

Constitution of Romania

Title I: General principles

Article 1: *Romanian State*

1. Romania is a sovereign, independent, unitary and indivisible National State.
2. The form of government of the Romanian State is a Republic.
3. Romania is a democratic and social state, governed by the rule of law, in which human dignity, the citizens' rights and freedoms, the free development of human personality, justice and political pluralism represent supreme values, in the spirit of the democratic traditions of the Romanian people and the ideals of the Revolution of December 1989, and shall be guaranteed.
4. The State shall be organized based on the principle of the separation and balance of powers -legislative, executive, and judicial - within the framework of constitutional democracy.
5. In Romania, the observance of the Constitution, its supremacy and the laws shall be mandatory.

Article 2: *Sovereignty*

1. The national sovereignty shall reside within the Romanian people, that shall exercise it by means of their representative bodies, resulting from free, periodical and fair elections, as well as by referendum.
2. No group or person may exercise sovereignty in one's own name.

Article 3: *Territory*

1. The territory of Romania is inalienable.
2. The frontiers of the country are sanctioned by an organic law, with the observance of the principles and other generally recognized regulations of international law.
3. The territory is organized administratively into communes, towns and counties. Some towns are declared municipalities, according to the provisions of the law.
4. No foreign populations may be displaced or colonized on the territory of the Romanian State.

Article 4: *Unity of the people and equality among citizens*

1. The State foundation is laid on the unity of the Romanian people and the solidarity of its citizens.
2. Romania is the common and indivisible homeland of all its citizens, without any discrimination on account of race, nationality, ethnic origin, language, religion, sex, opinion, political adherence, property or social origin.

Article 5: *Citizenship*

1. Romanian citizenship can be acquired, retained or lost as provided by the organic law.
2. Romanian citizenship cannot be withdrawn if acquired by birth.

Article 6: *Right to identity*

1. The State recognizes and guarantees the right of persons belonging to national minorities to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity.
2. The protection measures taken by the Romanian State for the preservation, development and expression of identity of the persons belonging to national minorities shall conform to the principles of equality and non-discrimination in relation to the other Romanian citizens.

Article 7: *Romanians living abroad*

The State shall support the strengthening of links with the Romanians living abroad and shall act accordingly for the preservation, development and expression of their ethnic, cultural, linguistic and religious identity, with the observance of the legislation of the State whose citizens they are.

Article 8: *Pluralism and political parties*

1. Pluralism in the Romanian society is a condition and guarantee of constitutional democracy.
2. Political parties shall be constituted and shall pursue their activities in accordance with the law. They contribute to the definition and expression of the political will of the citizens, while observing national sovereignty, territorial integrity, the legal order and the principles of democracy.

Article 9: *Trade unions, employers' associations, and vocational associations*

Trade unions, employers' associations, and vocational associations shall be established and shall carry out their activity according to their statutes, according to the law. They shall contribute to the protection of rights and the promotion of their members' vocational, economic, and social interests.

Article 10: *International relations*

Romania fosters and develops peaceful relations with all the states, and, in this context, good neighbourly relations, based on the principles and other generally recognized provisions of international law.

Article 11: *International law and national law*

1. The Romanian State pledges to fulfil as such and in good faith its obligations as deriving from the treaties it is a party to.
2. Treaties ratified by Parliament, according to the law, are part of national law.
3. If a treaty Romania is to become a party to comprises provisions contrary to the Constitution, its ratification shall only take place after the revision of the Constitution.

Article 12: *National symbols*

1. The flag of Romania is tricolour; the colours are arranged vertically in the following order from the flag-pole: blue, yellow, red.
2. The National Day of Romania is the 1st of December.
3. The national anthem of Romania is "Awake, Romanians".
4. The country's coat of arms and the State's seal shall be established by organic laws.

Article 13: *Official language*

In Romania, the official language is Romanian.

Article 14: *Capital*

The Capital of Romania is the Municipality of Bucharest.

Title II: Fundamental rights, freedoms and duties

Chapter I: Common provisions

Article 15: *Universality*

1. All citizens enjoy the rights and freedoms granted to them by the Constitution and other laws, and have the duties laid down thereby.
2. The law shall only act for the future, except for the more favourable criminal or administrative law.

