



人权理事会
普遍定期审议工作组
第十五届会议
2013年1月21日至2月1日，日内瓦

根据人权理事会第 16/21 号决议附件第 5 段
提交的国家报告*

罗马尼亚

* 本文件接收到的文本翻译印发。文件内容并不意味着联合国秘书处表示任何意见。

一. 方法和协商过程

1. 本报告系根据人权理事会第 5/1 号决议提供的指导意见和 A/HRC/DEC/17/119 号文件所载《准备普遍定期审议资料的一般准则》编写而成。报告集中叙述了自上一次审议以来罗马尼亚人权状况的发展情况及为落实 2008 年第一次普遍定期审议期间收到的建议取得的进展，报告还考虑到 2010 年罗马尼亚提交的中期报告。非政府组织应邀在协商的框架内参与了本报告的起草工作。它们的意见和评论得到了充分考虑。

2. 外交部专家选择并编辑了报告中的资料，资料由罗马尼亚的下列机构提供：司法部、行政管理和内务部、卫生部、劳动、家庭和社会保障部、教育、研究、青年和体育部、区域发展和旅游部、国家司法学院、最高司法委员会、人民律师、宗教派别国务秘书处、族裔关系事务部、全国反歧视委员会、国家广电管理委员会、国家狱政管理署、国家财产归还管理署和国家罗姆人事务署。

二. 保护和增进人权的规范框架方面的发展情况

3. 自 2008 年至今，司法系统进行了大量改革。本报告第三章第 3 节将介绍改革对国家人权立法产生的影响。

4. 同时还通过了一系列规范性法案，以改进适用于司法系统的框架法律(司法系统法规)，巩固司法体制，增强法律行业法规或司法系统相关法规的现代性，提高公民对司法行为的信任度，并提高欧洲伙伴和国际伙伴对罗马尼亚司法活动的质量和可预期性的信任度。

5. 在这方面，可以引述下列法案为例：

- 关于行使高级别公共职能和职责时的廉政问题的第 176/2010 号法，修正了关于国家廉政署的建立、组织和运作的第 144/2007 号法及其他规范性法案，发布于 2010 年 9 月 2 日第 621 号公报。
- 第 36/2011 号法核准了第 59/2009 号政府紧急令，修正了关于法官和检察官条例的第 303/2004 号法，修正并补充了关于最高司法委员会的第 317/2004 号法，发布于 2011 年 3 月 24 日第 204 号公报。
- 关于关闭一些法院及下属检察官办公室的第 148/2011 号法，发布于 2011 年 7 月 19 日第 510 号公报。
- 第 300/2011 号法修正并补充了关于法官和检察官条例的第 303/2004 号法，还修正了关于司法系统组织的第 304/2004 号法第 29 条第 1 款 b) 项，发布于 2011 年 12 月 27 日第 925 号公报。
- 第 63/2012 号法修正了《刑法》和关于《刑法》(扩展没收)的第 286/2009 号法，发布于 2012 年 4 月 19 日第 258 号公报。

- 第 28/2012 号法修正并补充了一些规范性法案，改进为罚没财产或依法成为私人房产的财产估价的做法，发布于 2012 年 3 月 22 日第 189 号公报。
- 第 60/2012 号法核准了第 79/2011 号政府紧急令，规范了使关于《民法》的第 287/2009 号法生效的某些必要措施，发布于 2012 年 4 月 17 日第 255 号公报。
- 第 76/2012 号法执行关于《民事诉讼法》的第 134/2010 号法，发布于 2012 年 5 月 30 日第 365 号公报。
- 第 24/2012 号法修正并补充了关于法官和检察官条例的第 303/2004 号法和关于最高司法委员会的第 317/2004 号法，发布于 2012 年 1 月 23 日第 51 号公报。

三. 保护和增进人权领域的进步

6. 本章述及 2008 年罗马尼亚收到的建议、2008 年至 2012 年的发展变化；除了在罗马尼亚 2010 年提交的**中期报告**中已经介绍的方面，还要对以下问题加以强调。

7. 关于**建议 1**，罗马尼亚通过 2009 年 5 月 7 日第 300 号公报发布的 2009 年 4 月 14 日第 109 号法，批准了《禁止酷刑和其他残忍、不人道或有辱人格的待遇或处罚公约》任择议定书。

8. 罗马尼亚还通过 2010 年 11 月 11 日第 221 号法批准了《残疾人权利公约》，该公约于 2006 年 12 月在纽约由联合国大会通过，2007 年 3 月 30 日开放供签署。2007 年 9 月 26 日，罗马尼亚签署了该公约。

9. 关于**建议 2**，罗马尼亚按照《世界人权宣言》和罗马尼亚为其缔约国的各项公约及其他条约解释并执行关于公民权利和自由的法律条款。根据罗马尼亚《宪法》第 20 条第(2)款，“若罗马尼亚已经加入的关于基本人权的公约和条约与国家法律之间存在差异，以国际规则为准，除非《宪法》或国家法律载有更有利的条款”。该宪法条款保障了对国际标准的尊重和罗马尼亚政府优先使国家立法与国际条款相统一的义务。

A. 平等和免受歧视的保护

10. 关于就一般歧视现象特别是对罗姆人的歧视问题提出的**建议(建议 3、4、5、7、8、9、10 和 11)**，鉴于上一次评价后的进展和 2010 年提交的中期报告，谨强调以下内容。

11. 关于**建议 4、5、7 和 10**, 2011 年底以 1221/2011 号政府令(发布于 2012 年 1 月 4 日第 6 号公报), 通过了“2012-2020 罗马尼亚政府罗姆少数族裔罗马尼亚公民融入战略”。¹

12. 非正规罗姆人定居点依然是罗马尼亚中央和地方政府关注的主要问题, 政府和民间社会做出巨大努力使立法切合实际。目前, 联合国开发计划署正在资助西北地区的一个项目, 旨在有效运用欧盟基金为克卢日地区处境不利的罗姆人建造房屋, 促进他们融入社会。该项目执行期为 6 个月, 将于 2012 年 11 月 15 日结束。

13. 法律禁止在学校隔离罗姆儿童(2007 年 7 月 19 日教育、研究、青年和体育部第 1540 号令, 发布于 2007 年 10 月 11 日第 692 号公报。), 而且这方面已经取得显著进展, 特别是通过欧盟委员会资助的几个项目。非政府组织罗姆人 CRISS 协会(罗姆人社会干预和研究中心)与教育、研究、青年和体育部联合发起的几个欧洲社会基金项目, 有一个正在进行的项目“增加罗姆儿童受教育机会战略步骤”, 其目标之一是 3 年内在国内 4 个区域(西北、中部、东南和布加勒斯特)90 所学校中实行消除隔离计划, 以期落实前文所述教育、研究、青年和体育部命令中的方法。

14. 在教育方面, 国家罗姆人事务署有一项特别举措, 颁布一项政府令核准 2010-2011 学年大学保留的名额。根据这项命令, 保留的名额中将专门为罗姆大学毕业生增加 30 份博士奖学金和 10 份硕士奖学金。他们还能获得欧洲各机构的物质支助和培训。以上所有措施均源自一项战略结构计划“建设和落实与罗姆人问题有关的创新型跨学科博士方案”, 该方案的资金来自“2007-2013 ESF-OPHRD 项目”, 金额为 500 万欧元。

15. 国家罗姆人事务署继续对罗姆人健康调解员给予特别关注。自 2011 年以来, 事务署与欧洲委员会合作执行欧洲罗姆人调解员培训方案——ROMED 方案。欧洲委员会在罗马尼亚启动的这个方案属于 2010 年 10 月 20 日在斯特拉斯堡通过的《宣言》的一部分。²

16. 923 名罗姆人学校调解员接受了培训, 其中 56 人于 2012 年夏受训。另有 220 名学校调解员于 2012 年夏接受了欧洲委员会 ROMED 方案的培训。2011-2012 学年, 全国共聘用学校调解员 437 名。全国各县级学校督察署现有的 42 名学校督察员中有 17 名罗姆人督察员。1999 年至 2012 年间, 1,150 名教师学习了罗姆语课程, 其中 51 人的学习时间是 2012 年夏。2012-2013 学年, 为罗姆申请人保留的大学名额为 555。

17. 2012 年 7 月 31 日, 在采用激励措施后, 劳动力市场中雇佣的罗姆妇女人数为 846 人。

18. 国家罗姆人事务署作为 ROMED 方案的国家联络点, 在实际活动的执行过程中支持协调员, 在 ROMED 方案的监测进程中支持欧洲委员会, 为网络平台

的培训员小组提供投入，以便为组织第二期培训会和在总结会期间对国家活动进行反馈提供便利。

19. 行政管理和内务部制定了几项方案解决无身份证件者的问题，其中有些是罗姆人。例如，2011 年开展了具体活动之后，25,569 名罗姆族公民得到了身份证件，还有 2,534 名罗姆族公民得到了婚姻状况证件。

20. 在国家罗姆人事务署的倡议下，2011 年罗马尼亚全国人口和住房普查期间，普查队中包括(熟悉罗姆语的)罗姆少数民族代表。他们既便利普查队接触有大量罗姆人生活的当地社区，也便利与社区成员进行交流，从而确保了数据的一致性。

21. 在文化领域，国家罗姆人事务署自 2010 年起资助一项新颖的文化活动：首次以罗姆语演出 I. L. Caragiale 的剧作“风暴之夜”。这在罗马尼亚戏剧界绝对是个首创，剧中的全部角色也首次均由罗姆族专业演员扮演。³

22. 关于欧洲社会基金资助的结构性项目，必须提到国家罗姆人事务署作为主要伙伴执行了由 2007-2013 欧洲社会基金人力资源开发业务方案资助的 6 个项目。这 6 个战略项目的执行期为 3 年，总金额为 2,220 万欧元，其中 1,860 余万欧元来自欧洲联盟捐款，360 万欧元来自国家政府捐款。

23. 战略项目在 541 个有大量罗姆人生活的社区得到执行，21 个公共机构和代表组织成为合作伙伴，其中包括 17 个本国伙伴和 4 个来自意大利、西班牙和匈牙利的跨国伙伴。

24. 项目结束时，所有项目均超过了计划指标和目标群体的数目。因此，共有 63,738 人受益于项目活动，而不是资助协议中最初预设的 37,000 人。

25. 除了以上提到的 6 个欧洲社会基金项目，国家罗姆人事务署还与劳动、家庭和社会保障部、各市政府、非政府组织及希腊、葡萄牙和匈牙利的跨国伙伴合作，执行了其他 4 个项目，其中两个是教育项目，另两个是社会融合项目。

