



人权理事会
普遍定期审议工作组
第二十九届会议
2018年1月15日至26日

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*

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* 本文件原文照发。其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。报告重点叙述自上一次审议以来罗马尼亚人权状况的发展情况以及在落实 2013 年第二次普遍定期审议期间收到的建议方面取得的进展。
2. 外交部专家选择并汇编了报告中的资料，资料由下列罗马尼亚机构提供：司法部、内务部、卫生部、劳动和社会正义部、国家教育部、区域发展部、公共行政和欧洲基金、国家司法行政官学院、高级司法行政官委员会、高等上诉法院附属检察官办公室、国家宗教事务秘书处、族裔间关系部、国家打击歧视委员会、国家视听委员会、国家财产归还管理局、国家罗姆人署和国民议会。本报告发给在人权领域开展工作的罗马尼亚主要非政府组织进行协商。

二. 保护和增进人权的规范框架方面的发展情况

3. 第二轮普遍定期审议以来进行了几项对人权产生影响的立法修订，其中很多是依据普遍定期审议的评价和建议：

A. 关于司法

4. 《民事诉讼法》已于 2013 年 2 月 15 日生效。《刑法》和《刑事诉讼法》(连同由五项追加立法构成的一揽子支持性立法)于 2014 年 2 月 1 日生效。
5. 关于执行司法机构在刑事诉讼中所处监禁刑和拘禁措施的第 254/2013 号法律于 2014 年 2 月 1 日生效。
6. 第 1155/2014 号政府决定—2015-2020 年司法发展战略。上述战略大量借鉴了合作和核查机制的建议以及与世界银行共同开展的研究。该战略阐明了 2015-2020 年期间进一步改革的目标，以使司法效率更高，更负责任并提高其质量。
7. 第 282/2016 号政府决定通过了关于执行 2015-2020 年司法发展战略的行动计划。这项战略及其行动计划还应当成为确定司法领域欧盟供资优先次序的基础。
8. 第 583/2016 号政府决定通过了 2016-2020 年国家反腐败战略。该战略的主要目的是通过在罗马尼亚严格适用预防和打击腐败的法律和体制框架来促进廉政。它还旨在提高关于公共部门体制透明的条款的执行质量和影响。它包括旨在强化公共财政部建立的预算透明平台的措施。该战略还设想采用必要的法律框架来引入评估腐败风险的标准方法，并设想在中央一级执行该方法，将其作为更新(每两年一次)廉政计划的先决条件。2017 年 6 月启动了一个门户网站。
9. 第 184/2016 号法律(《PREVENT 法》)建立了一项在政府采购合同授标程序中预防利益冲突的机制。关于该机制的条款于 2017 年 6 月 20 日生效¹。

B. 关于保护儿童

10. 第 257/2013 号法律和第 52/2016 号法律修正并增补了关于保护和促进儿童权利的第 272/2004 号法律。
11. 在努力确保以罗姆人为重点的弱势人群获得保健和社区服务的进程中，关于社区保健护理的第 18/2017 号紧急法令是一项重要里程碑。
12. 第 57/2016 号法律修正了关于收养程序的第 273/2004 号法律，使收养程序更加灵活，并缩短了儿童取得国际收养资格所需的时间。
13. 关于销售母乳替代品的第 207/2016 号法律将国际守则充分纳入罗马尼亚立法，有望为欧盟其他国家树立保护母亲、婴儿和幼童健康的良好范例。
14. 劳动和社会正义部部长、卫生部部长和教育部部长联合令根据《国际功能、残疾和健康分类》(儿童和青少年版)处理残疾儿童权利问题，联合令中还包括关于为有特殊教育需求的儿童提供教育和职业指导以及为残疾和/或有特殊教育需求的儿童提供康复服务的条款。
15. 颁布了一揽子关于在教育机构中预防、监测和禁止学校隔离的国家教育部部长令。

C. 关于拘留条件

16. 第 169/2017 号法律修正并增补了关于执行司法机构在刑事审判中所处监禁刑和涉及剥夺自由的措施的第 254/2013 号法律。

D. 关于社会权利

17. 第 272/2015 号法律修正了关于打击家庭暴力的第 217/2003 号法律。
18. 第 60/2016 号政府紧急法令修正并增补了关于失业保险制度和刺激就业的第 76/2002 号法律，而这项政府紧急法令随后又进行了修订和补充。这项立法性法规修订了国内流动奖金制度，该奖金提供给在 15 公里以外的地点找到工作并须通勤的弱势地域失业人员以及在 50 公里以外的地点找到工作并将住所或居住地搬迁至新工作地点附近的人员。此外，它还增加了向雇用青年毕业生、青年 NEET(15-24 岁之间，既未就业也未接受教育或培训的群体)、长期失业者、45 岁以上失业者、失业单亲、残疾人或者自就业之日起五年之内将满足提前退休条件或达到退休年龄的失业者等各类弱势群体的雇主提供的财政支助。
19. 第 6/2017 号政府紧急法令将修正并增补几项规范法，并将在公共资金投资和搬迁奖金方面制定措施。搬迁奖金提供给在距住所或居住地 50 公里以外的另一地点找到工作并因此改变住所或居住地的登记失业人员。
20. 第 164/2017 号法律对关于在职学徒制度的第 279/2005 号法律和关于高等学校毕业生实习办法的第 335/2013 号法律均做了修正。这项立法性法规提高了雇主每签约雇用一名学徒或实习生所获的津贴金额。

21. 第 51/2017 号紧急法令修正并补充了一些规范法，比如：关于社会服务领域质量保障的第 197/2012 号法律和关于保护和促进残疾人权利的第 448/2006 号法律。

E. 关于教育

22. 出台了关于鼓励弱势家庭儿童参与学前教育的第 248/2015 号法律。若儿童在教育方案中的参与率至少达到 50%，地方主管机关会根据幼儿园入园儿童(2 岁至 6/7 岁)父母/法定代理人的要求，通过发放月度社会福利票/券(约为 10 欧元)为儿童参与学前教育提供支助。

F. 身份

23. 第 33/2016 号紧急命令修正并增补了某些关于罗马尼亚公民重要记录和身份证件的法规。

24. 第 801/2016 号政府决定规定了与具有申报身份者相关的数据的收集和删除程序，并修正和增补了某些关于一致适用民事和人口登记条款的法规。

G. 不歧视/性别平等

25. 第 229/2015 号法律修正并增补了关于男女机会平等和待遇平等的第 202/2002 号法律。

26. 第 193/2015 号法律修正了关于保护和促进残疾人权利的第 448/2006 号法律。

27. 第 8/2016 号法律建立了《残疾人权利公约》规定的机制。

28. 体制框架中增设了新机构，旨在处理人权领域需要特别关注的方面：

- 2014 年：设立了预防拘留场所酷刑和其他残忍、不人道或有辱人格的处罚或待遇监察员部，以根据《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》(1984 年 12 月 10 日在纽约通过)《任择议定书》(2002 年 12 月 18 日在纽约通过)，履行与预防拘留场所酷刑国家机制相关的特定职责²。
- 2015 年：国家没收资产管理署依据第 318/2015 号法律建立，并从 2016 年 12 月开始运作。该机构构成提高司法机关能力，以查明犯罪所得并有效弥补犯罪活动所致损害的现代解决方案。
- 2016 年：设立了隶属国家教育部的国家消除隔离和全纳教育委员会，该委员会的职责和任务是协调落实关于消除学校隔离和提高大学前教育机构/单位教育质量的行动计划。
- 2016 年：国家监测委员会一系自主的行政机关，任务是提出与尊重残疾人权利相关的建议并监测公共或私人实体对这些建议的落实情况³。

三. 前一轮建议的落实情况

29. 在第二轮普遍定期审议中，罗马尼亚收到 157 项建议，其中 130 项建议完全接受，两项建议部分接受(有 27 项建议未被接受，总体原因在于这些建议已经落实)。

接受国际规范并与条约机构合作(建议 109.1、109.3、109.11、109.12、109.14、109.41)

30. 罗马尼亚当局预计，对批准关于侵略罪的坎帕拉修正案相关方面的分析将于 2018 年完成，同时会考虑将于 2017 年 12 月在纽约举行的 ICC-ASP(国际刑事法院—缔约国大会)会议的讨论。

31. 罗马尼亚已于 2008 年签署《残疾人权利公约任择议定书》。罗马尼亚正在考虑批准《残疾人权利公约任择议定书》。罗马尼亚目前主要致力于落实批准《残疾人权利公约》后所作的承诺，“2016-2020 年残疾人无障碍社会”国家战略是《公约》的执行计划。

32. 《保护所有人免遭强迫失踪国际公约》及其《任择议定书》处于批准程序的机构间初步协商阶段。

33. 罗马尼亚将在关于设立儿童事务监察员的法律批准之后考虑加入《儿童权利公约关于设定来文程序的任择议定书》。

34. 关于逾期未交的报告，罗马尼亚的提交情况如下：

- 2015 年 4 月 23 日至 24 日，禁止酷刑委员会审议了罗马尼亚逾期提交的 1996-2007 年和 2008-2012 年报告；
- 2014 年 11 月 20 日和 21 日，罗马尼亚提交了关于《经济、社会及文化权利国际公约》的报告；
- 2017 年 7 月 6 日—罗马尼亚向消除对妇女歧视委员会提交了第 7 和第 8 号报告；
- 2017 年 10 月 25 日和 26 日，罗马尼亚提交了关于《公民权利和政治权利国际公约》的报告。

法律、体制和政策相关方面(建议 109.13、109.40、109.26、109.18、109.19、109.20、109.22、109.28、109.25、109.23、109.24、109.154、109.152、109.153)

35. 罗马尼亚主管机关正在分析如何加强落实《罗马规约》。有鉴于此，罗马尼亚外交部和司法部已开始共同起草法律草案，以批准 2015 年 11 月 26 日第 11 届全体会议上通过的 ICC-ASP/14/Res.2 号决议。此外，一项关于与国际刑事法院合作的专门法律草案目前在司法部一级处于最后起草阶段。将与所有相关行为体进行进一步协商，根据罗马尼亚政府年度立法计划，该法律草案将在 2017 年 12 月之前提交罗马尼亚政府。预计这项法律将于明年年初提交议会。

36. 主要立法修订在本报告第二章中有述，它们在改善弱势群体总体条件方面取得的成就即为 2013 年普遍定期审议之后罗马尼亚对接受并落实的建议所做的回应(见以下段落)。

37. 如第二章所述，体制框架得到进一步发展。关于履行《巴黎原则》，三家机构均有意启动(罗马尼亚人权研究所将再次启动)加入程序。因此，兼为欧洲平等机构网络成员的国家打击歧视委员会履行了《巴黎原则》规定的标准：它是一家自主的公共机构，具有法律人格，由议会控制(其年度报告须经议会辩论和批准)；它被授权保障和指导公民间平等和不歧视原则的落实，同时有资格调查歧视案件并进行处罚(通过其巡查组)；它拟定并适用不歧视领域的公共政策；其指导委员会成员由议会在全体会议上任命。罗马尼亚人权研究所在 2011 年之后继续根据资格认证小组委员会的建议采取一系列措施。

38. 对关于组织和运作监察员制度的第 35/1997 号法律进行修正的法律已获得议会批准，但应罗马尼亚总统要求，该法目前处于再审议程序中。该机构的特权将被扩大，以满足《巴黎原则》的要求。监察员机构将制定必要的认证方针。监察员可干预法院的法律程序⁴，并能够受理因公共行政机关侵犯其公民权利和自由而受到侵害的人员提出的申诉，但仅限于提出建议。

39. 与监察员不同，国家打击歧视委员会具有司法行政属性，其遵循司法机构原则，目标是在行政诉讼程序中采取受法院管控的行政司法行为。这两家机构的职权范围并无重叠。

40. 两家机构均从议会获得财政和立法支助以发展体制能力。

41. 一项对儿童事务监察员做出规定的法律草案被转交议会以待批准。儿童事务监察员将作为监察员的副手行事，并将捍卫儿童的权利，尤其是：生命权和保护健康；受教育权；享受适当家庭生活的权利和在家庭缺失的情况下获得国家保护的权利。残疾儿童将获得特别关注。

42. 2012-2015 年国家反腐败战略的有效执行产生了积极效果，比如修正了关于利益冲突的法律框架和关于资助政治派别的立法，同时通过巩固司法巡查的地位增进了司法独立。打击腐败的努力是持续的，罗马尼亚坚信，包含合作和核查机制主要建议的现行 2016-2020 年国家反腐败战略将促成更加有效的打击腐败进程⁵。