Article 16: *Equality of rights*

1. Citizens are equal before the law and public authorities, without any privilege or discrimination.
2. No one is above the law.
3. Access to public, civil, or military positions or dignities may be granted, according to the law, to persons whose citizenship is Romanian and whose domicile is in Romania. The Romanian State shall guarantee equal opportunities for men and women to occupy such positions and dignities.

4. After Romania's accession to the European Union, the Union's citizens who comply with the requirements of the organic law have the right to elect and be elected to the local public administration bodies.

Article 17: *Romanian citizens while abroad*

Romanian citizens while abroad shall enjoy the protection of the Romanian State and shall be bound to fulfil their duties, with the exception of those incompatible with their absence from the country.

Article 18: *Aliens and stateless persons*

1. Aliens and stateless persons living in Romania shall enjoy general protection of persons and assets, as guaranteed by the Constitution and other laws.
2. The right of asylum shall be granted and withdrawn under the provisions of the law, in compliance with the international treaties and conventions Romania is a party to.

Article 19: *Extradition and expulsion*

1. No Romanian citizen shall be extradited or expelled from Romania.
2. By exemption from the provisions of paragraph (1), Romanian citizens can be extradited based on the international agreements Romania is a party to, according to the law and on a mutual basis.
3. Aliens and stateless persons may be extradited only in compliance with an international convention or in terms of reciprocity.
4. Expulsion or extradition shall be ruled by the court.

Article 20: *International treaties on human rights*

1. Constitutional provisions concerning the citizens' rights and liberties shall be interpreted and enforced in conformity with the Universal Declaration of Human Rights, with the covenants and other treaties Romania is a party to.
2. Where any inconsistencies exist between the covenants and treaties on the fundamental human rights Romania is a party to, and the national laws, the international regulations shall take precedence, unless the Constitution or national laws comprise more favourable provisions.

Article 21: *Free access to justice*

1. Every person is entitled to bring cases before the courts for the defence of his legitimate rights, liberties and interests.
2. The exercise of this right shall not be restricted by any law.
3. All parties shall be entitled to a fair trial and a solution of their cases within a reasonable term.
4. Administrative special jurisdiction is optional and free of charge.

Chapter II: Fundamental rights and freedoms

Article 22: *Right to life, to physical and mental integrity*

1. The right to life, as well as the right to physical and mental integrity of person are guaranteed.
2. No one may be subjected to torture or to any kind of inhuman or degrading punishment or treatment.
3. The death penalty is prohibited.

Article 23: *Individual freedom*

1. Individual freedom and security of a person are inviolable.
2. Search, detainment, or arrest of a person shall be permitted only in the cases and under the procedure provided by law.
3. Detention shall not exceed twenty-four hours.
4. Preventive custody shall be ordered by a judge and only in the course of criminal proceedings.
5. During the criminal proceedings, the preventive custody may only be ordered for 30 days at the most and extended for 30 days at the most each, without the overall length exceeding a reasonable term, and no longer than 180 days.
6. After the lawsuit has begun, the court is bound, according to the law, to check, on a regular basis and no later than 60 days, the lawfulness and grounds of the preventive custody, and to order at once the release of the defendant if the grounds for the preventive custody have ceased to exist or if the court finds there are no new grounds justifying the continuance of the custody.
7. The decisions by a court of law on preventive custody may be subject to the legal proceedings stipulated by the law.
8. Any person detained or arrested shall be promptly informed, in a language he understands, of the grounds for his detention or arrest, and notified of the charges against him, as soon as practicable; the notification of the charges shall be made only in the presence of a lawyer of his own choosing or appointed ex officio.
9. The release of a detained or arrested person shall be mandatory if the reasons for such steps have ceased to exist, as well as under other circumstances stipulated by the law.
10. A person under preventive custody shall have the right to apply for provisional release, under judicial control or on bail.
11. Any person shall be presumed innocent till found guilty by a final decision of the court.
12. Penalties shall be established or applied only in accordance with and on the grounds of the law.
13. The freedom deprivation sanction can only be based on criminal grounds.

Article 24: *Right to defence*

1. The right to defence is guaranteed.
2. All throughout the trial, the parties shall have the right to be assisted by a lawyer of their own choosing or appointed ex officio.

Article 25: *Freedom of movement*

1. The right of free movement within the national territory and abroad is guaranteed. The law shall lay down the conditions for the exercise of this right.
2. Every citizen is guaranteed the right to establish his domicile or residence anywhere in the country, to emigrate, and to return to his country.