26. 与欧洲社会基金项目有关的事项还有，在国家罗姆人事务署的倡议和欧盟委员会的支持下，人力资源开发部门业务方案监测委员会在 2009 年 10 月 22 日的会议期间决定，设立一个技术工作组支助罗姆人获得欧洲社会基金通过 SOP HRD 资助的项目。2011 年 5 月，工作组向 2007-2013 人力资源开发部门业务方案(SOP HRD)提交了第一份关于其组织和活动的报告。2011 年 11 月 24 日的会议上，SOP HRD 监测委员会在一项决定中核准了该工作组的组织和运作章程。工作组的主要任务之一是收集和分析有关面向罗姆人的项目和罗姆社区所面临问题的资料。

27. 于是工作组在 2012 年上半年分析了 103 个处理罗姆人社会融合问题的项目的执行结果，并于 2012 年 6 月 5 日至 6 日举行的人力资源开发业务方案监测委员会会议期间提交了分析结论。

28. 还应加以强调的是，区域发展和旅游部管理以下方案：

(a) 全国基础设施开发方案——由第 105/2010 号政府紧急令核准的公共基础设施投资方案。迄今为止包括 6 个子方案，其中 4 个由区域发展和旅游部管理：

- 10,000 公里县级和地方公路；
- 罗马尼亚村庄的现代化；
- 污水排放和处理系统；
- 地方供水。

(b) 通过国家住房事务署开展为年轻人建造廉租住房的方案。⁴

29. 还应提及的是，根据第 1237/2008 号政府决定的规定，区域发展和旅游部正在开展一项“罗姆社区社会住房”试点方案。该试点方案的目的是执行在罗马尼亚的 8 个开发区建成 300 个社会住房单元的试点项目，项目地点由区域发展和旅游部根据国家罗姆人事务署和地方政府的提议决定。

30. 作为执行上述战略的行动方针，对社会基础设施和住房问题需要采取互补方针，包括发展社会中心，在有大量罗姆人居住的地区提供综合的社会、就业和培训服务。

31. 关于**建议 5**，国家就业事务署采取以积极的社会融合为宗旨的综合方针，促进罗姆人的就业。促进就业措施既包括便利直接获得工作的劳动调解(罗姆人招聘会)，也包括信息和职业咨询、职业培训和社会推广，以解决某些罗姆家庭/社区面临的贫困和社会排斥等方面的问题。

32. 到 2011 年 12 月 31 日为止，有 50,149 名罗姆人接触到积极举措，其中 5,492 人获得就业。国家就业事务署曾预测 2011 年将有 1,057 名罗姆人参加免费培训课程，其中 334 人为妇女。截至 2011 年 12 月底，在报名参加培训课程的 46,687 名失业者中，有 898 名罗姆人。

33. 为了使罗姆人重新就业，2011 年的就业方案中包括第 145 号方案。该方案专为拥有大量罗姆人口的社区设计，预计 2011 年所有寻求就业的罗姆人中将有大约 39%找到工作。该特别方案重点放在专项行动，特别是劳动调解和咨询行动。截至 2011 年 12 月 31 日，已有 2,444 人依靠第 145 号方案成功就业。

34. 2011 年 1 月 5 日通过了第 1/2011 号国家教育法。该法律第 3 条规定了罗马尼亚大学预科教育和高等教育的指导原则。其中包括“……i) 承认和保障属于少数民族者保存、发展和表达其民族、文化、语言和宗教特征的权利的原则；j) 保障机会平等原则；o) 社会融合原则；……”该规范性法案所载条款，如第 12 条和第 85 条规定了面向弱势群体的积极措施和便利。

35. **2011 年**，罗马尼亚警察部门通过具有该领域专门知识的组织，参与了“可完成的任務——多元文化社区中的警察”项目，该项目由罗马尼亚政府通过族裔关系事务部资助，旨在通过鼓励罗姆和匈牙利少数族裔青年加入警察队伍，促进警察部门的民族多样性。

36. 2012年(1月至7月),罗马尼亚警察部门通过具有该领域专门知识的组织参与了以下活动,在比霍尔、克卢日、哈尔吉塔、穆列什和萨图马雷县的26所高中开展关于警校就读机会的宣传活动(与高中生和罗姆人的正式和非正式领袖举行会议),吸引罗姆族和匈牙利族青年从事警察职业。罗马尼亚警察部门还制定并启动了名为“在农村地区,特别是在罗姆社区和其他处于经济和社会弱势的社区推广‘社区利益警察’(近邻警察)观念”的项目。该项目实施时间为2012年5月至2014年5月,期间将有2,400名警务人员就与项目有关的问题接受培训。

37. 全国反歧视委员会还通过其专门机构启动并逐步推行了一系列广泛的项目,这些项目旨在涵盖全国反歧视委员会行动战略中的大部分目标和优先事项。⁵

38. 全国反歧视委员会依据自身权限对歧视案例做出反应。例如,全国反歧视委员会就巴亚马雷市政厅建造隔离墙将主要由罗姆人居住的社会住房与Horea大街和主要机动车道隔离一事发出通知。反歧视委员会认为此墙的建造代表歧视,并处罚款6,000列伊(约1,380欧元)。指导委员会同时建议“拆除隔离墙并采取改善罗姆人的住房条件”。

39. 2007年7月第1540/19号令禁止在学校隔离罗姆儿童并核准了“预防和消除学校隔离罗姆儿童现象的办法”,规定由县学校监察局负责每年报告教育和素质教育的状况。它们要在独立章节中报告消除隔离现象和违反现行规范性法案、民事责任法或刑法的违法行为的计划的执行情况。预防和消除学校中的隔离现象是落实全纳学校原则的先决条件。关于罗马尼亚儿童的其他根本权利,正在建设一个相互依存的国家机构网,每个机构明确负责儿童的一项根本权利。

40. 为了更好地宣传不歧视和平等原则,全国反歧视委员会组织了“不歧视和机会平等问题会议”,会议共有3项目标:发展对于男女之间和不同类别的人之间不歧视和机会平等原则的认知和了解、加强理解和运用客观法律处理不歧视和机会平等问题的能力、激发人们参与消除任何种类的歧视的兴趣。

41. 2011年两次间隔不久的重要监测访问密切了与欧洲委员会的关系:关于《欧洲区域或少数民族语言宪章》适用情况的首次监测访问于3月14日至17日进行,内容包括与所有少数群体组织单独会谈、与中央政府部门代表进行讨论和与特尔古穆列什一个非政府组织的讨论。2012年,族裔关系事务部收到了欧洲委员会关于《语言宪章》在罗马尼亚适用情况的意见。关于《保护少数民族框架公约》在罗马尼亚的执行情况的第2次监测访问于10月17日至21日在布加勒斯特、克卢日和巴亚马雷进行。代表团由顾问委员会成员和欧洲委员会《保护少数民族框架公约》秘书处成员组成。此次访问评价了为执行上一次监测访问时提出的建议而在国家一级采取的措施,并对罗马尼亚少数民族的现状和最新发展进行了新的分析。

42. 还要指出的是,国家广电管理委员会一直在依照《欧洲跨界电视公约》监测有关禁止煽动仇恨或歧视的法规方面的违法行为,并对违反现行法规的行为加以制裁。值得一提的是,2010年国家广电管理委员会与全国反歧视委员会缔结

了一项协议，确定了 2010 年 3 月 31 日至 7 月 31 日的一项媒体宣传活动的框架，其详细内容见国家广电管理委员会网站的新闻稿 <http://www.cna.ro/Spune-i-NU-discrimin-rii.html>。这项活动名为：够了，克服偏见，学会了解罗姆人。

43. 关于艾滋病毒感染者/艾滋病患者和**建议 9**，除了中期报告介绍的几个方面还要重点指出，新诊断出的艾滋病毒感染者得到了根据欧洲疾病预防控制中心/世卫组织标准进行的临床和实验室评估，并且接受抗逆转录病毒疗法。医务人员努力避免治疗中断和患者放弃治疗的现象。

44. 全国医师学会定期应患者、家属或非政府组织的要求调查所有失职行为，包括歧视艾滋病毒感染者和艾滋病患者的行为。

45. 卫生部和国家健康保险管理局协调预防和治疗艾滋病毒和艾滋病国家卫生方案，并与非政府组织一起监测歧视艾滋病毒感染者和艾滋病患者的行为。

46. 2010 年，全国反歧视委员会受理了 3 起关于歧视艾滋病毒感染者的上诉，2011 年受理了 1 起，与 2008 至 2009 年相比数日有所下降。2008 年，全国反歧视委员会通报某地方当局为便利艾滋病毒感染者使用公共交通，在网站上公布了他们的名单，全国反歧视委员会认定这是一种歧视行为，并对市长科以 1,000 列伊(约 280 欧元)的罚金。

47. 2010 年 11 月 10 日至 12 日，布加勒斯特“Victor Babes”传染病医院举行了“我很特别吗？我是个天才！”项目，该项目旨在宣传机会平等和不歧视原则和增进感染艾滋病毒的少年/儿童的权利。项目的总体目标是使 60 名儿童、少年和医院工作人员了解机会平等原则、预防和打击歧视的要素，以及增进青少年、医生、护士、心理工作者对于不受歧视的权利、儿童的权利及某些构成歧视行为的情况的了解和理解。

48. 关于**建议 3 和建议 11**，全国反歧视委员会于 2010 至 2011 年间与行政管理和内务部合作制定了“预防和打击一切形式的歧视培训师培训”计划。该计划旨在使警察对各种易受歧视群体的行为引发的社会问题增强了解和提高认识。行政管理和内务部将该课程作为良好做法的典型在本部下辖所有各县的警察学校进行推广。自 2011 年 10 月 1 日起，“预防和打击一切形式的歧视”课程被纳入部内人员的培训方案。

49. 自 2010 年起，公安学研究所与罗马尼亚第一家捍卫和增进男女同性恋、双性恋和变性者权利的全国性非政府组织“接纳协会”发展合作关系。公安学研究所两位培训师参加了关于消除针对个人和群体的基于性取向和性别认同的不容忍和歧视问题的培训方案。“接纳协会”为公安学研究所提供了关于性取向、性别认同和针对男女同性恋、双性恋和变性者的仇恨罪的教学材料、宣传单和宣传册。公安学研究所举行的培训课程(警察基础培训课程)使用了这些材料，自 2011 年至今，已有 660 名警察接受了这一培训。⁶

50. 2010 至 2011 年间，在“2010 至 2012 年男女机会平等新战略”之下举行了各种会议，并就男女平等参与决策进程、消除性别定型观念、农村地区妇女的作