43. 关于司法独立，之前的司法发展战略(2012-2015 年)规定了与这一问题相关的特定目标，即：“通过推进反腐败措施和职业道德标准来强化司法廉政和透明”，旨在建立巩固和加强法官和检察官独立性的框架。现行战略(2016-2020 年)还引入了关于司法独立的特定措施，比如应对法官和检察官廉政风险,特别是通过(i) 让高级司法行政委员会和司法巡查在分析、通报和指导方面发挥更积极的作用以及(ii) 在不影响法官和检察官独立性的情况下强化最高法院和检察院高级管理层的作用和效率。司法独立仍然是现行 2016-2020 年国家反腐败战略的优先事项。2016-2020 年国家反腐败战略的主要目的是通过严格适用罗马尼亚预防和打击腐败的法律和体制框架来促进廉政。它还旨在提高关于公共部门体制透明的条款的执行质量和影响。它包括旨在强化公共财政部建立的预算透明度平台及其在行政控制行动方面应用的措施，并提出增强预算拨款，包括通过政府准备基金和国家地方发展方案向地方政府进行的预算拨款的透明度。计划采取的措施将提高预算拨款的可预测性，同时遏制政治保护主义。该战略还设想采用必要的法

律框架来引入评估腐败风险的标准方法，并设想在中央一级执行该方法，将其作为更新(每两年一次)廉政计划的先决条件。一个门户网站于 2017 年 6 月启动。

44. 2012-2015 年国家反腐败战略中纳入的关于国家反腐败局活动的措施已经成功落实。对与国家反腐败局 2012-2016 年期间开展的犯罪调查活动有关的主要统计指标的分析揭示，有效性参数逐年改善(见附注 5)，从而体现出打击腐败的效率。

45. 见习司法人员第一和第二年都必须学习与道德和司法组织相关的内容。因此，上述内容包括在初步培训课程中，主要议题为：司法机构的独立性和公正性；利益排斥、不相容和冲突；法官/检察官职责与法治；法官/检察官职责与法治—纪律事项中的判例；职业荣誉和尊严；纪律程序。在进修培训部分，自国家司法行政官学院 2001 年设立进修培训部分时起，面向法官和检察官的年度在职培训方案就常设与反腐败相关的培训课程。培训课程提供资料说明就这些事项通过的立法，并介绍该领域的良好做法。在各种项目、伙伴关系和预算资金框架内，国家司法行政官学院与其合作伙伴共同组织了 136 场面向法官、检察官和培训员的集中进修培训，内容涉及反腐败领域。在非集中培训层面，国家司法行政官学院与法院和检察院联手，在地方一级为法官和检察官举办了逾 180 场研讨会。

人权教育和专业培训(建议 109.123、109.122、109.124、109.39、109.66、109.43)

46. 从课程角度来看，人权教育和民主公民教育已经广泛发展，这两项议题均以多种方式处理：作为单独的必修科目，作为包括在各种社会研究课程内的专题群组，以及以跨学科方式作为学校选修科目⁶。

47. 在初等教育一级，面向三年级和四年级的公民教育教学大纲结构进行了调整(经第 5003/2014 号部长命令批准)，而新批准的面向初级中学的学校计划为各年级提供以下特定社会学科目：面向五年级的批判性思维和儿童权利教育，面向六年级的跨文化教育，面向七年级的民主公民教育和面向八年级的经济和金融教育。关于在国家一级提供的相关选修科目，有必要提及以下课程：社会教育(面向学前班和一年级)、儿童哲学(面向小学)、跨文化教育和国际人道法(均面向高中)。

48. 除正规人权教育途径外，还设立了多种多样的地方、省级和国家级课外比赛、竞赛和方案，以推动并鼓励实践和提升社会能力。一系列面向小学和初中的竞赛值得注意，比如：公民教育奥林匹克(面向三年级和四年级学生)、公民文化奥林匹克(面向七年级和八年级学生)、“民主与宽容”全国竞赛(面向小学生和中学生)、全国辩论比赛“少年辩论”(面向高中学生)、全国推理、辩论和批判性思维奥林匹克“青少年辩论”(面向高中学生)和“阅读作为生活技能”奥林匹克(面向 5 到 12 年级学生)。

49. 关于对教师进行人权教育和儿童权利教育领域的培训，教师培训之家提供多种在职培训，涉及各种课外方案。从 2013 年起，教师培训之家与罗马尼亚人权研究所联手面向所有大学前教师开设关于人权，特别是儿童权利的四年制培养课程。

50. 2016 年，罗马尼亚为欧洲委员会关于拟定民主文化能力框架的倡议做出了贡献。此外还通过国家教育部的支助在罗马尼亚学校试行了该框架。

51. 整个罗马尼亚语课程都鼓励富有同理心的文化和跨文化行为。专门面向初级中学的新教学大纲(经第 3393/2017 号部长命令批准)提出了关于以下问题的新视角：个人、国家、文化和语言认同，文化差异，欧洲文化和语言接触。这些问题均被纳入名为“跨文化要素”的必修部分—属于罗马尼亚语言教学大纲的一部分。

52. 面向少数群体的罗马尼亚语课程在社会-文化框架内广泛建立了个人发展部分。在这方面，教学大纲注重让学生认识多文化和跨文化环境，促进道德、国家和普世价值，并注重让学生参与国际日(例如国际宽容日)专门项目。

53. 关于学生的实际行为，所有学校都有可能推进和发起旨在让儿童和青少年实践不歧视能力、价值和原则的课外项目和活动。这些活动大都是与在学校环境中促进跨文化，预防并消除暴力、腐败和歧视学校委员会联手开展的(委员会是根据经第 5079/2016 号部长命令批准的学校组织和运作条例在学校一级建立的)。

54. 在专业培训方面，国际人权保护被纳入面向见习司法人员的课程，以使受训人员更好地认识法官和检察官在通过适用《欧洲人权公约》，包括不歧视原则来确保有效保护方面所发挥的作用。初步培训包括与禁止一切形式歧视相关的内容。这项活动是在国家打击歧视委员会协助下开展的，该委员会的成员也兼任国家司法行政官学院培训师。不过，与保护基本人权、不歧视原则、男女平等和欧盟内部人权司法保护相关的方面同样也在“欧盟法”研讨会框架内进行讨论。在进修培训方面，国家司法行政官学院组织了大量活动，以期提高认识，特别是对与这些建议相关的问题的认识⁷。

55. 面向安全人员的初步培训课程做了调整，以便纳入与保护受害人，欧洲在保护人权方面的合作，保护难民、寻求庇护者和无国籍人，以及影响一些社会共处关系的犯罪(煽动仇恨或歧视)相关的议题。关于进修培训，国家警察学院从 2012 年开始举办名为“预防和打击一切形式歧视”的年度培训。2013 年，Alexandru Ioan Cuza 警察学院完成了名为“促进公共秩序和安全机构人权中心”的项目的执行工作，该项目由欧洲社会基金和发展与促进人权中心共同资助。该项目设立了一个由 50 名常任培训师组成的人权培训师和专业人员群体，还建立了一个资源干事网络，以使中心更好地对执法结构采取行动。该中心提供名为“公共秩序和公共安全机构人权”的研究生培训方案，这项为期三个月的模块式课程每年有 50-75 人参加。犯罪研究与预防研究所已经拟定了以下议题，比如：人权与警察，少数民族人权，仇恨罪—一般概念，预防一切形式歧视，在警察与罗姆少数民族群体之间建立信任和理解的良好做法。

平等和不歧视(建议 109.17、109.42、109.44、109.48、109.45、109.56、109.70、109.71、109.72、109.69、109.61、109.62、109.64、109.59、109.67、109.46、109.47、109.49、109.60、109.63、109.68、109.108)

A. 一般方法

56. 罗马尼亚一贯支持旨在预防和处罚一切形式歧视的公共政策。参照 2015 年欧洲委员会专家应国家打击歧视委员会要求开展的评估，并考虑到联合国人权理

事会赤贫与人权问题特别报告员 Philip Alston 教授的建议(2015 年 11 月), 罗马尼亚启动了广泛的协商进程⁸。“平等、包容、多元”战略的 2016-2020 年政府决定目前处于部际批准程序(随后将批准一项关于执行“平等、包容、多元”国家战略的 2016-2020 年行动计划)。这项战略建立在之前的 2007-2013 年战略基础上, 考虑到必要的立法已经到位, 但有必要在执行中使相关主管机关的含义一致, 其主要目标是确保立法和体制的一致性。

57. 该战略包括目标一致的七个行动方向: 体制发展(旨在巩固国家打击歧视委员会的体制能力, 确保各机构活动的一致性); 教育(不仅针对课程, 甚至还针对认证程序; 为教师提供有关打击歧视和消除学校隔离的进修培训); 劳工(性别平等, 包容弱势群体, 监测系统); 住房(完善法律框架并促进旨在确保住房平等和不歧视的国家资助项目); 健康(措施涉及与获得医疗服务相关的立法框架、基础设施和面向医务人员的宣传运动); 公共行政(在公共行政层面促进并监测平等和不歧视原则); 尊严权(采取行动, 面向司法和警务人员以及全民开展关于恰当平衡表达自由与尊严权的进修培训, 对仇恨罪进行适当和迅速的处罚)。在这些领域取得的具体成果和对建议的回应下文有述。

58. 在解决向国家打击歧视委员会提出的申诉时, 指导委员会通过其决定, 适用警告或罚款等针对违规行为的处罚, 并提供建议, 以防止今后再次出现歧视行为或恢复歧视发生前的状况。关于申诉及国家打击歧视委员会所处罚款和所提建议的统计数据可参见该机构网站上发布的年度活动报告⁹。

B. 关于罗姆人社区的措施(建议 109.50、109.54、109.57、109.55、109.52、109.53、109.51、109.132-109.137、109.139-109.143、109.145)

59. 关于包容属于罗姆少数群体的罗马尼亚公民的 2015-2020 年罗马尼亚政府战略修订了 2012-2014 年战略, 并延续了 2001-2010 年关于改善属于罗姆少数群体的罗马尼亚公民条件的战略。这项新战略考虑到 2011 年《至 2020 年的国家罗姆人融入战略欧盟框架》中规定的关于包容罗姆人的欧盟建议, 还考虑到 2013 年欧洲委员会关于在成员国采取有效的罗姆人融入措施的建议, 并将为实现载入国家改革方案的欧洲 2020 年战略国家社会目标提供支助。

60. 主要干预领域是教育、就业、健康和住房, 并以社会服务、基础设施、文化和打击歧视作为补充。该战略附有针对各主要干预领域的行动计划。根据既定指标对每项行动计划执行阶段的评估一年将进行两次, 必要时还将采取特定措施。关于该战略执行情况的年度报告随后将通过国家罗姆人联络点提交欧盟委员会。根据评估结果, 部际委员会将就改善部门活动以及修正和补充该战略提出建议。该战略的执行还将受益于欧洲结构和投资基金。按照这些建议采取的部门措施见下。

61. 与教育相关的主要部门目标旨在缩小罗姆与非罗姆儿童在入学率、教育程度和社会经济条件方面的差距, 促进全纳教育并减少校内歧视案件¹⁰。罗马尼亚成功落实了旨在帮助弱势/罗姆儿童接受教育的学校调解方案。为巩固教育领域针对来自面临特殊风险群体的学童和学生的一揽子社会方案, 国家教育部继续运作年度社会方案, 以支助来自弱势地区的学童和学生, 方案包括: 提供学校用品, 为入读高中提供补助金/资助, 为采购个人电脑提供便利, 报销学童交通费用。一系列经证明有益的战略措施得以延续, 例如: 查明专业罗姆人教师并建立同时包括有资格和无资格罗姆人教师的网络, 鼓励在幼儿园、学校、高中和大学引入

罗姆语言和历史课程¹¹，支持罗姆青年进入大学学习。此外，在现行课程改革中，分别拟定了关于罗姆语言和文学(面向 5 至 8 年级)以及罗姆历史和传统(面向 6 至 7 年级)的学校新教学大纲(经第 3393/28.02.2017 号部长命令批准)。为确保禁止学校隔离，并确保落实全纳型学校原则，国家教育部继续应用具体措施¹²，并于近期批准了几项部委命令，为学校规定了一系列关于消除隔离，改善教育质量并建立相关有效监测机制¹³ 的义务。