Article 26: *Personal and family privacy*

1. The public authorities shall respect and protect the intimate, family and private life.
2. Any natural person has the right to freely dispose of himself unless by this he infringes on the rights and freedoms of others, on public order or morals.

Article 27: *Inviolability of domicile*

1. The domicile and the residence are inviolable. No one shall enter or remain in the domicile or residence of a person without his consent.
2. An exemption from the provisions of paragraph (1) can operate, according to the law, for the following instances:
 - a) carrying into execution a warrant for arrest or a court decree;
 - b) removing a risk to someone's life, physical integrity, or a person's assets;
 - c) defending national security or public order;
 - d) preventing the spread of an epidemic.
3. Searches shall only be ordered by a judge and carried out under the terms and forms stipulated by the law.
3. Searches during the night shall be forbidden, except for crimes in flagrante delicto.

Article 28: *Secrecy of correspondence*

Secrecy of the letters, telegrams and other postal communications, of telephone conversations, and of any other legal means of communication is inviolable.

Article 29: *Freedom of conscience*

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

2. Freedom of conscience is guaranteed; it must be manifested in a spirit of tolerance and mutual respect.
3. All religions shall be free and organized in accordance with their own statutes, under the terms laid down by law.
4. Any forms, means, acts or actions of religious enmity shall be prohibited in the relationships among the cults.
5. Religious cults shall be autonomous from the State and shall enjoy support from it, including the facilitation of religious assistance in the army, in hospitals, prisons, homes and orphanages.
6. Parents or legal tutors have the right to ensure, in accordance with their own convictions, the education of the minor children whose responsibility devolves on them.

Article 30: *Freedom of expression*

1. Freedom of expression of thoughts, opinions, or beliefs, and freedom of any creation, by words, in writing, in pictures, by sounds or other means of communication in public are inviolable.
2. Any censorship shall be prohibited.
3. Freedom of the press also involves the free setting up of publications.
4. No publication shall be suppressed.
5. The law may impose upon the mass media the obligation to make public their financing source.
6. Freedom of expression shall not be prejudicial to the dignity, honour, privacy of a person, and to the right to one's own image.
7. Any defamation of the country and the nation, any instigation to a war of aggression, to national, racial, class or religious hatred, any incitement to discrimination, territorial separatism, or public violence, as well as any obscene conduct contrary to morality shall be prohibited by law.
8. Civil liability for any information or creation made public falls upon the publisher or producer, the author, the producer of the artistic performance, the owner of the copying facilities, radio or television station, under the terms laid down by law. Indictable offences of the press shall be established by law.

Article 31: *Right to information*

1. A person's right of access to any information of public interest shall not be restricted.
2. The public authorities, according to their competence, shall be bound to provide correct information to the citizens in public affairs and matters of personal interest.
3. The right to information shall not be prejudicial to the measures of protection of young people or national security.

4. Public and private media shall be bound to provide correct information to the public opinion.
5. Public radio and television services shall be autonomous. They must guarantee any important social and political group the exercise of the right to broadcasting time. The organization of these services and the parliamentary control over their activity shall be regulated by an organic law.

Article 32: *Right to education*

1. The right to education is provided by the compulsory general education, by education in high schools and vocational schools, by higher education, as well as other forms of instruction and postgraduate improvement.
2. Education at all levels shall be carried out in Romanian. Education may also be carried out in a foreign language of international use, under the terms laid down by law.
3. The right of persons belonging to national minorities to learn their mother tongue, and their right to be educated in this language are guaranteed; the ways to exercise these rights shall be regulated by law.
4. State education shall be free, according to the law. The State shall grant social scholarships to children or young people coming from disadvantaged families and to those institutionalized, as stipulated by the law.
5. Education at all levels shall take place in state, private, or confessional institutions, according to the law.
6. The autonomy of the Universities is guaranteed.
7. The State shall ensure the freedom of religious education, in accordance with the specific requirements of each religious cult. In public schools, religious education is organized and guaranteed by law.

Article 33: *Access to culture*

1. The access to culture is guaranteed under the law.
2. A person's freedom to develop his/her spirituality and to get access to the values of national and universal culture shall not be limited.
3. The State must make sure that spiritual identity is preserved, national culture is supported, arts are stimulated, cultural legacy is protected and preserved, contemporary creativity is developed, and Romania's cultural and artistic values are promoted throughout the world.