用和缩小男女薪资差异等主题进行了辩论。社会伙伴机构的代表、中央政府的代表、非政府组织和公民代表等形形色色的与会者参加了这些活动。⁷

51. 关于**建议 8**, 罗马尼亚警察部门采取措施预防和打击针对男女同性恋、双性恋和变性者的反社会行为, 有意对警员进行关于欧洲在打击基于性别的歧视领域采用的现代化手段的培训, 以便促进警方和性少数群体之间建立切实可行的合作关系。

52. 因此, 布加勒斯特市警察总局与前面提到的男女同性恋、双性恋和变性者代表机构“接纳协会”之间有着良好的合作关系。⁸

B. 禁止酷刑或残忍、不人道和有辱人格的待遇

53. 关于**建议 24**, 经司法部第 1676/C/2010 号令核准、发布于 2010 年 7 月 27 日第 519 号公报的《国家狱政管理署下辖拘留场所安保条例》规定了干预和限制的标准程序, 第 292 至 294 条详细阐明了第 275/2006 号法规定的关于刑事诉讼期间执行司法机关判处的刑期和处罚的原则, 即强制手段的使用必须与危险程度相称, 仅在必要时间内且没有其他排除危险的手段时才能采用强制手段, 强制手段不可具备制裁性质。这些规定对罗马尼亚狱政系统内的所有工作人员都具有约束力, 若违反规定则酌情引发刑事责任、民事或纪律措施。

54. 2011 年 4 月 8 日国家狱政管理署第 429 号署长令核准了《特别安保措施、强制和控制及限制手段和技术使用手册》。⁹

55. 罗马尼亚警察部门开展各种活动, 主要处理被剥夺自由、在警察总署下辖拘留中心还押候审者的人权问题。自 2010 年起, 罗马尼亚警察部门开始采取初步步骤, 便利公安学研究所推广一系列关于防止酷刑和不人道或有辱人格的待遇或处罚的课程, 即为负责拘留和刑事调查及公共秩序的警察设计的 6 门培训课程。¹⁰

56. 关于改善拘留条件的问题(**建议 25**), 国家狱政管理署第 430/2009 号决定旨在按照改造执行标准设立拘留场所, 特别是犯人的年龄和性别问题、减轻过度拥挤现象、促进犯人参与监室外工作和更加合理地分配监管人员。¹¹

57. 根据司法部第 C/433/2010 号令, 已经制定以下关于囚犯住宿条件的强制性最低标准: 必须为每个关押在最高安保标准的封闭监狱中的被剥夺自由者, 以及未成年人、年轻人、还押候审人员和服刑方式尚未确定的已决犯提供 4 平方米空间; 为每个关押在半开放和开放式监狱中的被剥夺自由者提供 6 平方米空间。

58. 该项立法是努力落实欧洲人权法院的建议, 确保每名囚犯享有最低标准生活空间(不分监狱种类, 每个拘留人员 4 平方米的标准)的重要举措。¹²

59. 已经采用的解决办法包括: 提高接纳容量、使被剥夺自由者参与监室以外的活动、立法措施、行政措施和监测机制。¹³

60. 罗马尼亚是《欧洲人权公约》缔约方，与该公约有关的案例已得到监测，国家机构和非政府组织访问监狱后编写的报告也得到了审查。还设立了一项制度，监测授权法官发布的关于拘留条件和行使被剥夺自由者权利的决定和这方面的法院判决。

61. 自 2011 年 1 月起，监测与管控局已经与预防酷刑委员会统一了目标，目的是核证、监测和评估与预防酷刑委员会的事项及提交欧洲人权法院的案例有关的拘留条件方面的进展。

62. 罗马尼亚政府密切关注贩运人口问题(见建议 12)。2010 至 2011 年间，罗马尼亚警察部门策划并启动了名为“加强司法部门的贩运人口案件调查能力”的项目，共培训警官、宪兵军官和公诉人 230 人。¹⁴

63. 第 230/2010 号法修正了关于预防和打击贩运人口的第 678/2001 号法，完善了关于贩运人口问题的法律框架。该法案旨在确定抑制需求、保护受害者、惩处贩运者的各种补充措施，并且对贩运罪的定义进行补充，使之纳入新的剥削形式。

64. 关于贩运人口活动受害者的保护和援助，一项重要工具是“关于刑事诉讼中贩运人口活动受害者协调工作的合作议定书”。该议定书于 2008 年制定，此前就已经存在统一的受害者反应机制，依托于参与打击贩运人口工作的政府机构之间的合作。这些机构包括全国打击贩运人口事务署、公共事务部有组织犯罪和恐怖主义调查局、罗马尼亚行政管理和内务部下辖的罗马尼亚警察总署、罗马尼亚移民局、边境警察总署和宪兵总署。¹⁵

65. 在直接涉及剥削儿童甚至性剥削儿童的贩运儿童问题方面，欧洲议会和欧洲委员会 2011 年 4 月 5 日关于预防和打击贩运人口及保护受害者的第 2011/36/EU 指令已获通过，最迟将于 2013 年 4 月 6 日前纳入国内法。¹⁶

C. 司法和法治

66. 关于这方面，再考虑到有关罗马尼亚在合作与核查机制下的法律改革的建议 22 和 23，要对以下问题加以强调。

67. 2011 年，司法部与联合国开发计划署合作执行了“支持司法部落落实欧盟委员会在合作与核查机制下的建议”项目，由两名独立专家对反腐战略及行动计划(2005-2007 年国家反腐战略和 2008-2010 年国家反腐战略/高危部门和地方公共管理机构反腐战略)进行了评估。评估旨在分析这些战略的影响、执行战略取得的效果和就战略中确定的优先事项和目标所采取的干预措施。

68. 开展评估进程的目的在于界定各项目标的相关性和履行情况、两项反腐战略(2005-2007 年和 2008-2010 年)实施工作的发展效率、有效性、影响和可持续性。

69. 新的 2012-2015 年国家反腐战略已经纳入了“罗马尼亚 2005-2007 年国家反腐战略和 2008-2010 年国家高危部门和地方公共管理机构反腐战略执行情况独立评估”提出的建议。

70. 政府已于 2012 年 3 月 20 日批准了新的 2012-2015 年反腐战略¹⁷。

71. 反腐战略确保落实欧盟委员会在合作与核查机制下提出的相关建议，而且涵盖了欧盟委员会反腐通讯(2011 年 6 月发行)中确定的欧盟优先事项：追回犯罪所得、保护检举人、公共采购、预防和打击政治部门的腐败现象、保护欧盟的金融利益；准备反腐败国家集团关于防止议员、法官和检察官腐败行为的第 4 轮评价。

72. 2012 年 5 月 23 日，新一届政府采纳了该战略。2012 年 6 月 12 日，议会(两院的联席会议)以政治宣言的形式一致批准了国家反腐战略，战略的执行工作已经开始启动。¹⁸

73. 关于罗马尼亚在合作与核查机制下的法律改革问题(见建议 23)，要提及以下内容：

报告期内在合作与核查机制之下取得了重大进展，欧盟委员会最近的年度报告(发布于 2012 年 7 月 18 日)也对此进行了报道。罗马尼亚司法系统在以下领域取得了主要进展：对主要立法实质性的现代化发展——关于 4 项法律的宏伟的立法议程(民法、民事诉讼法、刑法、刑事诉讼法)；国家新的反腐战略勾勒出的坚实的新框架；打击腐败的承诺(对高层腐败案件的成功调查、起诉和审判)。

1. 基准 1——司法改革

实施 4 部新法典

74. 第 202/2010 号法(“小改革法”)推行了一系列简化和提高司法规定效率的措施，为诉讼法生效做好准备。该法基本上集中了新诉讼法中最简单却又有效的规则，为诉讼法即将生效提供了框架(标准是选择无需额外准备——无论是行政准备或是培训，但又能立即产生效果的条文)。至于其效果，来自法院和检察官办公室的反响都是积极的。¹⁹

75. 2009 和 2010 年拟定了 4 部新法典，而且经议会辩论和通过——它们将全面改变罗马尼亚司法系统的运作范式。实体法(民法和刑法)为管理民事关系和刑事事务的实质性规则带来了一系列重要变化，而程序法旨在提高诉讼效率，从而响应缩短审判时间的需要，并为司法程序引入灵活性、可预测性、透明度和一致性。

76. 新民法已于 2011 年 10 月顺利生效。

77. 依据 2011 年 11 月完成的影响研究，其他 3 部新法典将于下一个阶段生效：民事诉讼法——2013 年 2 月 1 日；刑法和刑事诉讼法——2014 年 2 月 1 日。

新民事诉讼法生效将继续推进第 202/2010 号法启动的司法改革。这部新法典的一个新特点是明确规定了民事诉讼的根本原则，而此前这些原则只是在原理和判例中得以确立。

78. 关于加强法官的问责制，一项加强司法人员纪律责任的新法律已于 2012 年 1 月 23 日生效。²⁰

79. 在提高高等上诉司法法院法官选拔程序的透明度和客观性方面，关于高等上诉司法法院法官选拔的法律已于 2011 年 12 月经议会通过后生效。²¹ 该法案旨在保障高等上诉司法法院法官选拔程序的透明度和客观性，确保最合适的候选人获得最高法院的职位。²²

2. 基准 2——国家廉政署

机构设立及其主要目标

80. 根据本条基准的要求，罗马尼亚设立了国家廉政署，自 2007 年底开始运作。罗马尼亚是第一个创立这种负责控制与核查财富、利益冲突和不协调现象的独立业务机构的欧洲国家。在增强国家廉政署的体制能力方面，廉政署的预算有了显著增长，还获得了大量的欧盟基金来改进其信息系统和程序。在 4 年的业务活动中，国家廉政署的工作成绩不断巩固，2009 年以来的委员会报告对此给以高度评价²³。连续 6 份委员会报告称赞了廉政署工作的积极成果。目前国家廉政署继续卓有成效地开展活动。2012 年 6 月，国家廉政署正在进行的调查共计 3,305 项。

81. 2011 年 12 月 21 日，最高司法委员会和国家廉政署签署了一份合作协议，目的是增强公众对司法部门的信任，提高最高司法委员会的可信度及提高法院和检察官办公室的效率。²⁴

3. 基准 3——打击高层腐败行为

国家反腐败局的作用和主要目标

82. 国家反腐败局是在总检察长办公室之下运作的一个专门的独立机构，负责调查高层的腐败案件。国家反腐败局独立于法院和其所属的检察官办公室，也独立于其他公共机构，仅依据法律行使其职能并确保符合法律规定。