62. 关于劳动力市场，主要部门目标旨在通过行动促进罗姆少数群体的参与，比如：开展关于劳动力市场状况的宣传活动以加强雇主与失业罗姆人的联系；促进罗姆人就业流动和创业；技能发展和认证；支持社会经济企业；向雇用弱势群体求职者的雇主提供鼓励措施。国家就业署通过综合方法持续促进罗姆人口就业，旨在实现积极的社会融入。就业鼓励措施既设想通过就业中介来帮助人们直接获得工作机会，又设想了积极就业措施，包括提供劳动力市场信息，职业咨询，对以正规途径和职业教育之外其他方式取得的专业技能进行评估和认证，这些措施都旨在应对罗姆人的贫困风险和社会排斥。国家就业署每年组织面向罗姆人的招聘会，并落实了一项称为“145 方案”的专门方案，针对 145 个有大批罗姆人居住的地方行政区。该方案提供支持罗姆人就业的个性化行动，尤其是通过就业中介、职业咨询和职业培训。从 2016 年起，地方行政区数量已经增至 150 个，该方案更名为“150 方案”。2012-2016 年期间实施上述措施后，总计 12,649 名属于罗姆人社区的人员已经就业。同期有 4,519 名罗姆人参加了由国家就业署组织的职业培训课程。

63. 关于健康问题，罗姆人包容战略的主要目标是：增加获得基本、预防性和治疗性医疗服务的机会；预防罗姆人群内事关发病率和死亡率水平的疾病状况，并降低相关风险；提高地方主管机关能力，以查明需求并执行与健康相关的干预措施；防止卫生系统歧视罗姆人。一项备受好评的措施是卫生调解员方案，欧盟委员会关于罗姆人融入欧盟的年度报告提及该方案，将其作为便利罗姆人获得保健服务的良好做法的范例。罗姆人社区护士这一新职类的出现也受到鼓励，以增加罗姆少数群体获得保健服务的机会。接种疫苗也成为目标。一个由卫生部和非政府组织运作的项目旨在发展多学科团队(卫生调解员、社区护士、社会工作者)模式，以加强对接种疫苗必要性的认识并提高罗姆人社区儿童的疫苗接种率。

64. 针对农村地区面向罗姆儿童的保健服务不足问题，国家公共卫生研究所正在运行一项 2014-2017 年度项目，该项目名为“强化全国罗姆人卫生调解员网络，以促进罗姆人口健康”，由一项挪威赠款资助。已在 45 个定居点开展了项目干预，这些定居点来自六个有罗姆人社区的省份。该项目聘用罗姆人卫生调解员和社区保健护士。这些社区小组努力增加弱势群体获得保健服务的机会，比如鼓励提高免疫接种率和开展健康促进活动。

65. 载入 2014-2020 年国家卫生战略的措施包括建立能推动社区保健护理发展的体制和法律框架，设立样板社区中心，扩大服务网络，培养社区服务提供者的体制和技术能力，或将罗姆人卫生调解员人数从 2014 年的 391 人增加到 2020 年的 600 人，并将社区保健护士人数从 2014 年的 982 人增加到 2020 年的 3,000 人。

66. 在住房方面，区域发展、公共行政和欧洲资金部继续实施“面向罗姆人社区的社会住房”试点方案¹⁴。国家住房战略项目预计将在 2017 年年底之前获得政府批准，该项目主要目标之一是为弱势群体获得适足住房提供支助。根据第

294/2015 号政府决定，国家地籍和土地登记署执行了一项 2015-2023 年期间地籍方案。该方案的设想是，在 2337 个城乡行政单位的土地登记处完成系统的地产登记。对弱势群体，特别是罗姆族裔给予特别重视。

67. 罗姆人社区在罗马尼亚政治和社会生活中发挥着积极作用。他们被选入罗马尼亚议会、欧洲议会和地方一级议会。从体制上说，国家罗姆人署(署长为部长级别，依惯例为罗姆族裔)、国家罗姆文化中心(由一名罗姆裔人士管理)和国家打击歧视委员会(一名罗姆裔人士为理事会成员一部长级别)是促进罗姆人口社会融入和司法保护的非常重要的体制工具。

C. 涉及其他弱势群体(儿童，男女同性恋、双性恋和跨性别者)和仇恨罪的措施

68. 罗马尼亚的法律框架确保根据《罗马尼亚宪法》的规定尊重所有人的权利，而不加以任何形式的歧视，宪法还提及尊重并保护私人生活。罗马尼亚打击歧视法(2000 年 8 月第 137/31 号法令，第 2.1 条)是最广泛、最包容的，对歧视做了非常广义的界定，纳入了基于性和性取向的歧视。自 2000 年以来，该法载入了关于打击煽动仇恨行为和打击一切形式歧视的条款。促进尊重男女同性恋、双性恋、跨性别者和双性人权利的民间社会组织在罗马尼亚积极开展监督、支助和权利促进活动，尤其是面向罗马尼亚/布加勒斯特的男女同性恋、双性恋、跨性别者和双性人社区。布加勒斯特每年主办致力于支助男女同性恋、双性恋、跨性别者和双性人权利的年度节庆“自豪周”，包括“向多元化行进一步自豪游行”。

69. 在罗马尼亚，感染艾滋病毒或患有艾滋病的人在法律上被视为残疾人。因此，他们受益于所有专门面向上述群体的保护措施。九家区域艾滋病毒感染监测中心对艾滋病毒呈阳性的孕妇进行监测，确认艾滋病毒感染后，任何人都将被记录，进行临床和生物监测，并在诊断后立即接受特定的抗逆转录病毒治疗，而不论年龄、性别、国籍、性取向。对艾滋病毒呈阳性的儿童和少年患者的管理遵照《2013-2014 年抗逆转录病毒疗法准则》，其中载有针对该年龄群体的专章。2014 年 5 月至 2016 年 8 月，在方案运作单位卫生部的协调下，“马泰·巴尔什教授”布加勒斯特国家传染病研究所作为项目创办单位，执行了“改善罗马尼亚艾滋病毒/艾滋病及 B 型和 C 型肝炎预防和控制”项目，该项目是 2009-2014 年挪威金融机制的一部分。

70. 关于法院层面的统计信息，应提及以下方面：

(a) 关于仇恨犯罪，统计数据由专人录入欧洲犯罪记录信息系统应用程序，并由司法统计人员进一步验证。

(b) 从 2015 年 4 月 3 日起，欧洲犯罪记录信息系统应用程序允许收集关于适用《刑法》第 77 条 h) 款的刑事案件的统计信息。

(c) 除《刑法》条款规定的刑事犯罪外，关于刑事犯罪的统计信息还包括第 31/2002 号政府紧急法令规定的刑事犯罪，这项法令禁止具有法西斯主义、种族主义、军团和仇外特征的组织、符号和行为，并禁止美化被认定犯有灭绝种族罪和战争罪，如反犹太罪行者。

(d) 欧洲犯罪记录信息系统应用程序尚不支持对歧视理由进行分类。正在开展工作，以使该系统尽快支持这种分类。

预防酷刑和不人道或有辱人格的待遇和拘留条件(建议 109.75、109.76、109.103)

71. 2011 年出台的法律框架，即名为《关于联合小组采取特别安全措施、约束和控制以及使用禁锢方式和技法的手册》的第 566/2011 号决定规定了这些小组作为最后手段/紧急解决工具进行干预的原则。该法律框架连同对安全人员进行的关于解决事件的进修培训和设备改进构成充分保障，可避免对囚犯过度使用武力¹⁵。

72. 2016 年 4 月 27 日，罗马尼亚政府通过了一项关于“批准为改善拘留和缓刑系统条件而采取必要措施的日程”的备忘录，根据该备忘录，一项 740,234,582 欧元的预算已划拨给国家监狱管理局，用于之后七年(2016-2023 年)的监狱基础设施投资。上述备忘录还设想对缓刑服务进行整合，特别是通过借鉴关于过去五年受缓刑服务监督者人数变化情况的统计数据来补充人力资源并改善工作条件。作为备忘录的后续措施，司法部(会同国家监狱管理局)于 2016 年 7 月通过一项行动计划，旨在改善拘留条件并减少过度拥挤现象。以被拘留者人均占有 4 平方米空间计，2017 年 6 月 27 日住宿场所短缺数量为 7,955 处。关于改善拘留条件的行动计划规定扩大住宿容纳能力，增加 10,895 处住宿场所。该行动计划包括在 2021 年前新建两座监狱。

73. 在采取行政措施的同时还将推进规范法，生效后将减轻过度拥挤现象¹⁶。预防拘留场所酷刑和其他残忍、不人道或有辱人格惩罚或待遇监察员部的活动也产生了具体成果。¹⁷

74. 根据第 254/2013 号法律，被定罪者获得医疗援助、治疗和保健服务的权利应得到保障，而不因他们的法律地位而受到歧视。其中包括医疗干预、初级保健，紧急医疗援助和专门医疗援助。根据法律，监狱中医疗援助、治疗和保健应在合格人员帮助下予以确保，这些服务为免费，可应要求或在必要时提供¹⁸。2016 年 12 月，卫生部与司法部完成了一项合作议定书，以提高给予被剥夺自由者的医疗服务质量，并出台在公共卫生网络中提供医疗保健的具体措施。

75. 关于被拘留者的重返社会方案，所有囚犯被安置在监狱之后都将接受评估，以查明释放后对他们重返社会最适合的活动。每个监狱提供的方案和活动都是个性化的，取决于监狱的特点和可用人力和物质资源，并每年更新。另一项体制目标是完成机构合作，以落实有助于囚犯重返社会的方案和行动。目前有 88 项议定书已到位¹⁹。

76. 有几项方案旨在提高对罗姆裔被拘留者平等权利的认识，这些方案是：“惩教服务中的脆弱性、阶层和族裔”项目，由 2009-2014 年挪威金融机制资助；RO23 方案“惩教服务，包括非监禁处罚”。一本名为《促进罗姆囚犯融入社会》的宣传册面向与罗姆人打交道的所有部门的雇员。

人身奴役和人口贩运(建议 109.56、109.83-109.97)

A. 一般措施

77. 新《刑法》和新《刑事诉讼法》(即第 2009-2014 号法律)2014 年生效后，所有人口贩运和剥削罪都被定为刑事犯罪并统一在一章下。在本报告所述期间，罗马尼亚政府通过了新的 2012-2016 年国家打击人口贩运战略以及 2012-2014 年和

2014-2016 年行动计划。2018-2022 年战略将参照打击人口贩运行动专家组和欧安组织等国际组织的建议，目前处于机构间程序中。新战略旨在实现五项目标：预防，打击人口贩运，保护受害者，监测，机构间和国际合作。

78. 国家打击人口贩运署及其公共和私人机构合作伙伴侧重预防工作和进一步保护易遭贩运儿童的权利²⁰。2012-2016 年期间，贩运预防活动旨在覆盖一系列广泛的现象(性剥削、劳动剥削和行乞)，统一性和一致性要素通过将信息聚焦于贩运相关风险而得以体现²¹。

79. 关于社会援助的第 292/2011 号法律载入了有关为人口贩运受害者提供社会服务的条款(特别是第 62 和 63 条)。此外还修正并增补了关于外国人在罗马尼亚就业的 2014 年 8 月 26 日第 25 号法令以及 2014 年 11 月 28 日生效的关于在罗马尼亚外国人地位的其他法规。

80. 罗马尼亚已通过进一步参与人口贩运案件联合调查小组加强人口贩运案件中的国际合作(共 28 起案件)²²。还与欧盟国家共同开展了若干双边项目²³。

81. 公共部的数据显示，对人口贩运犯罪者的打击已经加强²⁴。所有指控国家官员参与人口贩运相关罪行的举报都得到彻底调查。

82. 在调查和起诉方面，罗马尼亚主管机关加大了主动调查的力度，统计数据显示，调查活动和法院最终定罪比例均较高²⁵。

B. 保护受害者，包括儿童

83. 根据第 682/2002 号证人保护法，人口贩运等严重犯罪的证人可根据检察官或法院的决定被纳入证人保护方案。人口贩运受害者可在由国家设立的中心或非政府组织组建的中心获得援助和保护服务。在这些中心内，受害者能够获得社会、心理、医疗和法律援助以及住宿和餐饮。贩运受害者获得经济补偿的权利是随罗马尼亚加入《欧洲委员会打击人口贩运公约》而产生的固有权利。罗马尼亚立法区分并运用补偿和民事损害赔偿这两个概念，它们概括了旨在为暴力犯罪，包括人口贩运受害者提供经济补偿的可能步骤/选项。补偿这一用语是指国家给予的经济补偿；民事损害赔偿作为一个法律概念，应当理解为代表由法院命令确定的，为补偿由犯罪造成的损害而须向个人支付的金额。

