

Romania: new authorities urged to strengthen human rights protection

Following recent elections in Romania, Amnesty International appealed to the new Romanian authorities to place human rights concerns at the forefront of their policies. “ At this vital juncture for Romania’s future, we urge you to commit yourselves personally, and the state authorities you represent publicly, to strengthening human rights protection and to promoting respect for the rights of all in Romania, regardless of race, ethnic background, gender, political beliefs and other individual differences,” states Amnesty International’s open letter to the President, the government and members of parliament.

On numerous occasions in the past the Romanian authorities have assured Amnesty International of their commitment fully to observe and ensure respect for human rights. However, the Romanian Government often failed to reflect this commitment in practice, particularly in the legislative field. The outcome of the recently completed Penal Code reform is an example of this failure. A number of the adopted amendments, if enforced, would lead to violations of the rights to freedom from discrimination, freedom of expression and freedom of peaceful assembly and association. Amnesty International urged the Romanian Government to revise and make consistent with international human rights standards, the following provisions of the Penal Code: **Article 168** - prohibiting dissemination of false news; **Article 200**, paragraphs 1 and 5, - prohibiting homosexual acts “resulting in public scandal”, as well as the formation of associations promoting homosexuality; **Article 236** prohibiting defamation of the state and nations; **Article 238**, paragraph 1, and **Article 239**, paragraph 1, prohibiting defamation of public officials.

On 25 October 1996 a municipal court in Bucharest sentenced Sorin Ro_ca St_nescu and Tana Ardeleanu to one year’s and 14 months’ imprisonment respectively for publishing articles claiming that the President of Romania is “a KGB agent”. Article 238, paragraph 1, under which the two journalists were sentenced, is retained in the same form in the amended Penal Code. In order to protect their reputations, public officials who consider themselves defamed should, Amnesty International believes, resort to legal actions which are available to anyone, regardless of status or function. “However, such actions should not be used to stifle criticism of state authorities or to intimidate those who voice legitimate concerns about the actions or practices of state authorities,” the organization said. Should the two journalists be imprisoned, Amnesty International would consider them to be prisoners of conscience and call for their release.

Amnesty International also urged the Romanian authorities to revise a number of other laws. Certain provisions of **Law number 46/1996** Concerning the Preparation of the Population for Defence, are at variance with internationally recognized principles on conscientious objection to military service. This law provides for an alternative service only for those individuals who on religious grounds refuse to perform armed military service. The alternative service is envisaged to last 24 months, twice the length of ordinary military service. Amnesty International believes that conscientious objection to military service arises not only from religious but also from ethical, moral, humanitarian, philosophical, political or other similar motives. “The length of alternative civilian service should not be such as to constitute a punishment for a person's conscientiously held convictions,” the organization said.

Law number 3/1970 Concerning the Protection Regime of Certain Categories of Minors allows police to keep minors suspected of a criminal offence in custody for up to 30 days. It does not define the procedures to be followed by police officers who take minors into custody; places no obligations on officers to inform parents or guardians of this measure; and imposes no restrictions on the police to question minors held in such custody. Nor do parents or guardians have the right to an effective appeal of the police decision to detain a minor. In October 1996 Amnesty International published a report, *Romania: Ill-treatment of minors: Gheorghe Notar Jr, Ioan Ötvös and Rupi Stoica*, describing how police officers in Târgu-Mureş ill-treated three Roma minors and held them in custody for five days.

Law number 26/1994 on the Organization and Functioning of the Romanian Police, permits police officers to use firearms “to apprehend a suspect who is caught in the act and attempts to escape without obeying an order to stay at the scene of the crime”. Amnesty International called for a legislative revision of this law so that it conforms to UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. The organization is concerned about the increasing number of incidents in which police have shot at unarmed people who were not suspected of particularly serious crimes and who did not endanger the lives of the police officers involved or anyone else.

Law number 15/1996 Concerning the Status and Regime of Refugees in Romania, which was promulgated in April 1996, is another legislative act which does not comply with international standards. This assessment is supported by the office of the United Nations High Commissioner for Refugees in Romania. Amnesty International has documented recent cases of the *refoulement* or threatened *refoulement* of asylum-seekers. In March 1996 an asylum-seeker was forcibly returned from Otopeni Airport, where he had been detained, to Syria where he was immediately arrested and reportedly tortured.

Finally, Amnesty International also urged the Romanian authorities to review and implement extensive recommendations made by the organization in its report *Romania: Broken commitments to human rights*, published in May 1995. These recommendations concern legislative and judicial reforms, the investigation of allegations of torture and other ill-treatment by law enforcement officers as well as the effective protection of Roma from racist violence.

N.B. This paper summarizes an open letter addressed by Amnesty International to the Romanian President, the Government and Members of Parliament (AI Index : EUR 39/22/96).