83. 为了提高高层腐败案件的审判效率，已经在几个程序方面加以改进，(例如，废除了几项规定：就违宪提出异议时依法暂停审判，并有可能通过对合法性提出异议而暂停刑事审判的规定)。这些修订有助于提高高层腐败案件的审判效率。因此，有待高等上诉司法法院刑事科审理的高层腐败案件，从未因上述理由而暂停审判。

84. 此外，为了加速审理高层腐败案件，高等上诉司法法院采取了若干管理和行政措施提高高层腐败案件的处理速度。这些措施包括：优先审理接近法定受理

时限的案件，临时使用其他法院未占用的法庭举行更频繁的听审。2011年11月为高等法院增配了一幢办公楼。由于采取了组织措施，2011年9月5日至2012年6月11日，高等上诉司法法院刑事庭为一审审理的由国家反腐败局提起公诉的高层腐败案件举行了355场听审。由于采取了上述措施，高等法院审理待审案件的速度明显加快，判决的数目也有所增加。在近期的数据方面，高等上诉司法法院刑事庭2011年对15起高层腐败案件进行了一审，而2009年和2010年分别只有2起此类案件。2012年1月1日至2012年6月11日，刑事庭对14起高层腐败案件进行了一审。2011年，高等上诉司法法院对9起高层腐败案件做出了最后裁决。2012年1月1日至2012年6月11日，高等上诉司法法院对6起高层腐败案件做出了最后裁决。

4. 基准4——预防和打击地方腐败行为和高危部门的腐败行为：

检察官办公室在全国范围内的活动

85. 就具体成果而言，地方检察官办公室的数据显示，2011年因腐败罪行受到法庭下属检察官办公室起诉的被告人数较2010年增加了13.47%。162名被告为公职人员，主要是警察(105人)、市长(7人)和地方行政机构的雇员(34人)。此外，就常规检察官办公室调查的腐败案件做出了28项最后裁决和55项非最后裁决。2011年，所有检察官办公室因所有类型犯罪而冻结的资产总值为1,024,979,707列伊。

行政管理和内务部开展的活动

86. 行政管理和内务部继续开展关于预防和打击内部腐败的活动。反腐败局协调和监测“行政管理和内务部2011-2013年预防和打击内部腐败战略”，该战略为部内加强工作人员廉正的反腐活动设定了坐标。

87. 反腐败局取得了显著的工作成绩，欧盟委员会协调与核查机制报告对此做出了积极评价²⁵。2月的中期报告指出，反腐败局已经采取步骤加强其反腐败工作。²⁶

D. 良心自由与宗教自由

88. 关于宗教不容忍和宗教间对话的问题(建议19至21)，国家宗教事务秘书处组织了多次旨在促进宗教间和教派间的对话、捍卫自由和基本权利的全国性和国际性活动；该机构还一直并将继续资助国内各宗教派别组织的关于宗教对话的活动和会议。其中包括在雅西举行的基督教徒和犹太教徒之间的对话、东正教会、天主教会、摩西教派和穆斯林教派代表在康斯坦察举行的年度大会、罗马尼亚神学院所组织的由神学家和罗马尼亚所有教派代表参加的会议。

89. 为了就共同的社会问题提出建议，促进罗马尼亚不同教派之间的团结与合作，也为了防止宗教间和教派间冲突，罗马尼亚各教派于 2011 年 4 月组建了教会与宗教派别咨询委员会。²⁷

90. 在全国反歧视委员会处理所受理申诉的工作中，指导委员会还发布决定，以警告或罚款的方式对违规行为实施制裁，并提出建议以防止今后出现歧视行为或恢复歧视前的状况。²⁸

E. 儿童权利

91. 关于**建议 14 至 17**，在尊重每个儿童的身份权方面，国家立法明确规定了各地方政府的义务和职责，还规定了在儿童出生后未立即登记的情况下应该遵循的程序。²⁹

92. 关于罗马尼亚罗姆少数民族公民的登记工作，管理个人档案的地方社区公共服务部门或依据各县核准的计划，或执行“灯塔”计划，现举例如下：阿尔巴县执行“我有证件，因此我存在”计划，为罗马尼亚罗姆社区公民提供援助依法进行登记；巴克乌县的县级和地方各级政府与非政府组织罗姆党在 Onesti 的附属组织——Pro Europe 合作采取若干措施，就获取和持有公民身份证件和身份证件的需要和法律义务提供咨询。它们还参与了改善罗姆人境遇的“我们融入”计划；布拉索夫县的布拉索夫社区伙伴关系协会与布拉索夫县人事档案局签署了一项合作协议，在布达佩斯开放社会研究所的资助下执行“我是公民，我有权利”计划；Ruhama 与奥拉迪亚市议会社会管理部门合作开展的“Kon Shem Me”计划便利罗姆人获得关于公民身份、财产的证件和身份证；加拉茨县在欧洲基金的资助下，与加拉茨罗姆人联盟合作开展了“他们也是加拉茨县公民”计划。

93. 为便利罗马尼亚罗姆少数民族公民获得证件，管理个人档案的地社区公共服务部门与警方一起组织活动，以流动站的形式管理发放身份证件所需的照片和一切文件。

94. 关于教育方面的儿童权利，某些类别的学生难以行使接受高质量教育的权利：偏远农村地区的儿童、贫困家庭的儿童和经济落后地区的儿童、罗姆儿童、有特殊教育需求的儿童：

- 偏远地区的儿童——由于距离学校遥远而且道路基础设施薄弱，上学的路途十分艰难，特别是冬天。在这种情况下，教育、研究、青年和体育部提供校车，免费送儿童上学。不能提供校车的地区，为儿童在其他地点提供食宿设施。
- 极度贫困和偏远地区的儿童——有些学校难以找到合格教师，教职员工的轮转很重要。已经重组了学校网络，发展拥有良好基础设施和合格师资的优质学校，招收几个小型社区的儿童入学。这些情况下都提供校车。

- 众多罗姆儿童——来自教育水平低而且通常子女多的极端贫困家庭。这些儿童常常帮助父母料理家务、照顾弟妹或与父母一起从事季节性工作，因而不去上学。由于经济社会地位低下，某些情况下也因为早婚的传统，他们常常在 8 年级后辍学或中断学业。³⁰

95. 关于初等教育，该方案将未完成初等教育而且超出这一教育水平正常年龄至少 4 岁的青少年作为目标群体。³¹

96. 关于初级中等教育，“第二次机会”方案的主要目标是支持初级中等教育中一种基础教育和职业教育相结合的灵活的重返学校模式，其目标群体是至少 14 岁以上、已完成初等教育但未完成初级中等教育便辍学的青少年。

97. 为“第二次机会”方案新设计的课程和该方案的扩展活动包括与罗姆文化有关的科目。最近(2011 至 2012 年)在全国范围内收集的数据证实了该方案的效率，考虑到学习这些课程的学生人数达到 10,032 人，组织这些课程的学校总数达到 332 所。相关分类数据如下：3,232 名小学生和 5,671 名初中生。

- 有特殊教育需求的儿童按照其类别和残疾程度在特殊学校或主流学校就读。在主流学校就读的儿童得到巡回教师的支助。³²

98. 教育、研究、青年和体育部采取行动，通过各种社会保护和支助方案降低辍学率并提高入学率。³³

99. 关于在罗马尼亚宪兵队的活动中尊重儿童权利的问题，应该提及的是，该机构制定了几项方案和措施，目的是限制家庭、社会、教育和机构环境中的暴力和虐待，还制定了一些计划，旨在提高工作人员了解和运用儿童权利的水平 and 培训程度，以便更好地处理相关侵权行为。

100. 关于**建议 15**，考虑到罗马尼亚的具体国情，为预防和打击儿童卖淫而采取的措施被视为保护和增进儿童权利整体法律框架的部分内容。³⁴

101. 主要国家机构与中央和地方各级部门之间建立了合作机制，使之能够采取一切必要的法律、行政和教育措施，确保儿童得到充分保护，免遭任何形式的贩运，包括被父母贩运。³⁵

102. 罗马尼亚于 2010 年 12 月 14 日颁布第 252 号法，批准了 2007 年《保护儿童不受性剥削和性虐待兰萨罗特公约》，该法律发布于 2010 年 12 月 29 日罗马尼亚第 885 号公报。此外，罗马尼亚还通过了 2011 年 12 月 13 日欧洲议会和理事会关于打击儿童性虐待、性剥削和儿童色情业并取代理事会第 2004/68/JHA 号框架决定的第 2011/92/EU 号指令。罗马尼亚参与了该指令的谈判过程，目前正在将其纳入国内立法。纳入国内立法的最后期限是 2013 年 12 月 18 日。

103. 第 49/2010 号政府令核准了通用干预方法，适用于儿童受到或可能受到劳动剥削的情况、被贩运的儿童和在其他国家领土内遭受其他形式暴力的罗马尼亚移徙儿童的情况。³⁶

104. 关于**建议 16**, 自 2004 年以来, 关于保护和增进儿童权利的第 272/2004 号法第 90 条明确规定: 在家庭环境内和任何儿童保护、照顾或教育机构, 禁止一切形式的体罚和意图危害儿童生命、精神、心理、道德或社会成长及其身体完整、生理或心理健康的任何剥夺儿童权利的行为。³⁷

105. 关于**建议 17**, 《儿童权利公约》和劳工组织关于准予就业最低年龄的第 138 号公约和关于禁止和立即行动消除最有害的童工形式的第 182 号公约的条款已纳入罗马尼亚国家立法, 立法中明确规定了所有部门、人员和机构应如何增进儿童权利以及如何保护儿童免于最有害的童工形式。

106. 与此同时, 在全国范围内开展了大量活动, 主要目标群体为 15 至 17 岁、受教育程度低、来自各种问题家庭(家庭暴力、酗酒、贫困)或父母在国外工作的少年儿童(特别是女童)。³⁸

107. 这些活动最重要的相关成果在于降低了辍学率, 巩固了禁毒和打击贩运联合小组, 使之能够更高效地分别处理各自的社会问题, 以及各个机构更加重视处理具体社会问题的人员的持续性。³⁹

F. 妇女权利

108. 关于预防和消除对妇女的家庭暴力问题(**建议 13**), 关于预防和打击家庭暴力的第 217/2003 号法近期得到了第 25/2012 号法的大幅修正。对该法律的一项重大改进是引入了限制令, 这是可由法院发布的一种保护家庭暴力受害者的措施。新法律提供的另一项具体保护措施旨在提高政府为受害者提供支助和建议的效率, 以便诉诸法律手段制裁家庭暴力案件。