84. 人口贩运受害者有权在刑事诉讼中作为民事当事人，为遭受的物质和/或精神损害主张民事损害赔偿。因贩运者没有收入或财产而无法依刑事法院命令从贩运者处获得民事损害赔偿的，有资格主张国家给予经济补偿，但仅限于某些类别的损害。

85. 关于保护和促进儿童权利的第 272/2004 号法律通过第 257/2013 号法律做了修正和增补，为保护父母在海外务工的儿童而制定了特别规则。修正案还明确了涉及为儿童提供身份证件的各机构的作用。根据该法，儿童出生后应立即登记，出生证应在出生后 24 小时之内发放。在卫生设施以外的地点分娩时，家庭医生须在 24 小时之内确认出生并放发出生证。

86. 采取预防措施和开展宣传运动属于国家打击人口贩运署与国家教育部等其他机构合作行使的职权范围。大多数旨在预防和提高认识的教育活动，不论是正式(基于课程)还是非正式(课外活动或项目)活动，都通过案例研究、研究、与专业人员会面、辩论、比赛等方式关注贩运风险和可暗示存在潜在贩运者的相关迹

象。这些活动由省级学校督察员、心理教育援助中心和教育单位开展。同时，国家教育部还运作处理人口贩运议题的健康教育国家方案。此外，每所学校还通过开展面向师生的活动来落实预防方案，以查明面临贩运风险的群体(一般每学期/每所学校一次活动)。

87. 关于贩运受害者重返教育系统的问题，国家教育部借助其地域结构(即：省级学校督察员)，通过提供继续学业的机会并确保保密来支持贩运受害者康复。选择继续学业的受害者及其家庭还可获得由学校专业人员提供的心理教育辅导。

家庭暴力和妇女的代表性(建议 109.77、109.78)

88. 在家庭暴力方面，劳动和社会正义部通过国家男女机会均等署行使战略、规章、代表和国家权威职能，并具有拟定、协调和执行政府战略及政策的属性。

89. 为强化公共政策以消除基于性别的暴力，包括家庭暴力，罗马尼亚政府2012年批准了关于批准2013-2017年预防和打击家庭暴力国家战略以及执行预防和打击家庭暴力国家战略行动计划的第1156/2012号政府决定²⁶。

90. 罗马尼亚通过第30/2016号法律批准了要求缔约国采取具体措施来预防和打击暴力侵害妇女行为及家庭暴力的《伊斯坦布尔公约》。《伊斯坦布尔公约》提出建立机制来确保为受害人提供保护，提高对该现象影响的认识，并预防和打击一切形式的暴力。

91. 为开展执行《伊斯坦布尔公约》所要求的复杂立法步骤，国家男女机会均等署拟定了关于执行《伊斯坦布尔公约》的一揽子必要立法方案，包括修订关于男女机会均等，预防和打击家庭暴力的立法以及修订《刑法》和《刑事诉讼法》。

92. 同时，2017-2020年治理方案规定了一系列旨在预防和打击暴力侵害妇女和家庭暴力的措施，并设定了一项先决条件，即通过使国内立法与《伊斯坦布尔公约》条款接轨的必要法律草案。《伊斯坦布尔公约》将被移植到次级立法以及通过落实欧洲资金项目开展面向家庭暴力受害者和施暴者的社会服务的过程中。

93. 国家男女机会均等署的另一项重要任务是资助和/或共同资助性别平等以及预防和打击家庭暴力领域涉及国家利益的方案。一些旨在提高对这一现象的认识的项目已经建立或即将建立。²⁷

94. 国家男女机会均等署不断组织关于性别平等和机会均等的宣传运动，这些运动也针对罗姆人社区²⁸。

95. 国家司法行政官学院为见习司法人员和进修培训人员组织的家庭法培训框架涉及与家庭暴力相关的方面。

思想、良心和宗教自由(建议 109.106、109.107)

96. 对财产归还法的修正于2016年5月生效(第103/2016号法律)，该法确立的推定是，共产党执政期间通过宗教教派“捐赠”使建筑物成为罗马尼亚国有财产的做法系为肆意接管。

97. 目前有18个得到承认的宗教教派、若干宗教团体和逾800个从事宗教活动的常规非政府组织在罗马尼亚运作。2006年关于宗教自由和教派一般地位的法

律规定，罗马尼亚国家对所有得到承认的宗教教派保持中立，并确保它们的自主性。这一关系基于不歧视和在共同利益领域相互合作的原则。国家宗教事务秘书处坚持面向所有宗教和宗教非政府组织代表的“开门”政策。目前该机构在编写《罗马尼亚国家与宗教》一书的修订版第二版(其中还包括与资产归还状况相关的资料)。

司法(建议 109.16、109.101)

98. 罗马尼亚出台了一项新的司法发展战略(2015-2020 年)，并随之出台了一项行动计划。该战略定义了各项目标，以继续在参考期内进行司法改革，使司法机构更有效率，更负责任，并确保提高司法行为的质量。关于建立和巩固相关司法机构的立法框架已经完成，这些机构的以往记录显示出积极成果(国家反腐败局、国家廉政署和国家没收资产管理署—2016 年 12 月开始运作)。

99. 2016 年，司法部开始修正一系列法律：关于法官和检察官地位的第 303/2004 号法律，关于司法组织的第 303/2004 号法律和关于高级司法行政官委员会的第 317/2004 号法律(所谓的司法法律)。对这些法律的修正正在进行中。

100. 2016 年 10 月通过了关于预防政府采购程序中利益冲突的法律。因此，国家廉政署将拥有另一项工具，即对政府采购进行事先审查的 PREVENT 系统。

101. 2016 年，国家廉政署还与常设选举局密切合作，以确保关于候选人廉政资格的决定在议会选举中得到及时采纳。这一举措经证明有效，可避免不符合资格的候选人参加议会选举，还有一些候选人在地方选举中当选，但随后被撤职或辞去职务。

102. 《刑法》和《刑事诉讼法》规定的立法修订被插入国家司法行政官学院的初步培训大纲，关于两项新法的进修培训也非常广泛。

与姓名、身份、国籍、家庭和婚姻相关的权利(建议 109.149、109.113、109.105、109.104、109.108)

103. 从立法角度看，近期为确保出生登记而采取的实际措施之一是起草并批准了第 33/2016 号政府紧急命令和第 801/2016 号政府决定。第 33/2016 号政府紧急命令修正并增补了某些关于罗马尼亚公民重要记录和身份证件的法规，第 801/2016 号政府决定则规定了与具有申报身份人员相关数据的收集和删除程序，并修正和增补了某些关于一致适用民事和人口登记条款的法规。

104. 上述修正旨在改善因身份无法证明而被剥夺基本权利的儿童的处境，因为相关立法规定，必须执行某些程序并提交文件才能进行出生登记，这可能会延迟出生证发放并因此影响各种服务的获得²⁹。关于民事地位的法律 2016 年进行了修订，旨在为医疗专业人员引入责任，以保护被遗弃在医院内的儿童³⁰。国家儿童权利保护和收养局起草了一项法规，批准了参与预防和干预面临遗弃风险或被遗弃在医疗保健设施内儿童案件的地方公共行政机关、机构和专业人员履行职责的方法，该法规经第 1103/2014 号政府决定批准。

105. 没有任何一名在罗马尼亚境内出生的儿童仍为无国籍状态；根据第 21/1991 号《罗马尼亚民法》规定的条件，如果父母提出申请，他们就可以获得罗马尼亚公民身份³¹。

106. 关于保护和促进儿童权利的第 272/2004 号法律通过第 257/2013 号法律做了修正和增补，为保护父母在海外务工的儿童而制定了特别规则。修正案还明确了涉及为儿童提供身份证件的各机构的作用。根据该法，儿童出生后应立即登记，出生证应在出生后 24 小时之内发放。在卫生设施以外的地点分娩时，家庭医生须在 24 小时之内确认出生并发放出生证。

健康权(建议 109.65、109.110、109.114、109.111、109.112)

107. 国家卫生战略于 2014 年 12 月通过，同时通过的还有关于 2014-2020 年期间执行该战略的行动计划。这项框架文件有力贯彻了“健康 2020：欧洲健康和福祉政策战略”以及世界银行专家在《罗马尼亚卫生部门职能审查》中提出的建议。国家卫生预算不断增加。

108. 国家卫生战略的第一项具体目标是“改善妇幼健康和营养，降低母婴死亡风险”。在早产儿医疗援助方面，卫生部引入了一项区域化护理制度，以确保每名新生儿均在能够提供适当服务的医疗设施内出生，以减少在婴儿死亡率中占很大比例的早产儿死亡。面向从事妇幼保健的专业人员的培训方案，包括 2016 年在布加勒斯特国家妇幼健康研究所内建立产前病理学英才中心的举措也针对同一目标。遗传畸形是导致儿童死亡的第三大原因。为提高产前诊断和遗传咨询能力，卫生部组建了 6 个国家级区域医学遗传学中心，由政府通过国家卫生方案出资。

109. 国家卫生战略的另一项目标是“降低意外怀孕数量、堕胎发生率和堕胎所致产妇死亡率”。行动主要通过“妇女和儿童健康国家方案下妇女健康次级方案”开展，同时通过干预来增加孕妇获得服务的机会，包括预防遗传病。这些措施旨在将计划生育融入一揽子基本服务、免费分发避孕药具方案和宣传运动。此外，学校教学大纲中包括一门关于“健康教育”的选修课，还有与医疗界人士和社会援助机构共同组织的课外活动。卫生部会同世界卫生组织、联合国儿童基金会、国家公共卫生研究所和国家教育部的专家，制定了采取全面办法的“促进卫生和健康教育多年期综合计划”。

受教育权(建议 109.115-109.121、109.128)

110. 教育领域的预算拨款未达到占国内生产总值 46% 的目标。但是，预算在逐年增加(2017 年占国内生产总值的 4.5%)。打击和预防辍学现象是罗马尼亚教育系统的主要优先事项。为应对这一问题，国家教育部发布了针对辍学的战略³²，旨在通过以下方式确保普遍获得优质教育和自我进修的平等机会：提高儿童早期教育和保育参与率，提供获得优质小学和初中教育的机会，发展辍学识别系统，整合补救支助方案，提高职业教育和培训的吸引力和质量。

111. 为支助来自弱势地区的学童并预防辍学，第 69/2016 号政府法令通过为无法在家乡上学的学童提供预算措施完善了第 1/2011 号教育法。仍然特别强调二次机会方案(针对小学和初中)，这些方案是为未完成义务教育的儿童/青少年/成年人专门设计的。

112. 此外，国家教育部采取的新步骤包括：通过在线远程学习/降低频率课程为罗姆青年提供初步培训，以使他们在罗姆社区中成为教师，在各省建立全纳教育中心，提供不同的教育服务以支持所有儿童接受教育(学校调解员、辅助/巡回教师、言语治疗师、学校辅导员等)。

113. 有特殊教育需求的儿童可以接受不同形式的教育，根据残疾类型和程度，他们既可接受主流教育也可进入特教学校。过去 15 年，入读特教学校的有特殊教育需求/残疾儿童人数每一级教育至少减少了 50-60%。为确保这类儿童的权利而采取的行动针对立法框架³³，还针对与他们入学和就业机会相关的具体方面(依他们的残障类型和程度而定)。

保护儿童(建议 109.29、109.30、109.35、109.36、109.80、109.37、109.79、109.82、109.98)

A. 一般措施

114. 在政策层面，制定了针对 2014-2020 年的一系列新战略，旨在将预算供资与适当的欧盟金融工具相结合，以消除儿童贫困并确保其福祉，这些战略是：“促进和保护儿童权利”；“社会包容和减少贫困”；“健康”；“预防辍学”；“残疾人权利”和“罗姆人融入”。规范和体制框架的拟定或修正以及受教育权和健康权方面的进展情况在之前几节有述。

115. 2016 年，罗马尼亚成为全球制止暴力侵害儿童行为伙伴关系的两个欧洲开拓国之一，致力于确定和运作倡议，以制止暴力侵害儿童行为，提供全面、协调、跨部门的暴力预防和应对服务并支持国内外改革。

116. 由于能力有限，特别是农村地区能力有限，罗马尼亚政府面临的主要挑战牵涉到在地方一级落实国家政策。制定 2014-2020 年新政策和规范框架时考虑到地方一级行政的挑战。

