



GREVIO

Baseline Evaluation Report Romania

” Group of Experts
on Action
against Violence
against Women and
Domestic Violence
(GREVIO)



Istanbul Convention

GREVIO's (Baseline) Evaluation Report
on legislative and other measures
giving effect to the provisions
of the Council of Europe Convention
on Preventing and Combating
Violence against Women and Domestic Violence
(Istanbul Convention)
ROMANIA

Group of Experts
on Action against Violence against Women
and Domestic Violence (GREVIO)

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Foreword

The Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) is an independent human rights monitoring body mandated to monitor the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210, “the Istanbul Convention”) by the parties to the convention. It is composed of 15 independent and impartial experts appointed on the basis of their recognised expertise in the fields of human rights, gender equality, violence against women and/or assistance to and protection of victims.

GREVIO’s statutory activities include country-by-country monitoring of the Istanbul Convention (evaluation procedure), the initiation of inquiries into specific circumstances within a party to the convention (inquiry procedure) and the adoption of general recommendations on themes and concepts of the convention.

This report is the fruit of the first (baseline) evaluation procedure carried out in respect of Romania. It covers the Istanbul Convention in its entirety¹ and thus assesses the level of compliance of Romanian legislation and practice in all areas covered by the convention. In light of the scope of the convention – as set out in its Article 2, paragraph 1 – the baseline evaluation focuses on measures taken in relation to “all forms of violence against women, including domestic violence, which affects women disproportionately”. Hence, the term “victim” used throughout this report is to be understood as referring to a woman or girl victim.

Based on this assessment, the report proposes measures to strengthen the implementation of the convention. In proposing such measures, GREVIO has adopted the use of different verbs which correspond to different levels of urgency, noting that all of them are important. These are, in order of priority, “urges”, “strongly encourages”, “encourages” and “invites”. GREVIO uses the verb “urges” where it considers that immediate action is required to bring the party’s legislation or policy into compliance with the Istanbul Convention, or to ensure its implementation. “Strongly encourages” is used where GREVIO has noted shortcomings which need to be remedied in the near future in order to ensure comprehensive implementation of the convention. A third level of urgency is indicated by the use of the verb “encourages”, which is used for shortcomings that require attention though possibly at a later stage. Last, the verb “invites” points to small gaps in implementation which the party is requested to consider closing or to proposals made to provide guidance in the implementation process.

The first (baseline) evaluation procedure is made up of several steps, each of which allows GREVIO to obtain critical information upon which to base its report. It is carried out as a process of confidential dialogue with the aim of offering country-specific proposals and suggestions for improvement developed within the national context of the party under review. These include the following:

- submission, by the party, of a report drawn up on the basis of GREVIO’s baseline questionnaire (the state report);
- an evaluation visit to the party under review to meet with governmental and non-governmental representatives working in this field;
- comments by the party on GREVIO’s draft report;
- publication of GREVIO’s report after its adoption together with any comments received from the party.

In addition, GREVIO also collects additional information from various other sources, including non-governmental organisations (NGOs), other members of civil society, national human rights institutions and Council of Europe bodies (Parliamentary Assembly, Human Rights Commissioner and other pertinent bodies), as well as other international treaty bodies. Within the framework of the evaluation of Romania, GREVIO received written contributions from [NGOs forming the Coalition for](#)

1. With the exception of Chapter VIII of the convention, which GREVIO considered as less relevant in assessing the national situation in each contracting party.

Gender Equality and the Network for Preventing and Combating Violence Against Women (VIF Network).

The state report and the written contributions submitted by civil society have been made public and are available on the official website of the Istanbul Convention.

The analysis, suggestions and proposals contained in this first baseline evaluation report were drawn up under the exclusive responsibility of GREVIO. It covers the situation as observed by the GREVIO delegation during its evaluation visit to Romania. Where available, significant legislative and policy developments up until 1 March 2022 have also been taken into account.

According to the convention, national parliaments shall receive this report from the national authorities (Article 70, paragraph 2). GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Executive summary

This report provides an assessment of the measures of implementation taken by the Romanian authorities with regard to all aspects of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (hereafter “the convention”).