109. 除了法律方面的改进, 在这一领域还制定了若干覆盖全国的方案, 其资金来自劳动、家庭和社会保障部提供的政府预算。

110. 2009 年 12 月, 包括罗马尼亚在内的 12 个欧盟成员国还提交了关于欧洲议会和理事会欧洲保护令指令的提案。该提案于 2011 年获得通过(2011 年 12 月 13 日欧洲议会和理事会关于欧洲保护令的第 2011/99/EU 号指令)。

111. 2010 年全国共开展了 36 项非正式活动、19 个防止家庭暴力的项目, 并有约 37,000 人获得了预防家庭暴力的材料。外部伙伴也参与组织了这些活动。⁴⁰

G. 残疾人权利

112. 关于这一问题 and **建议 6**, 罗马尼亚着重指出, 全国反歧视委员会在 2011 年期间与公共政策研究所(一个旨在提高罗马尼亚公共政策制定进程质量的非政府组织)合作开展了“智障人士也有权利!”项目。该项目由欧盟委员会 2007-2013 年“进步”方案共同资助。⁴¹

113. 全国反歧视委员会还制定了以下方案：“世界唐氏综合症日”——2011年全国反歧视委员会与布加勒斯特唐氏综合症协会和罗马尼亚特奥基金会共同协调了一个项目，为纪念这个日子举行了为期两天的活动；“关于不歧视难以被收养儿童问题的收养和收养后事务部门专家培训项目”——全国反歧视委员会与罗马尼亚收养事务局合作开展了这个项目，目的是通过防止对“难以被收养儿童”的歧视，增加这些儿童被收养的人数；“布莱尔盲文——请注意！歧视并非玩笑”——通过图书馆向罗马尼亚盲人协会的附属机构、分支和俱乐部以及一些视觉残障人士的特殊学校分发一本关于歧视问题的布莱尔盲文宣传册。

H. 健康权

114. 关于精神健康问题方面的进展(建议 26)，为了保障更充分地提供精神健康服务，卫生部对政策进行了修订，并于 2008 年创建了全国精神健康和禁毒中心，这是隶属于卫生部的公共专业机构，其目标是更好地协调、执行和评价国家一级精神健康政策，包括增进有精神健康问题者的人权。

115. 过去数年间，在改进精神卫生保健立法方面采取了重要举措。2010 年初，卫生部和全国精神健康和禁毒中心与司法部密切合作，成功拟定了一项提案，其中包括对关于精神健康的第 487/2002 号法的几项修订。最近(2012 年 6 月 19 日)，议会已对该草案进行了投票表决。⁴²

116. 2010 年，议会对第 151/2010 号法进行了投票表决，该法涉及对自闭症谱系障碍患者及相关精神健康障碍患者的综合化、专科化健康、教育和社会服务。

117. 每年都实行年度国家精神健康方案，由卫生部精神病学委员会负责方法上的协调工作，全国精神健康和禁毒中心负责技术协调工作。

118. 近几年与非政府组织进行了深入对话。自闭症谱系障碍患儿家长协会强调，最重要的是及早发现患病儿童并对其进行治疗干预。⁴³

119. 全国精神健康和禁毒中心与劳动、家庭和社会保障部和教育、研究、青年和体育部合作，拟定了“2013-2018 少年儿童精神健康国家战略”草案，草案已发送至政府一级。

120. 过去 3 年来，政府还十分关注确保提供更高质量的精神健康服务，为全国 36 个成人精神健康中心和 16 个儿童健康中心的工作人员(多学科团队)(精神病医师、心理学家、社会工作者、护士)组织了若干课程和培训方案。

121. 关于建议 27，要指出由卫生部执行的国家健康方案不断扩大性健康和生殖健康服务的范围，特别是对边缘群体的服务。

122. 关于建议 28，罗姆人健康调解员和社区护士的主要任务是便利罗姆人和其他边缘人群(如农村地区居民)获得健康保健服务。他们接受了充分培训，能够应对其工作的特殊性。

I. 财产权

123. 关于财产权和**建议 30**, 应该指出的是, 罗马尼亚目前正在调整关于归还共产主义时期国有化财产的法律框架, 使之符合欧洲人权法院 2010 年 10 月 12 日就 *Maria Atanasiu* 和他人诉罗马尼亚一案的指导性判决中规定的要求。欧洲人权法院在判决中要求于 2012 年 7 月 12 日前采取一般措施, 对受归还法影响者进行适当补偿。斯特拉斯堡法院准予延期 9 个月(至 2013 年 4 月 12 日)采取上述措施。在此期间, 罗马尼亚政府将介绍取得的进展。至 2013 年 4 月止, 欧洲人权法院暂缓审理与 *Maria Atanasiu* 和他人诉罗马尼亚一案主题相同的案件。

124. 2012 年 7 月 5 日, 欧洲委员会(欧洲人权法院判决执行部)代表会晤了司法部、公共财政部、国家财产归还管理局的代表和政府在欧洲人权法院的代表, 讨论了罗马尼亚政府为确保有效保护《欧洲人权公约》所保障的权利需要采取的具体措施。在此背景下, 双方讨论了罗马尼亚政府为执行前文所述的指导性判决、提高归还和补偿程序的效果而拟定的法律草案中提议的行政、财政和立法措施。法律草案载有旨在加快归还程序的具体措施, 以确保在国家一级依照《欧洲人权公约》的规定, 在合理时间内解决过去的财产所有人提出的要求。⁴⁴

125. 关于与罗马、希腊天主教罗马尼亚联合教会的关系, 宗教派别国务秘书处采用对话的途径解决罗马尼亚东正教会与罗马、希腊天主教罗马尼亚联合教会之间的财产纠纷。为保持教派之间的和谐与遵守每个公民的宗教权利和自由, 宗教事务国务秘书处实地参与东正教和希腊天主教神职人员的会议和主教会议。⁴⁵

126. 两教会目前正在分析是否可能恢复关于联合对话委员会的对话; 两教会领袖就此相互致函。在 2012 年 7 月 5 日罗马尼亚东正教会最近的一次教会会议上, 分析了罗马尼亚东正教会与罗马、希腊天主教罗马尼亚联合教会之间对话的现状。

127. 还值得一提的是, 国家财产归还管理局制定了一份会议日历, 旨在确保与所有向该机构提交请求的宗教派别的代表进行对话。⁴⁶

J. 人权教育和培训

128. 关于这一问题和**建议 29**, 罗马尼亚在正规和非正规教育中都大力促进人权教育。在正规教育方面, 人权教育是国家教学课程设置的一部分, 属于通称为“人与社会”课程的范围。⁴⁷

129. 与此同时, 在 1 年级至 12 年级的学校课程设置中, 人权教育和儿童权利教育是选修科目。⁴⁸

130. 人权教育和儿童权利教育以正规教育制度为基础, 又通过适合每个学习周期的非正规教育方案得到巩固。在这方面, 教育、研究、青年和体育部:

- 使学校、教师和学生参与欧洲人权教育/儿童权利教育/公民教育专项计划，如：“全球教育”、“全球青少年”、“欧洲学校”；
- 制定了“国家民主公民教育方案”、“媒体与高质量人权教育”、“民主与宽容”等国家方案，旨在发展青年学生积极参与社会生活所需的社会和公民民主技能，使学生承认和尊重人权，培养促进相互尊重、理解与合作的宽容行为，实现社会融合，帮助并支持儿童和青年接触社区行动和决定，以便增进他们的权利，促进民主的国家法律和制度，使学生承担公民的角色和责任；⁴⁹
- 已经与非政府组织、驻罗马尼亚的欧洲委员会机构和联合国机构结成伙伴关系，共同实施基于人权教育和儿童权利教育的方案⁵⁰；
- 促进此类方案在县和学校两级的发展。

131. 通过在职培训的手段以多种方式发展对教师的人权教育培训和儿童权利教育培训：

- 教师培训事务所(专门负责教师在职培训的专门机构)提供的培训机会⁵¹和
- 课外活动方案中执行阶段前的培训模块/课程。⁵²

132. 前文所述的非政府组织罗马尼亚 CRISS 协会发起倡议并于 2010 年 9 月与国家司法学院一起向欧盟委员会助学金行动方案——JLS/2010/JPEN/AG “刑事司法”方案提交了一份项目提案。“罗姆人平等诉诸司法”方案的目的是，对法官进行关于打击刑事事件中的种族主义的国内和国际法律的培训。2011 年 12 月，18 名法官参加了在蒂米什瓦拉举行的首期研讨会。2012 年前 7 个月内，在罗马尼亚 CRISS 协会与国家司法学院合作执行的“罗姆人平等诉诸司法”方案(2011 年 5 月至 2012 年 8 月)之下共组织了 3 期研讨会，71 名法官参加了研讨会。

注

¹ The purpose of this Strategy is to continue the social-economic inclusion actions of Romanian citizens belonging to Roma minority by implementing integrated policies in education, employment, health, housing, culture and social infrastructure.

Its objectives are as follows:

- Ensuring an equal, free and universal access of the Roma citizens belonging to Roma minority to quality education at all levels in the public education system, in order to support the economic growth and development of a knowledge-based society.
- Promoting inclusive education within the education system.
- Stimulating employment growth of persons belonging to Roma minority and increasing investments' attractiveness.
- Stimulating health promotion measures to contribute to increasing the access of citizens belonging to Roma minority to public health services and to increasing life expectancy.
- Ensuring, by the central, local institutions and the social partners, decent living conditions in communities disadvantaged from the economic and social point of view, as well as the access to public services and small infrastructure.

- Preserving, developing and affirming the cultural identity (language, customs, patrimony) of Roma minority.
- Developing, by the institutions, certain measures that, through the services provided, respond to the social needs of disadvantaged groups, including the members of Roma minority in the fields of community development, child protection, justice and public order.

In order to achieve these objectives, six directions of action were established: A. Education; B. Employment; C. Health; D. Housing and small infrastructure; E. Culture; F. Social Infrastructure (justice and public order, community administration and development, child protection).

² In 2011, the Romanian National Agency for Roma participated in Moldova, in cooperation with the Council of Europe, in an exchange of experience on increasing the role of central and local authorities in implementing national strategies on Roma integration/action plans, also on strengthening their capacity in developing the national action plan in Moldova.

³ The aim of the project is to promote and to increase the cultural dialogue between the Roma minority and the majority, to promote the ethnical tolerance and the mutual respect, the modernization of attitudes and of mentalities throughout the theatre.