117. 关于暴力侵害儿童行为，除立法层面的改善之外³⁴，政府与联合国儿童基金会驻罗马尼亚办事处和非政府组织紧密联手运作的几项提高认识运动也增进了对各种暴力形式的认识。因此，人们日益趋向举报暴力侵害儿童案件，从而为主管机关干预提供了可能³⁵。农村和城市地区(信息更容易获得)存在显著差异，但总体而言对儿童权利、正面管教和须对儿童履行的义务所知甚少，这就需要进行投资，提高父母和照料者的能力和认识。

B. 保护儿童免受剥削

118. 该领域的现行法律框架规定，就对贩运未成年人进行刑事处罚而言，应当全面保护未成年人³⁶。关于剥削儿童问题的全国运动持续开展，旨在提高儿童和父母对这一问题的认识³⁷。

保护残疾人(建议 109.125-109.31)

119. 残疾人及其家庭、非政府组织和公共机构直接参与了 2016-2020 年“残疾人无障碍社会”国家战略的拟定。该战略旨在确保残疾人在《罗马尼亚宪法》和罗马尼亚加入的国际协定的保障下充分享受权利并有效参与社会生活。这项战略

的重点是为在罗马尼亚落实《残疾人权利公约》而确立的八个主要行动方向：无障碍环境、参与、平等、就业、教育和培训、社会保护、卫生和对所收集数据进行统计³⁸。

少数民族权利和移民(建议 109.132、109.38、109.146、109.58、109.148、109.150)

120. 保持和发展少数民族成员的文化和认同在罗马尼亚具有特别重要的意义。保护少数民族成员权利受《罗马尼亚宪法》保障。目前少数民族在罗马尼亚的有效参与已经成为现实；社会和经济生活、公共和文化生活等各个领域都有积极经验可报告。近年来，预防和打击歧视，包括在就业和职业问题上打击歧视的制度已得到巩固。罗马尼亚政府通过族裔间关系部给予国家少数民族委员会 19 家成员组织的财政支助逐年增加³⁹。

121. 《宪法》申明不得以宗教为由歧视的原则，关于宗教自由和教派一般地位的第 489/2006 号法律宣布，国家对任何宗教信仰或无神论意识形态保持中立，宗教教派具有不受国家干预的自主性，并宣布罗马尼亚没有正式的国家宗教，各教派依法享有自由和平等并与公共机关保持自由和平等关系⁴⁰。

122. 在加强移民权利保障措施方面，值得一提的是，罗马尼亚修订了与外国人在罗马尼亚法律地位相关的法律框架，从而使在罗马尼亚合法居留的某些类别的外国人在许多领域获得与罗马尼亚公民同等的待遇，比如接受教育、职业培训和获得奖学金以及进入劳动市场和取得社会保障。罗马尼亚当局正努力打击非法就业并保护在我国境内工作的外国人的权利。因此，他们会被告知对雇主的财务权利以及利用法律和司法工具收回这些款项的权利。即使遣返决定也可暂不执行，等到关于财务权利的诉讼解决后再执行。

四. 挑战

123. 需要进一步确保保护和促进儿童(特别是罗姆儿童和残疾儿童)的受教育权和健康权。还需要对活跃在人权领域的罗马尼亚机构进行体制整合并给予正式承认。本报告阐述的国家战略和行动体现出克服这些挑战的意愿。

注

¹ The mechanism is made of two components: (i) The technical component, the system itself, was finalized in 2015 and since then various tests are being run; (ii) The legislative component – which shall sustain the implementation of the mechanism – Law no. 184/2017 on 17th October 2016. The system has the objective to prevent conflicts of interests in the public procurement field, by automatically detecting whether participants in the public procurement are relatives or are connected to people from the contracting institution's management. Also, the system aims to raise the accountability among heads of public authorities and to avoid situations where EU financed projects are blocked due to fraud issues and, finally, to raise the absorption rate of the structural funds.

² The Department has the following tasks: to organize planned and unannounced visits of the places of detention, in order to verify if they concretely meet the standards; to issue recommendations to the management of the places of detention; to propose amendments of the relevant legal framework; and to maintain relation with the Subcommittee established through the Additional Protocol.

- ³ The Monitoring Council has still deficiencies in terms of human resources, consequently, its field visits are organized together with representatives of NGOs.
- ⁴ Attributions of the Ombudsman: follows-up with the legal resolution of the complaints received and requests the public authorities or civil servants to put an end to the respective violation of the civil rights and freedoms, to reinstate the complainant in his/her rights, and to redress the human rights violation; formulates points of view upon request of the Constitutional Court; notifies the Constitutional Court on the unconstitutionality of laws before promulgation; initiates appeals in the interest of the law and procedures before the courts when, following monitoring missions, it appreciates that the administrative structures exceeded their competences or acted illegally.
- ⁵ Data on **progress made in the fight against corruption in the period 2012-2016**, referring to the measures included in the National Action Plan for the implementation of NSA 2012-2015:

1. Year 2012

828 defendants were sent to trial, among them being 25 legal persons and 332 natural persons holding management control positions, involving public dignities or other important positions.

Status of the investigated people (the list is not exhaustive):

- 7 dignitaries (1 senator, 2 deputies, 1 vice-president county organization of a political party who also acts as a deputy, 2 State secretaries and 1 prefect);
- 1 personal counsellor of a minister, 1 vice-president County Council, 4 county counsellors, 12 local counsellors, 25 mayors, 8 vice-mayors;
- 10 magistrates, 17 lawyers, 31 policemen;
- 1 director of DGIPI (Secret service of the Ministry of Internal Affairs);
- 28 custom workers, 7 commissioners from the Financial Guard, 12 fiscal inspectors;
- 2 public officials A.P.I.A. (Agency for Payments and Interventions in Agriculture), 1 inspector I.T.M. (Territorial Inspectorate of Labour), 9 secretaries of City House, 1 vice-president of an union;
- 1 rector, 1 pro-rector;
- 13 directors from other public institutions and 10 directors of national companies.

The value of the security measures (seized assets) ordered by prosecutors amounted to approximately 1,174 million lei.

A number of 743 *defendants* were convicted with final conviction decisions.

2. Year 2013

1073 defendants were sent to trial, 49 of them being legal persons and 303 people holding management positions, control, public dignities or other important positions.

Status of the investigated people (the list is not exhaustive):

- 8 dignitaries (1 Member of the European Parliament, 1 minister, 4 deputies, one of them acting as the vice-Prime Minister of the Romanian Government, 2 deputy prefects);
- 1 personal counsellor of a minister, 1 director of a minister office, 1 director within the Romanian Parliament, 1 counsellor minister delegated for Energy, 1 vice-president of a County Council, 4 presidents of a County Council, 1 counsellor minister delegated for Energy, 4 directors county councils, 6 local counsellors, 2 counsellors of the City Hall, 25 mayors, 9 vice-mayors;
- 25 magistrates, 19 lawyers, 34 policemen;
- 2 chief medical doctors;
- 24 custom workers, 5 commissioners of the Financial Guard, 4 fiscal inspectors;
- 1 president of the Romanian Football Federation, 1 president of the Professional Football League;
- 1 rector, 1 pro-rector;
- 4 commanders of military units;
- 22 directors from other public institutions, 10 directors of national companies.

The value of the security measures (seized assets) ordered by prosecutors amounted to approximately 1,557 million lei.

A number of 1,051 *defendants* were convicted with final conviction decisions.

3. Year 2014

A number of 1,167 *defendants were sent to trial*, among them 107 legal persons and 392 natural persons holding management and control positions, public dignities or other important positions.

Status of the investigated people (the list is not exhaustive):

- 12 dignitaries (2 senators, 7 deputies, 1 State secretary, 2 prefects);
- 2 counsellors of minister, 1 State secretary, 1 counsellor of senator, 1 chief of office of the State secretary;

- 9 presidents of county councils, 1 deputy prefect, 3 local counsellors, 22 counsellors of the city hall, 1 county counsellor, 1 prefectural counsellor, 36 mayors, 7 vice-mayors;
- 35 magistrates, 25 lawyers, 81 policemen, 16 military personnel, 19 custom workers;
- 1 president of the Romanian Chamber of Trade, 1 president of the National Agency of Fiscal Administration;
- 6 commissioners from the Financial Guard, 2 anti-fraud inspectors, 2 fiscal inspectors;
- 1 university dean, 2 school directors, 8 school inspectors, 14 teachers;
- 3 managers of hospital;
- 1 president of federation, 1 president of foundation, 1 vice-president of a County Council;
- 10 directors of national companies;
- 3 directors of banking agencies/branches;
- 2 presidents of a sport club.

The value of the security measures (seized assets) ordered by prosecutors amounted to approximately 1,348 million lei.

A number of 1.138 *defendants* were convicted with final conviction decisions.

4. Year 2015

A number of 1.258 *defendants were sent to trial*, among them 83 being legal persons and 497 natural persons holding management and control positions, public dignities or other important positions.

Status of the investigated people (the list is not exhaustive):

- 32 dignitaries – 1 Prime Minister, 5 ministers, 5 senators, 16 deputies, 2 State secretaries, 2 general secretaries of a minister;
- Other positions from the central administration – 1 prefect, 1 counsellor of State secretary, 1 personal counsellor of a minister, 1 parliamentary assistant accredited to the European Parliament, 1 chief of office of a minister;
- local authorities – 80 mayors, 17 vice mayors, 10 presidents of county councils, 5 vice-presidents of county councils, 1 county counsellor;
- Law enforcement institutions – 14 magistrates, 15 lawyers, 42 policemen, 19 military personnel, 7 custom workers, 3 notaries;
- 32 directors of national companies;
- In the education field – 1 university rector, 1 university dean, 1 university pro-dean, 1 high school director, 1 school director, 2 general school inspectors, 2 school inspectors, 6 teachers, 1 university teacher, 1 university lecturer, 1 university lecturer;
- In the health field – 6 managers of hospital, 2 directors of hospital, 10 medical doctors.

Security measures (seized assets) were ordered in order to conduct the special confiscation or for the restitution of the damage caused as result of the perpetration of the offence, up to the total amount of 2.193,42 million lei, the equivalent of 493,46 million euro. Goods for the total value of 1982,42 million lei, the equivalent of 445,99 million euro were identified and frozen.

The courts ordered final conviction decisions for the number of 973 *defendants*.

5. Year of 2016

A number of 1.271 *defendants were sent to trial*, among them 114 being legal persons and 426 natural persons holding management and control positions, public dignities or other important positions.

Status of the investigated people (the list is not exhaustive):

- 30 dignitaries, among them: 1 minister and vice-Prime-minister for national security, 1 minister of transport, 1 minister of energy, deputy, 1 general secretary of the Romanian Senate, 1 president of the Chamber of Deputies, 1 vice-governor of the Romanian National Bank, 6 senators, 11 deputies, 3 State secretaries, 1 vice-president of the permanent election authority, 2 presidents and 2 vice-presidents of the National Agency for Fiscal Administration;
- other functions from the central administration – 3 prefects and 2 deputy prefects;
- local authorities – 47 mayors, 2 vice-mayors, 5 presidents of county councils, 2 vice-presidents of county councils, 2 county counsellors, 2 local counsellors, 13 secretaries of City Hall;
- Law enforcement institutions – 16 magistrates, 17 lawyers, 91 policemen, 14 military personnel, 1 notary;
- 55 people holding important positions in public institutions;
- 21 directors of companies or national companies;
- In the education field - 2 university rectors, 1 university dean, 4 school/school group directors, 3 university teachers, 1 university lecturer, 3 teachers;
- In the health field – 7 managers of hospital/medical institutes, 10 medical doctors.

Security measures (seized assets) were ordered in order to conduct the special confiscation or for the restitution of the damage caused as result of the perpetration of the offence, up to the total amount of 2.999,60 million lei, the equivalent of 667,94 million euro.

The courts ordered final conviction decisions for the number of 879 defendants.

- 6 The transdisciplinary approach of learning and the development of the key competence of expression and social awareness:

1. The syllabus for the optional school subject called “Life skills development” (the Curriculum upon school decision for 5th to 8th grades). Approved by M.O no. 3960/03.05.2012.
 2. The syllabus for the optional school subject called “Reading and life skills” (the Curriculum upon school decision for 5th to 12th grades). Approved by M.O no. 3961/03.05.2012.
 3. The syllabus for the optional school subject called “Education for intellectual property rights” (the Curriculum upon school decision for high school). Approved by M.O no. 3542/27.03.2015.
- The optional school subject called “Education for intellectual property rights”, proposed to be studied in high school, relates to the European Parliament and to the Council of European Union Recommendations regarding the key competences from the perspective of lifelong learning (2006/962/EC), which shapes up for the compulsory schooling system grades an “European training form”, targeted towards forming of eight key competences. The contribution of the “Education for intellectual property rights” school subject to the development of the European key competences is nuanced and diverse, including both the support for developing certain key competences and the awareness concerning other key competences, as following : social and civic competences; native language communication; leadership and entrepreneurship; mathematics competences and basic science and technology competences; digital competences; learning to learn; foreign languages communication; cultural awareness and expression.