This assessment has been carried out by the Council of Europe Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent human right monitoring body mandated to monitor the implementation of the convention. GREVIO’s findings are based on the information obtained during the various steps of the first (baseline) evaluation procedure set out in Article 68 of the convention. These include written reports (a state report submitted by the Romanian authorities and additional information submitted by [NGOs forming the Coalition for Gender Equality](#) and the Network for Preventing and Combating Violence Against Women ([VIF Network](#))) well as a five-day evaluation visit to Romania. A list of the bodies and entities which GREVIO had exchanges with can be found in Appendix II.

The report highlights the efforts made by the Romanian authorities to ensure effective implementation of the Istanbul Convention. It notes the significant progress made by the Romanian authorities towards building a comprehensive legal, policy and institutional framework in the field of preventing and combating domestic violence. Law No. 217/2003 for the prevention and combating of domestic violence underwent several amendments to bring it in line with the requirements of the convention. Featuring prominently among the latest developments is the introduction of temporary protection orders which allows law enforcement bodies to quickly intervene in order to protect victims of domestic violence and to remove their perpetrators from the family residence. Moreover, a new form of violence, cyber violence, has been added to the definition of domestic violence, proving that particular attention has been paid by the authorities to this phenomenon of growing concern, particularly for women and girls. A complex set of secondary and tertiary level normative acts aimed to ensure the efficient implementation of measures to protect and care for victims of domestic violence has been subsequently adopted.

The report notes that the legislation and the national strategy on domestic violence establish a good framework for a robust multi-agency and multi-sectoral response in relation to domestic violence and highlights the impact they have had on the handling of domestic violence cases in Romania.

Moreover, the report highlights that first steps have been taken to address sexual violence by the recent adoption of a national strategy for preventing and combating sexual violence and the setting up of a first pilot centre for victims of sexual violence, conceived as a multi-disciplinary service which provides emergency medical care, forensic examinations to collect evidence, support in accessing legal advice and/or in reporting to police, as well as information and counselling. GREVIO encouraged the Romanian authorities to pursue their efforts by setting up similar integrated service centres throughout the country in sufficient numbers and to ensure their accessibility and sustainability .

The National Agency for Equal Opportunities for Women and Men, the national co-ordinating body, is praised in the report for its crucial role in the elaboration and implementation of legislative and policy measures in the field of domestic violence and gender equality, and most recently of sexual violence.

Despite the above, GREVIO observed a number of issues where improvement is warranted in order to reach higher levels of compliance with the requirements of the Istanbul Convention.

These relate, for instance, to the need to devise and implement holistic policies and measures for the prevention of, protection from and prosecution of all forms of violence covered by the convention. GREVIO’s review of existing policy approaches has revealed the absence of comprehensive policies on other forms of violence, notably, sexual harassment, stalking, forced marriage and female genital mutilation. The report stresses the need for the authorities to enhance the implementation of the Istanbul Convention in relation to all forms of violence against women,

beyond domestic violence, such as sexual harassment, female genital mutilation, forced marriage, forced abortion, forced sterilisation and stalking which are currently less addressed by programmes and services. The report notes that specialist support services for these forms of violence are largely lacking and that the criminal justice responses must be complemented with dedicated measures addressing each form of violence against women.

The report also notes the difficulties encountered by the Romanian authorities in the effective implementation of the relevant laws, policies and measures. Among the reasons, as revealed by the report, is the weak and fragmented inter-institutional co-ordination and co-operation. The report therefore considers that as a matter of priority, the authorities need to develop further solutions offering a co-ordinated multi-agency response to violence against women based on the strong involvement of local authorities and the participation of all the stakeholders concerned, including in particular women's NGOs. Moreover, noting the scarcity of the financial resources allocated from the local budgets for victim support services, in particular to NGOs working in the field, GREVIO highlighted the need to increase the budget dedicated both at central and de-centralised level to preventing and combating violence against women, and to provide greater support for the work of women's organisations specialised in preventing and combating violence against women, through stable and sustainable funding opportunities.