⁴ The program aims to build rental housing units for young people whose sources of income do not allow them to buy and own a house or rent a house under the market conditions, and to ensure the stability of young professionals by creating convenient living conditions. The objectives achieved under these programs have also solved the problems faced by several Roma communities or representatives of such communities.

⁵ Examples of relevant projects:

In **2010**, "*Treatment without discrimination*", within which were organized 3 information and training sessions for future medical personnel (nurses and pharmacy assistants) on the importance of applying the non-discrimination principle and respect for diversity. "*Combating the discrimination of Roma in their access to health services in Romania*", was a project aimed to promote equality in the field of health in order to reduce prejudices, stereotypes and discriminatory attitudes on ethnic grounds in the system of health, focusing on the protection of the rights of Roma who access public health services. „*Stop discrimination in high-schools!*”, another project, involved the organization of an information campaign with pupils in Iasi high schools about social policies to prevent and combat discrimination. "*School without discrimination*", conducted in order to increase interest of teachers for the issue of diversity, support them in developing curricula in the context of diversity, prevent stereotypes and prejudices among the future generation, prevent intolerant and discriminatory attitudes among young people, know the daily issues of groups vulnerable to discrimination, reduce the level of intolerance and discrimination in schools and implement a network of teachers in kindergartens and high schools to promote pro-diversity attitudes among young people. "*Educational project in the field of public legal services*" was a project aimed at promoting equality in the field of legal and administrative services, through an educational program regarding specific legislation in the field of anti-discrimination, having as target-group institutions with powers in the legal field, which has as target group magistrates from all levels of jurisdiction (courts, tribunals, courts of appeal, the supreme court). "*Training session in the field of legislation and anti-discrimination practice*", a project organized by NCCD in partnership with the Roma Party "Pro Europa" consisting in a seminar for Roma persons with legal training, which are active within the Monitoring Network within County Centres for Roma established by the Roma Party Pro Europa in Romania. The training sessions were aimed at informing Roma persons with legal training on national and international legal provisions in the field of prevention and combating of discrimination.

In **2011**, NCCD implemented projects such as: „*Diversity as a project*”, in order to prevent truancy and school dropouts, by initiating projects which enhance and bring to the forefront the human diversity; „*United against Racism! – Friendly football game*”, organized to mark The International Day for the Elimination of Racial Discrimination, by NCCD in partnership with the Ministry of Foreign Affairs, Policy Centre for Roma and Minorities, the Romanian Football Federation and the Embassy of the Netherlands. The project was part of the REACT campaign, supported by the European Commission, and its objective was to enhance the awareness of the social problems of Roma people and to change the negative attitudes towards them; "*The world through my eyes*", a

project that was implemented with a main partner, Policy Centre for Roma and Minorities and which was aimed at preventing and decreasing of discrimination level against Roma pupils and to generate a positive change of perception of Roma pupils among teachers in some schools.

- ⁶ Training activities for police officers were organised regarding the subject of recognition and monitoring of hate crimes against LGBT, introduction in the problematic of LGBT, discrimination based on sexual orientation and/or gender, discrimination and victims' needs (focus on the respect of individuals' rights).

In terms of protecting the rights of sexual minorities, the Romanian Gendarmerie applies measures which aim to deter and limit violence against sexual minorities, and to provide their necessary protection during Gay Fest rallies.

In this context, Romanian Gendarmerie developed the training curriculum of its personnel in order to better respond to a more appropriate behaviour in respect to the rights of sexual minorities, both on the national soil and in international operations, by inserting related courses/themes in its training centres and operational unit syllabus.

- ⁷ The Directorate of Equal Opportunities between women and men within the Ministry of Labour, Family and Social Protection (MLFSP) is partner with Media One Agency in the structural fund financed project "The Chance". Caravans called "The Week of equal opportunities" were organized in all development regions, focused on combating all forms of gender discrimination concentrating on reconciliation of family and professional life. In 2011, the Directorate of Equal Opportunities between women and men conducted an analysis on the situation of women and men in decision-making positions for public administration.

- ⁸ As a result of this cooperation, training courses have been organised, jointly with the Danish Institute for Human Rights, during which were discussed issues related to identification and tackling hate crimes against the LGBT members. The courses were attended by officers from police stations in whose area or areas of competence are locations visited by members of the LGBT community. The police staff training in the field of prevention and countering discrimination against sexual minorities and hate crimes against LGBT community's members shall continue to remain a priority of the Romanian Police, in order to insure a viable partnership between the police institution and sexual minorities. Both prior to and during the organisation of the events involving members from the LGBT community in Romania, the GDBMP undertakes security measures to ensure the proper running of such events and to prevent the emergence of any risk factors oriented towards the participants, all these actions being taken in cooperation with the event's organizers.

As an example, on 4 June 2011, approximately 150 persons participated in the annual "March of Diversity" gay pride parade in Bucharest. Local authorities mobilized numerous police to protect the participants, and the parade ended without violent incidents, as it was the case for the last 4 years. In 2009, the National Council for Combating Discrimination was the official partner at the GayFest. This event enjoyed the presence of several ambassadors in Romania in the last years and the involvement of public persons and artists in promoting the event.

- ⁹ Volume I of the manual details how to use the techniques and means of restraint by the staff of the place of detention, the legal conditions shown above. Knowing the provisions of this manual is compulsory to all the staff of the prison administration.

- ¹⁰ The Ministry of Justice (through the Probation Direction and the National Administration of Penitentiaries) supported the implementation of two trans-national projects coordinated at national level by the NGO Save the Children Romania. In the framework of "JUST – Juvenile justice" project (2009 – 2011), 13 children deprived of their freedom and 35 representatives of the institutions and organizations active in the field of juvenile justice were consulted on methods of intervention aimed at preventing the juvenile delinquency and promoting the social insertion of juvenile offenders, 46 specialists working with children in conflict with the law were trained for the further implementation of the selected methods of intervention. In the framework of "Ending violence against children in custody" project (2010–2013), the National Administration of Penitentiaries supported the consultation of 27 children and youth in detention on their experience of violence while in custody.

Prevention of Torture and Inhuman or Degrading Treatment or Punishment course is specially

designed for custody, public order and judicial police officers who, giving their work duties, deal with persons deprived of liberty. One of the outcomes expected from the participants to the training program is to have good knowledge of the legal framework on human rights under all its forms and all the amendments made to it in compliance with the EU and UN norms, namely observance of the fundamental rights of the persons deprived of liberty, fair interaction between parties and prevention of torture, bad and degrading treatments. This training program was attended by 120 police officers.

The forms of maltreatment of people by state agents are found in the Criminal Code under different terms: *abusive behaviour* (Article 250), *unlawful arrest and abusive investigation* (Article 266), *imposition of bad treatments* (Article 267) and *torture* (Article 267¹).

¹¹ In 2011, the NAP has implemented this measure in Codlea, Colibasi penitentiary and Miercurea Ciuc. For the year 2012, this process remained to be completed by including the last two prisons: Poarta Alba and Tulcea in the profiled units category (the two units have been started profiling procedures by transferring certain categories of convicted persons in accordance with the arrangements and populating space allocated).

¹² Unfortunately, the penitentiary system is facing the phenomenon of overcrowding, as it recorded a deficit of approximately 5,600 accommodations in prisons. In the event 4m²/inmate is provided no matter the prison regime, the deficit climbs to over 13,400 seats.

¹³ In 14 centres of detention and arrest, good living conditions are provided, fulfilling most of the recommended European standards in this area (minimum of 4m²/person, adequate natural and artificial light allowing reading). Also, in 22 centres, detention rooms are equipped with bathrooms (shower, sink and toilet), detainees having unlimited access to them, in order to ensure privacy and dignity. In other centres, detainees are using common lavatory according to the daily schedule or on demand. Romanian Police is working to install bathrooms in all detention rooms of detention centres under its control. In order to ensure the right to information and as well for entertainment, the administrations of some detention and preventive arrest centres have created the technical possibility to have TV sets in each detention room.

¹⁴ The Romanian Police continues to apply and implement the professional training program for the officers who activate in the field of human trafficking, in order to prepare specialists, constantly, by organizing professional training sessions at the national and international level, with the participation of NGOs and governmental agencies. The victims of human trafficking gradually benefit of protection in the conditions established by the legal frame regarding the witness protection.

¹⁵ The practice of this approach has shown that this initiative has helped to increase the participation of victim, witnesses or injured parties in criminal proceedings, by facilitating their access to justice and to increase the resolution of cases that aim condemnation of the accused of the crime of human trafficking. In order to increase the self-protection capacity of the public and in this way to reduce the amplitude of the human trafficking phenomenon, NAATIP has implemented, between 2010–2012, 12 national campaigns and more than 50 regional and local campaigns. The activities were targeted at informing and raising awareness of the public about the risks involved by human trafficking and to reduce the vulnerability of high risk groups (children, women, elderly people etc.).

For ensuring the efficiency measures undertaken, NAATIP always worked with partners in the country and abroad. Prevention campaigns were made with broad vision, thus ensuring the sending of an anti-traffic message to a significant number of people. An example is the campaign "Trafficking in human beings not forgive", held within the project "Reducing the number of Romanian and Bulgarian victims trafficked to Italy and Spain", co-funded by the European Commission. This campaign registered a number of about 380,000 beneficiaries only in Romania, the project being implemented also in Bulgaria, Italy and Spain.

¹⁶ Romania also participated in the negotiation process of this EU legislative act and its provisions are already covered by the national legislation in the field.

¹⁷ Government Decision no. 215/2012, published in the Official Journal no. 202/2012. The new strategic document is built on the premise of a well-developed legislative and institutional framework. The accent is therefore placed on the implementation and the stability of the legislative and anticorruption institutional framework.