- 7 For the continuous training, there are numerous events organized by the NIM with a view to raise awareness among future magistrates:

Between 2013 – 2014, the National Institute of Magistracy and the Superior Council of Magistracy were partners within the Project JUST/2012/FRAC/AG/2755 "European Judicial Cooperation in the fundamental rights practice of national courts – the unexplored potential of judicial dialogue methodology", coordinated by the European University Institute from Florence – EUI. The Project was focusing on three fundamental rights: the principle of non-discrimination, the right to a fair trial and the freedom of expression.

Also in cooperation with other institutions, the NIM organized activities relevant in this field, such as the Conference on fighting fascism, racism, xenophobia and the promotion of persons guilty of crimes against humanity and peace. The main objective of this event was to analyse and understand in depth the Romanian legislation in the field of fighting extremism, racism, xenophobia, discrimination and anti-Semitism, as well as the cases that may be brought before the courts, in the context of the passing of Law no. 217/2015 that amends the Government’s Emergency Ordinance no. 31/2002 prohibiting organizations, symbols and deeds with fascist, racist, legionary and xenophobic nature and the glorification of those found guilty of genocide and war crimes.

NIM hosted in Bucharest the Dissemination event that took place in the framework of the Project entitled - Active Charter Training through Interaction Of National Experiences (ACTIONES), which is coordinated by the EUI Centre for Judicial Cooperation with the support of the European Commission, DG Justice. One of the themes of the activity was the antidiscrimination.

In the framework of the European Law, continuous training program which takes place every year, a seminar regarding „The national judges and the European Law on equality” was included. Also, as regards the non-discrimination issue, the prohibited grounds of discrimination provided by the Treaty on the Functioning of the European Union (TFEU), were presented, with accent on the obligation of national courts to apply the EU law with priority.

Between the years 2014 and 2016, the Superior Council of Magistracy together with NIM have implemented the “Improving access to justice for Roma and other vulnerable groups - an integrated approach” project. The overall objective of the Pre-defined Project was to improve the access to justice for Roma and other vulnerable groups of the population (e.g. other socially disadvantaged categories which may desire to take part in the project activities), by carrying out a cluster of activities aiming at addressing the knowledge on and the use of their rights.

Another project implemented by NIM in partnership with the National Council for Fighting Discrimination between the years 2014 and 2016 was the Project “Improving national anti-discriminatory measures with the help of professionals and the civil society”.

Beginning with 2014, issues on combating discrimination were discussed at EuroQuod Conferences (The National Network of Judges - coordinators in EU law), a NIM initiative started in 2012. The president of the National Council for Combating Discrimination (CNCD) attended to the conferences and presented topical issues in the field of non-discrimination in European Union law.

In 2015, within the framework of the centralised continuous training programme, the NIM organised 2 seminars on “The role of national courts in the interpretation and application of the European Law”. The two seminars also included the recent case-law of the Court of Justice of the European Union in the field of non-discrimination.

An ECHR case relevant for the issue of non-discrimination on the ground of sexual identity (M. and C. v. Romania) was discussed in a „ECHR – criminal matters” seminar that took place in Bucharest, between the 22nd and the 23rd of September 2016. The ECHR found that the Romanian authorities failed to properly investigate a hate crime incident, relating to physical and verbal attacks which followed a gay rights march, and its potential discriminatory motive.

In November 2016, NIM organized two seminars on the Role of national courts in interpreting and applying EU Law. One of the themes discussed was focused on current issues in the field of discrimination, as well as the recent jurisprudence of the EU Court of Justice.

In March 2017, NIM in partnership with the National Council for Fighting Discrimination organised the seminar “Anti-discrimination. 15 years of non-discrimination in Romania. Jurisprudence and developments”.

⁸ In order to elaborate the Strategy, debates were organized with representatives of institutions and NGOs. Working groups were organized on right to dignity, access to education, housing, access to services, institutional development and several round tables in major cities of Romania.

⁹ The site of the NCCD –<http://cncd.org.ro/home> -

¹⁰ Various programs are carried out with a view to enhancing school participation or reintegrating those who dropped out (e.g. the “School after School” or “Second Chance” programmes, dedicated to disadvantaged persons, in particular Roma). As a result of such measures, more than 200,000 Roma are included in different levels of the education system. A widely appreciated affirmative measure is the grant of distinct places for joining the upper-secondary education (3,150 vacancies in 2016) and in higher education (622 vacancies in 2016). Also, there were 29 openings in the Ministry of Interior’s schools for 2015-2016. As of October 2016, the college “National School for Political and Administrative Studies in Bucharest” initiated a master program dedicated to “Roma Studies”, with 20 places for college graduates.

¹¹ In October 2016, the National School for Political and Administrative Studies started a 2 year master course for Roma Studies. First in Europe due to its curricula, it covers domains as: Roma history, Ethnography, Community studying a.s.o., and delivers quality information of real use for people in contact with Roma issues.

¹² These measures refer to:

- the creation of mixed groups / classes in pre-primary, primary and lower secondary schools, compulsory for 1st and 5th grades since the school year 2007-2008 and progressively applied to the rest of the grades. In addition, the division of Roma students in groups / classes / schools on grounds related to the study of Romani language and / or the Roma history and traditions was prohibited;
- the collaboration with school mediators or other community representatives for the carrying out of school census, while encouraging Roma parents to enrol their children in school each year;
- the reservation of a number of positions in all classes, upon late registration in order to support the children's school enrolment;
- the prohibition of Roma pupils' enrolment in special education groups / classes and special integrated education schools, by means of the abusive and unprofessional diagnosis of Roma pupils as having learning difficulties / special education needs;
- the sharing of school premises and facilities by all students, regardless of their ethnicity. Likewise, the transportation of children coming from residentially segregated communities to schools is ensured alongside non-Roma children;
- In addition to these initiatives, schools and county school inspectorates have the responsibility of analysing all the situations that indicate a low level of Roma children school enrolment compared to the number of school children identified upon the census carried out by the administrative-territorial unit and of establishing a desegregation plan.

¹³ The Ministry of National Education:

- Issued the Minister’s Order no. 6158/2016 regarding the approval of the *Action Plan for school desegregation and educational quality increase in the pre-university schools in Romania*;

- Issued the Minister's Order no. 6134/2016 regarding the prohibition of school segregation in the pre-university schools;
 - Set up a consultative working group in charge of the elaboration of the *Methodology of monitoring school segregation* in compliance with the new criteria provided by Minister's Order no. 6134/2016 and the *Methodology of prevention and intervention in segregation cases*. This document expands the segregation criteria including disabilities/special educational needs (SEN), family socio-economic status, residence and school performance criteria, besides the ethnic ones. Moreover, it stipulates a series of legal obligations to be fulfilled by different educational structures, the appropriate sanctions, the role of the future National Committee for Desegregation and Inclusion, as well as its relations with the county school inspectorates, the County Committees and the schools committees for violence, corruption and discrimination elimination.
 - Initiated the *Commission for violence, corruption and discrimination prevention and eradication and for the promotion of interculturality* in the Regulations of *pre-university school organization and functioning* approved by Minister's Order no. 5079/2016, with the aim of preventing racial discrimination of Roma pupils.
- ¹⁴ The pilot program, initiated in 2008, has a limited target (300 houses in 11 localities, based on proposals of the National Agency for Roma). Given that it is a pilot program, upon the completion of the 300 units, it is necessary to carry out a socio-economic impact analysis, as well as the impact of the pilot program on the beneficiaries and also on the local communities. Depending on the results of the analysis carried out by the entities to be established (MRDPAEF, National Agency for the Roma, territorial administrative units, etc.), it will be established the opportunity to build social housing for Roma communities (eg by creating a national program or introducing a sub-program in one of the programs already implemented by MRFPAEF in the field of social housing construction).
- ¹⁵ For guaranteeing legal, efficient and safe interventions, the associated teams for special security measures, constraint and control (SASS teams) act on the basis of the following fundamental principles: defending the human beings, legality, security, force proportionality, gradualism, non-surprise and minimum risk principle.
- The professional training of the security staff in solving the incidents is a guarantee that the intervention of SASS teams is the last resort, only in emergency situations, as the last form of action against the acts which could jeopardize the order, discipline and safety of the prison and if any other methods of managing the incidents did not achieve their purpose.
- The general elements regarding the way in which the operational incidents are managed have been included in the training activity for other security staff (surveillance, accompanying, escorting), for officers in execution positions as well as for the management board, with the aim to know certain ways of action and to act professionally, whenever the situation imposes it. The training modules include: solving incidents by using communication techniques by the staff who works directly with the inmates, operational incidents management, first aid, human rights issues, video recording of the way in which an incident is solved etc.
- Moreover, concerning the equipment, a process of endowment of the members of SASS teams with mini body worn camera started. The action will continue, for endowing all the members in the mentioned teams with this kind of devices.
- ¹⁶ The following laws and legislative projects are relevant:
- Draft Law on pardoning of sentences and educational measures involving deprivation of liberty, under debate at the Chamber of Deputies (the decision-making chamber of Romania's Parliament);
 - Law no. 169 of 14.07.2017 amending and supplementing Law no. 254/2013 on the execution of custodial sentences and of measures involving deprivation of liberty ordered by the judicial bodies during criminal trial, which introduces a compensatory day-earnings mechanism for the execution of custodial sentence in inappropriate conditions (published in the Official Gazette of Romania, Part I, no. 571 of 18.07.2017).
- ¹⁷ In December 2015, the Ombudsman presented to the Parliament and to the Prime-minister, a detailed report on the situation in the penitentiaries, following investigations conducted by its teams in all of them. In this report it recommended legislative, administrative, judicial and financial measures.
- ¹⁸ The services for medical assistance treatment, healthcare, and medicines shall be provided from the Single National Health Insurance Fund, under the terms of the Framework-Contract on the conditions of granting medical assistance within the health social insurance system and of the Methodological Norms for the application thereof, from the funds of the units within the administration of the penitentiary, approved for this purpose, and other sources, according to the law.

Ambulatory medical care can also be provided in the specialist ambulatories of the medical units in the field, which have concluded a contract with the health insurance companies, or the inmate may request, for a fee, to be examined at the detention place, within the medical sector, by a doctor from outside the prison system. The findings made by the doctor from outside the prison system are written down in the inmates' medical file.

¹⁹ In terms of the participation to the social reintegration actions, in 2016, at the prison system level, the following data were registered:

- 2,455 inmates registered in school activities, during the school year 2016–2017;
- 2,627 inmates participated in counselling-information activities and work mediation, as well as in initiation and professional training classes;
- 328,039 inmates participated in educative approaches;
- 88,571 inmates participated in psychological approaches;
- 87,657 inmates participated in social assistance approaches.

²⁰ To decrease demand and to inform citizens about the criminalisation of the use of services delivered by an exploited person known to the beneficiary as a human trafficking victim, between October 2014 and April 2015 NATIP implemented the human trafficking prevention and communication campaign 'Exploitation Kills Souls'. The campaign was aimed to help reduce demand for services provided by victims of exploitation and trafficking by informing the consumers of such services and the general public about the condition of the victim, recruitment methods, and legal repercussions. The target group included people attending places where the three types of exploitation may arise (sexual exploitation, forced labour, begging): bars, restaurants, hotels, areas nearby religious buildings (begging), regional labour recruitment agencies (labour exploitation).

As part of the project 'Best Practice Models for Human Trafficking Victim Care Services', financed under the 2009-2014 Norwegian Financial Mechanism, NATIP started a campaign to prevent human trafficking for exploitation in begging 'Ask for help, don't beg!', aimed at raising awareness of child trafficking in vulnerable communities (including Roma communities), identifying the root causes of vulnerability to trafficking and finding possible solutions to prevent human trafficking, in particular children's exploitation in begging.

