 7 in other languages). The total number of copies of these publications printed in 1983 was 100,322,733 (82,298,954 for publications in Hungarian, 17,475,787 in German, 168,710 in Serbian, 37,500 in Ukrainian, 8,917 in Armenian and 332,582 for publications in two or more languages).

306. Romanian television (Bucharest) broadcasts weekly programmes in Hungarian and German. On radio, there are Hungarian programmes (from the studios in Bucharest, Cluj-Napoca and Tirgu Mures), German programmes (from the studios in Bucharest and Timisoara) and Serbian programmes (from the Timisoara studio).

307. The publishing system includes the Kriterion publishing house, which devotes itself entirely to books in the languages of the co-inhabiting nationalities. Books in these languages are also published by 10 other publishing houses which specialize in literature, political, scientific and technical books, children's books and other areas. In 1983, 301 titles were published in the languages of the co-inhabiting nationalities, with a print-run of 3,111,000 copies, 212 titles being in Hungarian (print-run: 2,796,000 copies), 64 in German (201,000 copies) and 25 in other languages (14,000 copies).

308. Of the 1,300 or so members of the Writers' Union, 150 are Hungarian, about 40 are German while 30 are of other nationalities.

309. There are nine theatres in Romania with sections in the Hungarian and German languages and a Hungarian-language opera house. They are distributed as follows: there are Hungarian-language theatres at Cluj-Napoca, Sfintu-Gheorghe and Timisoara, the Hungarian-language opera house being at Cluj-Napoca. There are Hungarian sections in the national theatres at Tirgu Mures, Satu-Mare and Oradea and in the puppet theatres at Cluj-Napoca, Oradea and Tirgu Mures. There is a German-language theatre at Timisoara and German-language sections in the national theatre and puppet theatre at Sibiu. There is a Jewish theatre in Bucharest.

310. There is a Hungarian-language Institute of Dramatic Art at Tirgu Mures as well as the "Muresul" troupe, which presents Romanian, Hungarian and German folklore programmes.

311. In the course of the 1983/1984 musical season, the works of nine Hungarian composers and one German composer were introduced, while many musicians of these nationalities take part in national festivals, competitions and musical weeks.

312. Of the 350 or so members of the Composers' Union, more than 80 belong to the co-inhabiting nationalities.

313. There are many Hungarian and German painters and sculptors in the artistic life of the country who hold exhibitions and who are responsible for monuments located in various towns. Of the 1,700 or so members of the Plastic Artists' Union, more than 300 belong to the co-inhabiting nationalities.

314. The co-inhabiting nationalities have many cultural clubs and centres as well as writers' associations comprising culturally creative groups and circles. In Bucharest, there are two active cultural centres—"Petöfi Sándor" and "Friedrich Schiller"—which have very varied programmes. In them are organized large numbers of symposia, round tables, concerts, exhibitions and debates in

which scientific, cultural and artistic personalities of Romanian, Hungarian and German nationality take part.

315. During the 1982/83 academic year, the people's universities (which are sponsored by the local cultural committees of the Cultural Council) organized courses in the languages of the co-inhabiting nationalities; these courses were followed by 828,483 persons.

316. Romania is steadily developing its national economy as a whole and, within that framework, has a policy of balanced development of all departments, areas and localities, including those in which members of the co-inhabiting nationalities are living as well as Romanians. Particular attention is paid to the departments that were kept in a state of underdevelopment before 1944.

317. If we take, for example, certain departments in this category where large numbers of citizens belonging to the co-inhabiting nationalities live, we note that over the period 1965-1981 investment increased by almost 1,400 per cent in the department of Covasna, by about 620 per cent in the department of Harghita and by 690 per cent in the department of Satu-Mare. For the economy as a whole, investment increased about fivefold during the same period.

318. The annual growth rate of industrial production over the period 1976-1980 was 9.5 per cent for the country as a whole, whereas it was 17.7 per cent in the department of Covasna and 11.9 per cent in the department of Harghita.

319. In 1981, overall industrial production increased by 760 per cent, as compared with 1965, in the department of Covasna, 610 per cent in the department of Satu-Mare and 540 per cent in the department of Harghita. For the country as a whole, it increased fivefold over the same period.

320. As for housing construction, from 1976 to 1980 the number of apartments made available to owners and tenants increased by 41 per cent in the country as a whole. It increased by 105 per cent in the department of Covasna, by almost 70 per cent in the department of Harghita and by 55 per cent in the department of Satu-Mare.