- ¹⁸ The specialized structure in the field (the Anti-corruption General Directorate), that was set up within the Ministry of Administration and Interior (MAI), was involved in the public policies initiated at MAI level, in 2010 and 2011. Also, Law no. 146 of 23 July 2012 provides that the aforementioned Anti-corruption General Directorate manages the Anti-corruption Call-center, where the citizens can report on corruption deeds, the calls being transmitted to the competent Prosecutor's Offices, according to the law.
- ¹⁹ According to the opinions of courts and prosecutor's offices reflected in the Report concerning the justice system for 2010 and respectively 2011, drawn up by the SCM.
- ²⁰ Some of the provisions of the new law entered into force on 25 May 2012. The main new provisions grant the autonomy of the Judicial Inspection; the Inspection shall have legal personality and its own budget. According to the new provisions, the disciplinary commissions are replaced by the judicial inspectors and in the matter of disciplinary complaints the preliminary verifications are mandatory. This law amends the scheme of disciplinary offences, increases sanctions, and strengthens the independence and the operational capacity of the Judicial Inspection. It also eliminates the possibility of magistrates escaping disciplinary sanctions through retirement whilst a disciplinary process is ongoing.
- ²¹ Law no. 300/2011.
- ²² with regard to budget, infrastructure and logistics, the budgets allocated for the judiciary increased significantly and constantly until 2009, when the economic crises affected all the sectors. Nevertheless, the Government had a priority to provide money for the judiciary and this reality can be substantiated with concrete figures: **1,972,193 thousands lei in 2007 to 2,119,886 thousands lei in 2012**. The most significant increase was in **2008** in comparison with the budget from **2007**, when an **increase of over 15%** was registered. Additionally, in the past 5 years following the accession, the justice system absorbed a significant amount of assistance funds, which had a strong contribution to the institutional building, training and the logistics of the judiciary. Presently, the automation process of the judiciary is in an advanced stage, and it has been constantly modernized and updated since its initial implementation.
- ²³ Commission's evaluations of July 2009, March 2010, July 2010, February 2011, July 2011 and February 2012.
- ²⁴ The parties shall collaborate in order to improve the legal framework in the matter of wealth declarations and evaluations, shall efficiently communicate and exchange information according to the legal provisions in order to contribute to increase public trust in magistrates' independency, impartiality and professionalism.
- In 2012, the new legal framework instituted by Law no. 24/2012 has introduced new mechanisms for increasing magistrates' accountability and public trust, such as: the criterion of good reputation for admission into magistracy; enlarging the list of disciplinary offences; defining bed faith as an element of the disciplinary offence; enhancing disciplinary sanctions.
- ²⁵ Commission's evaluations of **July 2010** and **July 2011**.
- ²⁶ In terms of the impact of the measures taken for preventing and countering corruption, in 2011, at MAI level, the legal framework on professional integrity testing was created (Art. 17¹ of G.E.O. no. 30/2007 on organizing and functioning of MAI, as modified by Law no. 38/2011). After this legal act came into force, in 2011, 7 integrity tests were performed, out of which 6 were positive (the tested MAI employees proved integrity) and 1 was negative (the tested MAI employee received bribe in exchange of not accomplishing his service duties; the Prosecutor's Office was noticed on it for further legal measures). The risk management activity was initiated in November 2009, following the approval of the Methodology for the identification of risks and vulnerabilities to corruption. Implemented between 2010 and 2011, the key-element of the Methodology was represented by the increased attention paid to the identification, description, assessment and hierarchy of corruption risks and vulnerabilities, in order to implement future measures for preventing and controlling them.
- ²⁷ The Advisory Council of the Churches and Religious Denominations of Romania is an organization of an ethical, social, autonomous, apolitical, non-governmental, without juridical status and not-for-profit nature. The major objectives of the Advisory Council of the Churches and Religious

Denominations of Romania are: the advancement of the belief in God and of its importance in the life of people and society, the defending and promotion of the human being and its dignity, the promotion of respect towards the divine creation (man and the surrounding nature), the adoption of common stands and attitudes in the face of important society problems, the manifestation of solidarity and cooperation amongst cults in the spiritual, cultural, educational and social domain, prevention and mediation in the solving of possible inter-denominational and inter-religious differences, including the rejection and discouraging of any kind of extremism.

28 Thus, in **2010**, out of the six petitions filed with the NCCD, on the ground of religion/beliefs, the Steering Board issued the recommendation in one case for the defendant. In **2011**, NCCD ascertained the discrimination deed on ground of religion and beliefs in 5 cases, applying 4 sanctions with a warning and 1 recommendation.

29 Thus, the certificate proving the act of birth is released within 24 hours after such an event, the responsibility for fulfilling this obligation corresponding to the doctor who certified the birth of the child, or if the birth took place outside of a hospital facility the family doctor is obliged to confirm the birth and release such a certificate even if the mother is not enrolled on his/her lists. When the child is left by his mother within a maternity, this institution should notify the police and the social assistance authorities in 24 hours after the moment when the mother's disappearance was noticed. In 5 days after this fact, based on a common report signed by all the authorities involved if the child's state of health allows it, the child is released from the hospital and will benefit of a special protection measure. During the next 30 days the police should made specific inquiries regarding the tracing of the natural mother and communicate the final results to the local General Direction for Social Assistance and Child Protection. If the mother is identified, she should be counselled accordingly regarding the consequences of abandoning her child and will be helped by the administrative authorities in order to register the child. If the mother is not identified, the General Direction of Social Assistance and Child Protection sends all the documents of the child's file to the public service of social assistance which has the obligation to carry on all the administrative procedures regarding the child's birth registration.

30 In partnership with the Ministry of Education, Research, Youth and Sport, the school inspectorates and with the support of the National Agency for Roma, the NGO Save the Children Romania has developed a series of programmes designed to facilitate the access to preschool education of Roma children, including the project *Roma children prepare themselves for kindergarten!*. The main activities consisted of organizing summer kindergarten groups, training teachers working with Roma children and elaborating brochures/guides. As a result of the activities implemented between 2009 and 2012, 192 professionals (96 teachers and 96 school mediators) were trained to work with Roma children and parents, 96 summer kindergartens groups were organized nationally in disadvantaged communities, being attended by approximately 2000 children. Out of the total number of children included in the project, over 90% were enrolled in the national education system. Based on the experience gained, a best practices guide was elaborated by Save the Children Romania, with the support of the Ministry of Education, Research, Youth and Sport and of the National Agency for Roma. In the framework of the project Access to education for disadvantaged groups, funded from European PHARE funds, MERYS developed the *Second Chance* program for primary and lower secondary education.

Training programmes on positive education, accredited by the Ministry of Education, Research, Youth and Sport, have been implemented by Save the Children Romania and benefited by the participation of 400 teachers, 200 clinical psychologists and child psychiatrists from psychiatric hospital and/or mental health centres (trained on various community child friendly interventions for children with mental health), 30 social workers from district child protection departments (trained on community case management for children victims of abuse in the family and/or diagnosed with mental health disorders, coming from disadvantaged communities), 150 school councillors (trained on the evaluation and school based intervention for children diagnosed with depression, anxiety disorders, ADHD and for children with aggressive behaviours). All training programmes were developed and delivered under partnership agreement between Save the Children Romania and the public institutions.

A bullying prevention programme has been implemented in 2 schools in Bucharest, reaching 500 students who benefited from the programme. Several social and emotional abilities development programmes have been implemented in kindergartens in Bucharest, Iasi, Suceava, Tg Mures and Timisoara. Also, a national programme for the classroom management built on the principles of positive education have been implemented in Bucharest, Iasi, Suceava, Tg Mures and Timisoara, having as beneficiaries teachers, children and their parents in each schools. The latter program was implemented three years in a row, in more than 8 schools and the entire experience was documented in a good practice guide that was distributed widely among school managers.

31 The objectives are: to support a flexible model of school re-integration for primary education, for persons who dropped out of school before finishing this level of education, to deliver a curriculum adapted to the needs of the youngsters participating in the project and to the national standards for compulsory education, to train human resources in the project: school managers, project coordinators from each school, teachers, school mediators. After the pilot phase developed in the PHARE project, the *Second Chance* program for primary education has been approved by an order issued by the minister of education and is now applied all over the country, being a part of the educational offer of the system. It is financed from the state and local budgets, as part of compulsory education. In the case of Roma students, in some schools, school mediators have been employed in order to make the program known and to facilitate the dialogue between teachers, pupils, parents and local community.

32 In severe cases, schooling is ensured at home or in the hospital.

33 Examples of such programmes: *Free school transport* - by mini buses provided by the MERYS for each County School Inspectorate according to the number of students who did not study in the residence area; reimbursement of the transportation costs for those students who attended schools farther than 50 km from their residence area; delivery of free school supplies to students coming from poor families; *200 EURO Programme* – to support students coming from disadvantaged families to purchase a PC; *Money for High – School Programme* – is intended to high-school students coming from disadvantaged families so as to go on with high-school studies; Expansion of *Milk and Crescent* programme to students in lower secondary level, according to the Government Decree no. 95/2008; *The Government Scholarship*” destined to gifted but socially disadvantaged children coming from rural areas who graduated the 4th grade. Such a measure supports them to attend elite school in urban area according to their field of performance. The scholarship covers the cost of full boarding and school supplies. It began in September 2008 and 165 students took benefit of this program in the 2008-2009 school year. In 2009-2010, MERYS recorded 329 beneficiaries.

34 In the context of a development of the national efforts aimed at preventing child’s abuse and exploitation, the evolution of other collateral phenomena such as illegal migration of Romanian minors on the territory of other stated or the trafficking and exploitation of children imposed the adoption of new action initiatives.

35 Separate chapters regarding the minors situation exclusively were introduced within the national legislation which governs the free regime of travelling abroad for the Romanian citizens, stating as compulsory the approval of both parents in case of a child travels to another country, while the parents or other legal representatives should report a child’s disappearance to the police within 24 hours from the time they have noted the child missing from home.

At the level of each county there is an obligation to set up a toll free line where all cases of abuse or neglect can be reported, as well as specialised services which should ensure the social reintegration and rehabilitation of the victims.

Also, a number of national action plans were targeted at the protection of children against abuse, neglect and exploitation, combating the trafficking in human beings or combating the sexual abuse on children and the exploitation of children for commercial purposes. Each of these action plans represent the result of many institutional partnerships corresponding to the obligations assumed by Romania at international level. These instruments have foreseen as objectives common and/or specific legal or procedural measures, the setting up of specialized services for the children rehabilitation, the training of the professionals in the field, measures to identify, refer and assist children at risk and children who are victims, working methodologies and instruments of cooperation.

³⁶ The methodology describes in detail the signs that should indicate a possible situation of risk, the signs of a child considered to be a victim of trafficking in human beings, the way these cases should be reported to the competent authorities and the measures to be adopted in order to ensure a protection of the children who belong to the target group. The normative act also establishes the actions and activities that should be performed by specialists belonging to different fields that intervene in and instrument these cases, so that a common and fluent cooperation be achieved for the best interest of the child. Another chapter is dedicated to the monitoring of the measures adopted in order to ensure a better protection of the children victims of abuse or violence or trafficking in human beings so that the risk of repeating this situation be completely excluded.

³⁷ As a matter of consequence, in any environment as well as in schools, institutions or family corporal punishments are forbidden, such an act being incriminated, if it happens, according to the penal legislation into force.