The message of the Campaign 'A hand held out does not get help, but money for traffickers!' targeted at-risk children aged 8 to 18, adult representatives of vulnerable communities (parents, informal leaders, etc.), representatives of institutions involved in human trafficking prevention and fight (local authorities, police departments, school inspectorates, general directorates for social assistance and child protection, etc.), and the general public. It involved direct meetings with target group representatives (students and teachers as well as representatives of local communities and authorities) in ten different locations to identify the root causes of vulnerability to trafficking and, in particular, exploitation in begging and to find specific solutions.

In 2016, the National Agency against Trafficking in Persons implemented the national prevention campaign 'Don't Look Away from the Invisible Face! Its Story Can Become Your Story!', which consisted of public information activities regarding sexual exploitation, its causes and effects.

²¹ List of a few figures for each year:

- In 2012, 6 national and regional campaigns, 36 local campaigns and 7 action plans / actions to prevent trafficking in human beings were implemented, all related to both the causes of the phenomenon and the main forms of exploitation within it. The number of direct beneficiaries was almost 100,000 and that of indirect or tangential beneficiaries of about 1,000,000;
- In 2013, 6 national prevention campaigns and projects were implemented and 49 local. The total number of direct beneficiaries of campaign prevention activities exceeds 150,000;
- In 2014, 6 national prevention campaigns/projects, 53 prevention/local educational campaigns/projects were successfully implemented and participated in 1 cross-border project. The total number of direct beneficiaries of campaign prevention activities was 135,500 people and an estimated number of over 2,000,000 indirect/tangential beneficiaries (people who came into contact with anti-trafficking messages through leaflets, posters, video spots and in the online environment);
- In 2015, a total of 59 campaigns/projects/prevention initiatives were implemented, out of which 4 national prevention campaigns/projects and 55 campaigns/prevention educational projects/local initiatives. There were a total of 1,813,710 beneficiaries, out of which 313,710 direct beneficiaries and an estimated number of over 1,500,000 indirect/tangential beneficiaries (people who came into contact with anti-trafficking messages through flyers, posters, video spots and in online environment);

- In 2016, a number of 3 national prevention campaigns were implemented, a campaign for the Romanian community in the United Kingdom of Great Britain and Northern Ireland (UK) and 87 campaigns / educational prevention projects/local initiatives. A total of approximately 120,000 direct beneficiaries and an estimated number of over 1,400,000 indirect beneficiaries (people who have come into contact with anti-trafficking messages through flyers, posters, video spots, and the online environment) have been registered.
- ²² Number of participations in Joint Investigation Teams concerning human trafficking: 2013 – 2, 2014 – 3, 2015 – 3, 2016 – 12, 2017 first semester – 8.
- ²³ The information campaign titled "With a call, you will save your life! Be your Savior!", run in 2016 among the Romanian community in the UK. The campaign targeted the Romanian community in the UK and addressed both people at risk, victims / potential victims of trafficking in human beings and representatives of the general public. The JLS/2009/ISEC/AG/207 project "Integrated Approach to Preventing Labor Exploitation in Countries of Origin and Destination", co-funded by the European Commission, the transnational prevention campaign "Work is a Right! Exploiting work is a crime!" was implemented simultaneously in six countries (Romania, Bulgaria, Greece, Cyprus, The former Yugoslav Republic of Macedonia and Hungary) and aimed at preventing trafficking in human beings for labor exploitation. The Romanian target group of the campaign "Work is a right! The exploitation of work is a crime!" was made up of the general public aged between 18 and 40, generally the persons who want to go to work abroad, and the decision-makers with attributions in the field of preventing and combating trafficking in human beings exploited by work. The project "Combating Trafficking in Human Beings and Sexual Tourism – ETTS" (DCI-NSAED/2010/234-237) co-financed by the European Commission and implemented in European countries (Italy, Romania, Spain), and coordinated by the Municipality of Genoa, Italy, the National Campaign on Preventing Human Trafficking and Sexual Tourism titled "Nepheria makes us accomplices" (3 October 2013–30 April 2014).
- ²⁴ In the period between January 2012 and June 2017, a total of 914 cases have been sent to trial (178 in 2012, 186 in 2013, 190 in 2014, 162 in 2015, 136 in 2016 and 62 in the first semester of 2017), with 2,675 perpetrators prosecuted (536 in 2012, 552 in 2013, 550 in 2014, 464 in 2015, 352 in 2016 and 221 in the first semester of 2017) for trafficking 4,281 victims (976 in 2012, 1003 in 2013, 832 in 2014, 653 in 2015, 483 in 2016 and 334 in the first semester of 2017).
- ²⁵ 2014: total number of cases investigated 1888 (from previous year and new registered), from which 799 were solved, with 190 indictments and 552 persons sent to court; in 2015: total number of cases investigated 1838 (from previous year and new registered), from which 794 were solved, with 162 indictments and 464 persons sent to court, from which 260 were arrested at that time; in 2016: total number of cases investigated 1724 (from previous year and new registered), from which 612 were solved, with 136 indictments and 352 persons sent to court, from which 208 were arrested at that time. As for final convictions in 2012 there were 427 traffickers convicted, in 2013 there were 252 traffickers convicted, in 2014 there were 331 traffickers convicted, in 2015 there were 252 traffickers convicted, with penalties which range mostly from 1–5 years in prison (in 84 of the cases) and from 5-10 years in prison (in 70 of the cases).
- ²⁶ The operational objectives of the National Strategy are to continue implementing the informational campaign regarding the gravity of the phenomena of domestic violence, developing social services both for the victims and for the perpetrators and continuing trainings for the experts with responsibilities in this field, in order for them to offer proper support services for the victims of domestic violence. The main is to:
- Prevent and reduce domestic violence;
 - Protect the victims of domestic violence and incriminate the perpetrators, by creating an integrated institutional framework;
 - Promote inter-sectorial cooperation to eliminate domestic violence and to support the partnership with civil society;
 - To ensure the premises of reducing the tolerance degree of domestic violence;
 - To increase the efficiency of all prevention programs and to develop some non-violent attitudes and behaviours.

The measures included in the National Strategy contribute to strengthen the institutional capacity of the central and local public administration authorities in the field of domestic violence management and developing a unique system of social services specialized in the field of preventing and combating domestic violence.

²⁷ In order to provide financial support for the development of all the necessary means and tools for the enforcement of the legislation, the National Agency for Equal Opportunities between Women and Men (NAEO or ANES) has developed a number of projects, which are in different stages of development:

- The predefined gender-based violence project, which aims at implementing the Istanbul Convention under the „Justice” Program financed by the Kingdom of Norway focusing among other things on the development of at least 8 assisting centers for aggressors, at the local level, coupled with the elaboration of working procedures and specialized intervention programs for aggressors in order to prevent the relapse of domestic violence acts.
- The VENUS project to combat violence against women and domestic violence will develop measures centred on the integrated and unified approach to social services, socio-professional and professional training of specialists in the field, in order to prevent and combat domestic violence at national level.

ANES carried out during the last 2 years, the project "National Campaign for Awareness and Public Information on Family Violence", through the Program "Domestic Violence and Gender-Based Violence", financed by the Norwegian Financial Mechanism. The campaign was designed to ensure broad coverage, focusing on the existence and the utility of the free telephone line dedicated to combating domestic violence, 0800 500 333 as a public information vector.

Regarding the need for strong legislative and institutional measures aiming on one hand, to limit the phenomenon by applying punitive measures against perpetrators and, on the other hand, to support victims by providing a range of services appropriate support, NAEO implemented, between October 2014 and December 2015 the project "START — A quality life in safety!", funded by HROP 2007-2013, totalling 170,207,156 lei (38 million euros). The project aimed to implement a holistic and integrated development of mechanisms, policies, procedures and tools applied nationwide, generating long-term benefits for people in situations of gender inequality, domestic violence or human trafficking risk. The overall objective was to develop an integrated system to address national measures to prevent and combat domestic violence and trafficking. The intervention area of the project had national coverage having a target group of 11,150 people, out of which: 1,000 women, 5,050 people from vulnerable groups, as follows: 4,000 domestic violence victims, 1,000 children at risk, 50 human trafficking victims, 4,000 experts in public institutions with responsibilities in preventing and combating domestic violence and human trafficking and/or also experts for interacting with victims, 550 managers and 550 people from the local and central authorities. The relevant results achieved within the project were:

- (a) Providing support to 5,050 victims who received complex services in terms of psychological, social, medical and vocational assessment; contiguously, they have benefited from the development of individual plans of intervention and from training services, psychological counselling, legal counselling and career guidance;
- (b) Training and job qualification, for a total of 4,000 women victims of domestic violence and individual subsidization of 6,000 lei /victim;
- (c) Raising awareness seminars attended by 5,000 women;
- (d) Training 4,000 people to become equal opportunities technician (with very important role in the communities — small towns, and villages);
- (e) An integrated system had been created for recording, reporting and managing of domestic violence situations by creating a specialized system that facilitates recording and precise data centralization (SIRMES) — with a focal point for all the specific information managed in all institutions responsible in the field; developing a unified set of monitoring tools, including a single file per case;
- (f) An emergency accommodation centre for victims of domestic violence (shelter) had been founded;
- (g) A free and anonymous hotline for victims of domestic violence — call centre on a 24/7 basis has been established — No. 0 800 500 333;
- (h) 42 inter-institutional and multidisciplinary intervention teams in each county around the country and in Bucharest have been created and became functional;
- (i) 3 intervention guidebooks for professionals has been elaborated;
- (j) 300 inter-institutional partnerships were signed;
- (k) Campaigns to raise awareness on domestic violence, gender inequality and human trafficking were conducted.

The Romania Police was partner in the "Good Practice Models on Assistance to Victims of Trafficking in Human Beings", project initiated by the National Agency Against Trafficking in Human Beings. The project was funded through the Norwegian Financial Mechanism for 2009-2014, the Program "Domestic Violence and Gender-Based Violence" and had as partners the Council of Europe, the Norwegian Police and the General Directorate for Social Assistance in Bucharest.

²⁸ Projects and programs developed in the field of gender equality:

Between 2011–2013, the technical structure on gender equality implemented the project “Fem.RRom. – Improving the access of Roma women to the labour market and support the social economy: promoting and developing integrated services by creating cooperatives for women, ensuring the access to formal education and the development of specialized and personalized employment services”. The main objective was the promotion and support of creating new jobs in cooperatives for the Roma women, increasing their employment rate, increasing their skills level and their employment and job opportunities. Were established 3 employment workshops and 5 cooperatives to provide goods and services, the project addressing to a number of 1.550 Roma women, of which 550 trained in specific fields and professions, 1.000 receiving information, counselling and mediation services on the labour market. The project is ongoing.

The project “Empowering women from ethnic minorities in the trade unions structures” with the financial support of the Kingdom of the Netherlands through the FSA Grant program and the United States of America Embassy through the Democracy Small Grants program, was implemented in 2012. Having as main objective achieving a platform of action regarding the vulnerable groups on the labour market, the project set out to develop a leadership program for 20 Roma and non-Roma women members of a trade union, the establishment or reorganization of departments in two national trade union confederations to approach the issue of vulnerable groups on labour market, the development of a national campaign on the rights of employees in the labour market, promoting the equality of opportunities in the workplace. As a result of the project are included: action plan with specific measures for trade unions and NGOs; leadership program for Roma and non-Roma women; creating departments in the union confederations to approach the issue of the vulnerable groups in the labour market; developing a campaign regarding the rights/equal opportunities in the labour market. Between March 2011 and May 2013 the project S.A.N.S.A “National campaign of public awareness on gender equality and equal opportunities and institutional support for developing the activity of the interested factors in the issue of gender equality and equal opportunities” was implemented, with the overall objective of public awareness regarding the gender equality and equal opportunities in the labour market and supporting the development of the activity of the interested factors in the issue of gender and opportunities equality. The main activity of the project was the „Week of equal opportunities”, held in all 8 development regions of Romania. The activity consisted in conducting workshops for the workers from the structures involved in the social protection system, entrepreneurial and public authorities and jobs fairs, public debates with opinion makers and roundtables with the media. At these actions attended representatives of the territorial departments of the MLFSPE (Ministry of Labour, Family, Social Protection and the Elderly), of the city halls, local and county councils, employers’ associations and trade unions, representatives of the NGOs activating in the field of gender equality, associative structures representing vulnerable groups, caseworkers.

The project “Empowering the Roma women in the labour market” with the overall objective of developing the capacity of trade unions to promote equal opportunities in the labour market for the women from the vulnerable groups, was implemented between 2012-2013. Within the project 80 Union leaders were trained, representatives of the NGOs and institutions relevant in the field of participative and stimulating management, an inter-professional network has been created of at least 30 experts and relevant actors in order to work with and for the Roma women, were carried out actions of information and awareness-raising of the rights in the labour market of over 1.000 employees being in vulnerable, marginal positions in the labour market.