Article 34: *Right to protection of health*

1. The right to the protection of health is guaranteed.
2. The State shall be bound to take measures to ensure public hygiene and health.
3. The organization of the medical care and social security system in case of sickness, accidents, maternity and recovery, the control over the exercise of medical professions and paramedical activities, as well as other measures to

protect physical and mental health of a person shall be established according to the law.

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Article 40: *Right of association*

1. Citizens may freely associate into political parties, trade unions, employers' associations, and other forms of association.
2. The political parties or organizations which, by their aims or activity, militate against political pluralism, the principles of a State governed by the rule of law, or against the sovereignty, integrity or independence of Romania shall be unconstitutional.
3. Judges of the Constitutional Court, the advocates of the people, magistrates, active members of the Armed Forces, policemen and other categories of civil servants, established by an organic law, shall not join political parties.
4. Secret associations are prohibited.

Chapter III: Fundamental duties

Article 54: *Faithfulness towards the country*

1. Faithfulness towards the country is sacred.
2. Citizens holding public offices, as well as the military are liable for the loyal fulfilment of the obligations they are bound to, and shall, for this purpose, take the oath as requested by law.

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Title III: Public authorities

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Article 62: *Election of the Chambers*

1. The Chamber of Deputies and the Senate shall be elected by universal, equal, direct, secret and free suffrage, in accordance with the electoral law.
2. Organizations of citizens belonging to national minorities, which fail to obtain the number of votes for representation in Parliament, have the right to one Deputy seat each, under the terms of the electoral law. Citizens of a national minority are entitled to be represented by one organization only.
3. The number of Deputies and Senators shall be established by the electoral law, in proportion to the population of Romania.

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Section 2: Local public administration

Article 120: *Basic principles*

1. The public administration in territorial-administrative units shall be based on the principles of decentralization, local autonomy, and deconcentration of public services.
2. In the territorial-administrative units where citizens belonging to a national minority have a significant weight, provision shall be made for the oral and written use of that national minority's language in the relations with the local public administration authorities and the decentralized public services, under the terms stipulated by the organic law.

Article 121: *Commune and town authorities*

1. The public administration authorities, by which local autonomy in communes and towns is implemented, shall be the Local Councils and Mayors elected, in accordance with the law.
2. The local Councils and Mayors shall act as autonomous administrative authorities and manage public affairs in communes and towns, in accordance with the law.
3. Authorities under paragraph (1) may also be set up in the territorial-administrative subdivisions of municipalities.

Article 122: *County Council*

1. The County Council is the public administration authority coordinating the activity of commune and town councils, with a view to carrying out the public services of county interest.
2. The County Council shall be elected and shall function in accordance with the law.

Article 123: *The Prefect*

1. The Government shall appoint a Prefect in each county and in the Bucharest Municipality.
2. The Prefect is the representative of the Government at a local level and shall direct the decentralized public services of ministries and other bodies of the central public administration in the territorial-administrative units.
3. The powers of the Prefect shall be established by an organic law.

4. Among the Prefects, on the one hand, the Local Councils and the Mayors, as well as the county councils and their presidents, on the other hand, there are no subordination relationships.
5. The Prefect may challenge, in the administrative court, an act of the County Council, of a Local Council, or of a Mayor, in case he deems it unlawful. The act thus challenged shall be suspended de jure.

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Chapter VI: Judicial authority

Section 1: Courts of law

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Article 128: *Use of mother tongue and interpreter in court*

1. The legal procedure shall be conducted in Romanian.
2. Romanian citizens belonging to national minorities have the right to express themselves in their mother tongue before the courts of law, under the terms of the organic law.
3. The ways for exercising the right stipulated under paragraph (2), including the use of interpreters or translations, shall be stipulated so as not to hinder the proper administration of justice and not to involve additional expenses to those interested.
4. Foreign citizens and stateless persons who do not understand or do not speak the Romanian language shall be entitled to take cognizance of all the file papers and proceedings, to speak in court and draw conclusions, by means of an interpreter; in criminal law suits, this right is ensured free of charge.

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Article 152: *Limits of revision*

1. The provisions of this Constitution with regard to the national, independent, unitary and indivisible character of the Romanian State, the republican form of government, territorial integrity, independence of justice, political pluralism and official language shall not be subject to revision.
2. Likewise, no revision shall be made if it results in the suppression of the citizens' fundamental rights and freedoms, or of the safeguards thereof.
3. The Constitution shall not be revised during a state of siege or emergency, or in wartime.

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