³⁸ The direct beneficiaries were students from 30 schools with vocational education profile as well as siblings, parents or other legal tutors and also the local communities.

In order to increase the impact of the campaign the coordinator of the Local Inter-sectorial Team trained the representatives of the institutions involved in the campaign in order to promote and respect the children's rights and in order to increase their capacity to ensure children's participation in the implementation of the campaign. Among the actions of the campaign, informative brochures were distributed (on topics such as "Prevention and combating children exploitation; the attributions of the responsible institutions", "Protection of the victims of the trafficking in human beings", "Say NO to drug consumption!") and a leaflet of the Anti-drug / anti-trafficking County Team. These meetings gathered representatives of the local authorities, police workers, representatives of the church in order to inform them and to involve them in the actions of the Anti-drug/anti-trafficking County Team. Informative meetings with students, teachers and parents were also organised aiming at informing them about the risks involved by the trafficking in human beings and by the drugs consumption.

³⁹ The intervention was innovative in the sense that it practically connected the actions against the worst forms of child labour (such as the trafficking in children, begging and prostitution) with other actions (such as those against drugs consumption) which are in fact connected in the real life.

⁴⁰ Radio and TV stations, NGOs, the Territorial Authority of Public Order from the county level, the County Council, the Labor and Social Protection Directorate, the General Directorate of Social Assistance and Child Protection, the County School Inspectorate, the cults representatives. The process of informing the citizens was realized by organizing meetings (with women, children and elders groups), round tables with local factors involved in preventing this phenomena, projection of video spots and thematic movies, marches against violence, itinerant exhibitions of drawings with preventive theme organized in different places of interest for the public. By these preventive activities, the people received information about the forms of manifestation of the domestic abuse and which are the stages in managing a case.

In the period **2011-2012**, by creating the specialized web site www.politiaromana.ro/prevenire, a new source of information and preventive recommendations was established, which can be easily accessed by any citizen, including the problem concerning the prevention of domestic violence.

⁴¹ The goal of the project was to endorse the development of coherent policies to combat discrimination and promote equality of opportunities for persons with intellectual disabilities in Romania, by increasing the level of awareness of public opinion on abusive restrictions of the right to labor and self-determination of these persons, through the analysis of the current situation in our country from this perspective and identifying some tools for the relevant actors in the society (responsible authorities, NGOs active in the field of disability and human rights, employers, representatives of target groups).

The project has started from the analysis of opportunities of access to the labor market of persons with disabilities in general and of those with intellectual disabilities in particular, in the context of the status of disadvantaged category of this important part of the Romanian population and it aimed, on one hand to identify solutions to improve the current legal and institutional framework and on the

other hand to draw attention to the limitations and discrimination still persisting to which these persons are subjected to.

Among the **key results**, we mention the following: an objective and comprehensive evaluation of the situation of persons with disabilities in general and of those with intellectual disabilities from the perspective of the employment environment in Romania; conduct and implementation of a media awareness campaign among the Romanian population, regarding the rights of persons with intellectual disabilities, starting from the situations of rejection, marginalization and discrimination these persons are subjected to, taking into account their difficulties in effectively participating to the economic, social or cultural life; identification of the main obstacles that are faced with locally both the authorities competent for enforcing legislation on the rights of persons with disabilities in general and of those with intellectual disabilities in particular and non-governmental organizations active in this area and formulation of proposals of public and legislative policies; inclusion, as a result of activities conducted by the project partners of certain relevant provisions in the new law of social assistance adopted by the Romanian Parliament at the end of last year, in order to harmonize this regulatory document with European and international legislation and initiation of procedures of public consultations regarding the amendment of the framework-law on the protection of persons with disabilities.

⁴² The rules needed for the law to be implemented have to be processed now on. One of these changes in the law regarding the non-compulsive admission has been made in order to reduce the present difficulties often met in practice concerning the measures of shortening the court decision. The respect of human dignity, the promotion of non-humiliating or bad treatments, of non-discrimination, of non-abusive limitation of freedom of moving through contention and isolation - are the general principles underlined for the persons admitted in the psychiatric hospitals.

⁴³ Thus, the National Mental Health Programme sustained in the last 2 years several training programs for the mental health professionals (a curricula was created and over 200 professionals were trained) and a training curricula for the psycho education of patients and families for the psychiatric nurses.

⁴⁴ Among these measures, we mention the following: the introduction of concrete deadlines for the solution of the demands of former owners, the simplification of the administrative procedure for the establishment of compensation, the introduction of a deadline for the deposition of justifying papers, the payment of the compensation awards in annual instalments and the setting of a cap on the compensation awards.

⁴⁵ On the occasion of such meetings situations specific to each specific diocese were considered, insisting on the need for the parties involved that every community have their own spiritual worship.

⁴⁶ Up to present, meetings were held with the representatives of the Romanian Orthodox Church and of the Greek-Catholic Church, within which the following issues were discussed: aspects related to the state of solution of the requests and to the difficulties encountered in the restitution process; the situation of properties that belonged to the Greek-Catholic Church and which are currently detained by the Romanian Orthodox Church, the modification of the current legal framework allowing the solution of the situation of these properties, the acceleration of the restitution process, the legislative measures proposed by the Romanian authorities in the draft law concerning the enforcement of the aforementioned pilot judgment rendered by the ECHR.

⁴⁷ In primary school, students study Child's Rights as a distinct thematic cluster integrated in *Civic Education*, a subject which is compulsory in the 3rd and 4th grades (1–2 classes/week). Children benefit of free alternative textbooks.

In lower secondary school, *Human Rights Education* is included in subject called *Civic Culture* that is studied compulsorily in the 7th and 8th grades (1–2 classes/week). Students benefit of free alternative textbooks as well.

In upper secondary education, clusters of themes on human rights education can be found in various social studies, such as: Sociology, Philosophy, Social Studies which enjoy the same regime of free alternative textbooks.

⁴⁸ In this respect, it is worth mentioning the following optional subjects whose syllabi were approved by Minister's orders, as follows:

- at primary school level - *European Education* – Minister’s Order no. 5208 of 25.09.2006;
- at lower secondary school level- *Civic Culture* and *Intercultural Education* – Minister’s Order no. 5098 of 9 September 2009.
- at higher secondary level – *Civic Education*, *Intercultural Education*, Education for Democracy, European Union Institutions – Minister’s Order no. 5817 of 6 December 2010, International Humanitarian Law – Minister’s Order no. 4202 of 17 May 2011.

Generally speaking, human rights education has been developed throughout the pre-university educational system in a cluster- like manner obvious in all the subjects’ part of social sciences: Civic Education, Civic Culture, Sociology, Philosophy, Social Studies, European Education, Intercultural Education, Education for Democracy, International Humanitarian Law and European Union Institutions etc.

⁴⁹ Due to their impact on students’ considerable involvement and disposing of substantial didactic support (methodological guidelines and manuals), these programs have been undertaken as facultative studies that were further integrated in the offer of School Based Curriculum.

⁵⁰ Examples of programs: *Students’ Ombudsman*, *3rd Millennium Leaders*, *Learn How to Change the World*, *Building Europe with and for Children*, *National Contest of Creativity in Producing Didactic Materials to Support Human Rights Education*, *Democracy*, *Peace Culture in Pre-university Education* (organized in partnership with Romanian Institute for Human Rights).

⁵¹ Courses on human rights education and child’s rights education can be found under various titles, such as: *Human and Child’s Rights Education*, *Civic Education for Democratic Citizenship*, *Modern Approaches and New Trends in Child’s Comprehension*, *Human Rights Education*, *Education for Democratic Citizenship*, *Human Rights Education – teaching and learning human rights in pre-university education*, *Human and Child’s Rights Education*, *Human Rights and European Citizenship*, *Education for Democratic Citizenship*, *Child’s Rights Education*, *Child’s Rights Protection and Promotion* etc. 1795 teachers have been trained between 2007–2012 and 46 courses have been accredited.

⁵² For example:

- in 2008, within Students’ Ombudsman project (developed by 21st Agenda Association in partnership with MERYYS and UNICEF Romania), 42 educational inspectors were trained as trainers in the field of child’s rights education with a view to offer assistance to the development of the project at county level.
- in 2006, MERYYS and UNHCR developed a partnership project entitled “Human Rights and the Refugees’ Rights”, which was piloted throughout the school year 2007-2008 with the view to turning it into an optional subject. Within the project, 42 teachers (one teacher/county) and 42 schools participated to the training sessions dedicated to the refugees’ rights.

Being aware of the school and teachers’ role in building children’s civic behaviour, the aforementioned NGO Save the Children Romania continued to train, on an annual basis, 70 teachers through a child’s rights course accredited by the Ministry of Education, Research, Youth and Sport. This course is available for all teaching staff (educators, schoolmasters and teachers) from pre-university education.

Regarding the **professional training provided to future magistrates and to magistrates on** issues related to the topic of **human rights**, including matters related to discrimination, in the period of reference, 2008-2012, the National Institute of Magistracy (NIM) continued to grant a special attention to it. As regards the *initial training* for future judges and prosecutors, starting with 2004, the mandatory study of the European Convention on Human Rights was included in the curriculum, a number of hours being allotted to this discipline exclusively – debates, as well as conferences. This number was different from one year to another, according to the training needs in the field of the ECHR (it grew, successively, from 32, to 48 hours). Starting with 2007 – 2008, the issues related to discrimination and the implications in the national legislation were included in the syllabi of the following matters: European Convention of Human Rights, European Law and Criminal Law. As for the *continuous training* of judges and prosecutors, in the year 2008, NIM provided training on the

“*European Convention on Human Rights*” (for magistrates throughout organization of 21 seminars for 184 magistrates (137 judges and 47 prosecutors) and, also 9 Romanian experts from SCM and MJ. For the year **2008**, a total number of 8 seminars were organized by NIM in the field of “*Combating discrimination*”. As an element of novelty in **2009**, issues of the human rights law and community law were included in the seminar’s agenda devoted to specialized training of magistrates. As regards the *Combating discrimination*, in this period 4 seminars for a total number of 45 magistrates (27 judges and 18 prosecutors) were organized. In terms of the continuous training, in **2010** the NIM continued its approach adopted in 2009 and included as compulsory components of the agenda of the seminars dedicated to the specialized training of magistrates a number of ECHR and community law topics, while previously such topics were only a sporadic presence in the seminars, according to the specific approaches of the seminar trainers. In **2011**, NIM continued to recognize the importance of training magistrates on the *ECHR practice*, a field in which it shall further distinct training of civil and criminal aspects of the ECHR.