In March 2015, Romania declared the 8th of May as “Equal opportunities between women and men Day”. According to the law, the local authorities and the Romanian Television and Radio Broadcasting should organize public events, actions and dedicated programs on this Day. Both at central and local levels, conferences, roundtables, public debates etc. on the values of gender equality and the benefits arising from their compliance are organized.

The first celebration of the “Equal opportunities between women and men Day” was the launching of the “HeForShe” campaign in Romani. In this context, it was launched, on the official website of the Ministry of Labour, Family, Social Protection and Elderly the online petition of the campaign. The event took place at the initiative of the National Agency for Equal Opportunities between Women and Men (ANES) with the support of the Romanian Presidency and the Ministry of Foreign Affairs. By signing the online petition by as many men and boys, Romania sent a clear message for supporting equal opportunities between women and men as well as women's rights. Both the President of Romania and the Prime Minister signed the petition and they were very supportive of the campaign.

Romania is actively involved in the “HeForShe” campaign launched by UN Women. The President of Romania is one of the 10x10x10 Impact Champions. The planned activities include the establishment of a new integrated system to track, report and prevent all forms of gender violence, training of specialists in a new profession - gender equality expert - and developing and implementing programs to engage girls and boys (100,000 youth) in political, social and economic life. Romania contributes to the HeForShe campaign with an integrated vision of promoting equal opportunities and treatment between women and men, on a national level.

Starting with 2016, for celebrating the “Equal opportunities between women and men Day”, ANES decided to organise an annual event called “Gender Equality Week” and all the activities organised in this period were connected to the Romanian engagements in the HeForShe campaign. Therefore, between the 4th and 11th of May, 2016, the events that took place in Bucharest managed to attract and gather up over 1,200 students. Successful business women, entrepreneurs, award winning actresses and women in key positions within the central public administration went to high-schools and discussed with teenagers about what it is like to be a powerful woman in today’s society. About 400 students from the “Alexandru Ioan Cuza” Police Academy took part in a debate, followed by an interactive theatre play using Forum Theater techniques, on the subject of preventing and combating domestic violence and the principle of equal opportunities. Another 50 teenagers visited the Cotroceni National Museum, while several members of relevant NGOs took part in a debate about the involvement of women in politics and in decision-making key positions. During this week, an essay competition for college and high school students was also organized. It covered the gender equality theme and the authors of the best three essays from each category were rewarded with a prize. On the 16th and 17th of June, a total number of 300 high school students visited the „Alexandru Ioan Cuza” Police Academy, The Palace of Parliament and the Hofigal production centre, using a bus imprinted with the HeForShe logo. On the 18th of June, several hundreds of people, between 8 and 69 years old, attended the „Equal opportunities cross-country race” in the „Alexandru Ioan Cuza” Park, Bucharest. In 2017, the annual celebration of “Equal opportunities between women and men Day” and “Gender Equality Week” took place between 8th and 12th of May. During this week, ANES in collaboration with the Friends for Friends Foundation, the Save the Children Foundation and the Civil Society Development Foundation organized meetings with pupils from 5 high schools in Bucharest about physical violence and language violence, couples violence and adolescent relationships, discrimination and bullying, and sexist language in the online environment. Debates targeted 300 high school students. In parallel, in other 5 high schools in Bucharest, ANES organized debates, within the framework of “Woman in Science” concept, dedicated to attracting young girls to the scientific environment and encouraging teenagers to a career in scientific fields. 200 high school students were part of the experiences and challenges encountered in the career of five senior Romanian scientists (chemistry repeater, nuclear physicist, astrophysicist and researcher in the field of development of modern technologies and IT). During the entire celebratory week, on the official Facebook page of ANES there was a campaign for promoting women in science by presenting those women who have marked the Romanian scientific history. Also, on 9th of May, 50 high schools visited the Astronomical Observatory in Bucharest. Between 11th and 14th of May took place the International Fighting Championship for cadets and juniors, during which ANES in partnership with the Romanian Fighting Federation promoted the principal of equal opportunities between women and men among the spectators and participants.

²⁹ Therefore, two timeframe options were set for birth registration:

- As a general rule, the vital event is to be registered within 30 days of the child’s birth (compared to 15 days as previously stipulated), which gives parents and State authorities enough time to clarify, via certain administrative procedures, all aspects related to the registration of the life event. As regards the 30-day timeframe, new rules were laid down allowing for a child’s birth to be registered even if, upon hospital admission, the mother cannot show an identity document as proof of identity;
- Exceptionally, birth may also be registered beyond the 30-day time limit provided that certain administrative procedures are met.

The new regulations replaced the legal proceeding prescribed for delayed registration of birth with an administrative procedure. Also, whilst previous legislation provided that a forensic medical examination be conducted for the delayed registration of birth, this is currently required only in the absence of the certificate of life birth issued by the attending physician.

In addition, recent amendments stipulate that, when identifying a mother whose birth has not been registered, State authorities will have to take the required steps to register the birth and make sure the mother gets an identity document. To this end, even if she has no vital records, the mother can register the newly born child by declaring her identity, which is to be recorded in a report; the procedure looks at the child's best interests and is based on the requirement for every child to have an identity.

- ³⁰ The amendments related to the medical professionals responsibilities to register births and facilitate the issuance of birth certificates are the following:
- in the absence of the mother's identity card, a document is filled up by the police representative on the occasion of the checks carried out at the request of the medical unit in which the birth took place, with regard to the mother's identification data and the checks in the civil status registers or in the National Register of persons;
 - for the child's birth certificate issuance, if the birth of the mother is not registered, the medical unit representative signs a report on the identity declared by the mother, signed also by the representative of the General Directorate for Social Welfare and Child Protection and by the police.

- ³¹ The birth on the Romanian territory has already been considered by the law-maker as a sufficient circumstance so as to justify the removal of the condition stipulated in article 8, paragraph 1, point a) from the Romanian Citizenship Law, which refers to the request of the applicant's residence on the Romanian territory for, at least, 8 years, and respectively for at least 5 years, in case of marriage with a Romanian citizen. As a consequence, the applicant born on Romanian territory, should fulfil the condition to reside on the Romanian territory only at the date of the application for the Romanian citizenship.

- ³² A short term objective of the Strategy for early school leaving is to implement an effective system of prevention, intervention and compensation policies and measures to address the major causes of early school leaving among youth between 11 and 17 years of age. Training of teachers and principals of kindergartens and school is also provided. Further support steps include three calls for project proposals aiming to address the obstacles faced by children from disadvantaged backgrounds in accessing quality education.

- ³³ Legislative measures supporting children with special educational needs (SEN) include:
- Methodological norms to provide the necessary support for pupils with learning disabilities (Minister's Order no. 3124 / 20.01.2017);
 - Methodology for the integrated assessment and intervention which enables to determine the impairment level/degree of SEN children, provide study and career guidance to SEN children, while fostering their empowerment and rehabilitation (Joint Order of: Ministry of Labor, Family, Social Protection and the Elderly, Ministry of Health, Ministry of National Education and Scientific Research no. 1985/1305/5805/2016).
 - Methodology for setting the necessary budget for securing the rights of SEN children integrated in mainstream education or enrolled in special education schools (it will be approved by Government Ordinance).

Regarding the legislation specific to SEN students' participation and employment on the labour market, the Ministry of National Education has undertaken extensive efforts to:

- develop the legal framework for inclusion by revising the special and specially integrated education legislation subsequent to the Law of education no.1/2011 and harmonizing it with other legal documents in the field;
 - ensure a coherent legislation meant to grant SEN students access to flexible educational routes, according to the disability type and degree;
 - ensure SEN students' social and professional insertion, by issuing the Minister's Order no. 3218/2014 which approve of the school plans for special professional education;
- create the legal framework for the establishment and development of protected workshops in special schools in partnership with NGOs and communities.

³⁴ The amendment from 2012 of Law no. 217/2003 on prevention of and fight against domestic violence, introduced an important victim protection measure – the protection order which may only be issued by a court. Another novelty is the obligation for local public administration authorities to set up Local Inter-sectorial Teams with advisory role, at county and district levels. The inter-sectorial team is comprised of a representative of the police, gendarmerie, public health directorate, domestic violence division of the general directorate for social assistance and child protection, of domestic violence prevention and countering units, and relevant non-governmental organisations. The inter-sectorial team may also include but is not limited to representatives of probation services, forensic departments, and other institutions with relevant responsibilities. The National Strategy for Mental Health of children and teenagers 2016-2020 (approved by Government Decision no. 889/2016) aims at reducing the risks of mental problems of the children and teenagers, establishing a partnership relation between the National Centre for Mental Health and Fight against Drugs and educational, health and social protection institutions.

³⁵ Between 2014 and 2016, reported cases of physical violence increased with more than 14% and cases of neglect with around 9%.

³⁶ Hence, article 211 of the Criminal code in force provides the following:

Art. 211 Trafficking in underage persons

(1) Recruitment, transportation, transfer, harboring or receipt of a minor for the purpose of his / her exploitation shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(2) Such acts are punishable by no less than 5 years and no more than 12 years of imprisonment and a ban on the exercise of certain rights if:

- a) it was perpetrated under the terms of art. 210 para. 1;*
- b) it was perpetrated by a public servant while fulfilling his/her professional duties and prerogatives;*
- c) it endangered the life of the minor;*
- d) it was perpetrated by a family member of the minor;*
- e) it was perpetrated by a person under the care, protection, education, guard and treatment of whom the minor is or by a person who abused of his/her position of person of trust or authority over the minor.*

(3) The consent of an individual who is a victim of trafficking does not represent a justifying ground.

³⁷ 2013 – "Where Begging Begins, Childhood Ends" campaign developed by NATIP, the NGO Children's Phone and the Institute for Crime Research and Prevention within the Romanian Police. The target group consisted of 500 children (aged 8–14) and 120 representatives of local authorities and targeted communities (police, mayors, counselors, school inspectors, social assistants, informal leaders).

2015–2016 – "Ask for help, do not beg!" - an NATIP campaign that aimed to increase awareness of trafficking in vulnerable communities (including Roma communities) as well as to identify the main causes of trafficking vulnerability and to find possible solutions to prevent trafficking in human beings, especially the exploitation of juveniles by beggars.

2016 – "Happy hands, no tortured hands!" (NATIP - Children's Phone Association) - an online information and awareness raising campaign in the context of international events of the "World Day against the Child Labour".

On 16 June 2016, in partnership with the Child Helpline Association (CHA), NATIP launched the online information and awareness-raising campaign on child labour trafficking victims – "Happy Hands, NOT Hard Worked Hands!". The Campaign was launched on the World Day against Child Labour, with the declared goal to improve knowledge among children, parents, educators and legal representatives/guardians about the risks and dangers facing children who fall victims to labour trafficking.

³⁸ The objectives of the Strategy are as follows:

1. Promoting accessibility in all areas of life to ensure that persons with disabilities have the fundamental human rights and freedoms.
2. Ensuring the full participation of persons with disabilities in all areas of life.
3. Eliminating discrimination and ensuring equality for persons with disabilities.
4. Ensuring the access of persons with disabilities to an open, inclusive and accessible working environment both in the public and private sector, together with also providing them with full access to support services aimed at raising their percentage in labour market occupation.
5. Promoting inclusive education and training at all levels and lifelong learning for persons with disabilities.
6. Promoting and protection of the right of persons with disabilities to decent living conditions for

the continuous improvement of the quality of their lives.

7. Ensuring fair access for persons with disabilities to quality health care services and facilities that pay attention to gender-specific issues at a reasonable cost and as close as possible to the communities in which they live.
8. Substantiating policies for persons with disabilities based on statistical and research information and data collected from all areas of activity.

³⁹ In 2012–2013, the Department for Interethnic Relations allocated funds for approximately 60–70 projects per year, more than half in the educational and cultural fields. In 2014, 130 projects were accomplished.

⁴⁰ All religious denominations, registered and unregistered, are free to undertake religious activities, with no restrictions, according to own regulations and traditions. They can freely choose their leading organs and their personnel. The clergy and the adepts of religious denominations in Romania may use their native language in religious services, administration, and in theological education or in their publications and the financial support is allocated by the State to all recognized religious denominations that request it, proportionally to the number of their adepts (according to the latest census) and taking into account the real needs of each denomination.