Another area of concern is the lack of an integrated system of data collection on domestic violence and other forms of violence against women. The limitations of the Romanian administrative data collection system prevent a comprehensive view of gender-based violence against women and domestic violence from emerging in Romania and hinder the evaluation of public policies and laws. The report, therefore, points to the need to improve data collection and to introduce a system for the collection of data by law enforcement and judicial authorities based on harmonised categories which make it possible to trace the progress of cases throughout the criminal process, covering all forms of violence against women within the scope of the Istanbul Convention and broken down by sex, age, type of offence and type of relationship of the perpetrator with the victim.

While noting the steps taken by the Romanian authorities to train professionals dealing with victims of violence, in particular domestic violence, the report highlights that there is a need to consolidate and expand the capacity of professionals to deliver an effective and tailored response to violence against women through mandatory, systematic initial and in-service training on the prevention and detection of all forms of violence against women covered by the convention, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

While GREVIO welcomes Romania's ratification of the Istanbul Convention and the efforts taken in its implementation, it has also identified a number of issues that require urgent action by the authorities to comply fully with the convention's provisions. . Drawing from the above and in addition thereto, these relate to the need to:

- integrate the perspective of women and girls from Roma communities and that of other groups of vulnerable women and girls into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women's NGOs representing them;
- enhance the application of a gendered perspective in legislation and policies dealing with violence against women;
- improve data collection in line with the requirements of Article 11 of the convention by all relevant professionals;
- secure a wider dissemination of information about existing support services and legal measures available to victims of domestic and other forms of violence against women;
- expand the number and/or capacity of specialist shelter facilities dedicated to women and their children, throughout the country and pursue the efforts in setting up sexual violence referral centres and/or rape crisis centres;
- ensure that in the determination of custody and visitation rights or the introduction of measures affecting the exercise of parental authority, the competent authorities are

-
- required to take into account incidents of domestic violence are taken into account when determining visitation rights;
- take all legislative measures, to harmonise the definition of “family members” in the Criminal Code with the definition of domestic violence contained in Article 3 of the Istanbul Convention;
 - ensure appropriate investigation, prosecution and sanctions in cases of violence against women, including through increasing reporting levels.

Furthermore, GREVIO has identified a number of additional areas in which improvements are required in order to comply fully with the obligations of the convention. These relate, among other areas, to the need to consider amending the criminal offence of sexual violence so that it is based on the notion of freely given consent, in accordance with Article 36, paragraph 1, of the convention. Further areas in need of improvement concern the swift identification of women asylum seekers who have experienced or are at risk of gender-based violence with a view to ensuring adequate accommodation, access to support services and protection and to reducing the risk of *refoulement*.

Introduction

Romania ratified the Istanbul Convention on 23 May 2016. In accordance with Article 78, paragraph 2, of the convention, Romania reserved the right not to apply the provisions under Article 30, paragraph 2, Article 44, paragraphs 1e, 3 and 4, Article 55, paragraph 1, in respect of Article 35 regarding minor offences, Article 58 in respect of Articles 37, 38 and 39, and Article 59. Moreover, in accordance with Article 78, paragraph 3, of the convention, Romania reserved the right to provide for non-criminal sanctions for behaviours referred to in Articles 33 and 34. These reservations were valid for a period of five years from the day of the entry into force of the convention in respect of Romania and lapsed on 1 March 2022 in application of Article 79, paragraph 2, of the convention.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights. It covers new ground by asking that root causes of violence against women (such as gender stereotyping, traditions harmful to women and general manifestations of gender inequality) be addressed.

The convention sets up a monitoring mechanism to assess the level of implementation by its parties. This monitoring mechanism consists of two pillars: the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), an independent expert body, and the Committee of the Parties, a political body composed of official representatives of the parties to the convention.

In accordance with Article 68 of the convention, GREVIO initiated the baseline evaluation in respect of Romania by letter and transmission of its questionnaire on 6 September 2019. The order of reporting to GREVIO is based on a combination of regional groupings and order of ratification. The Romanian authorities subsequently submitted their state report on 6 February 2020 – the deadline set by GREVIO. Following a preliminary examination of the Romanian state report, GREVIO carried out an evaluation visit to Romania, which took place from 5 to 9 July 2021. The delegation was composed of:

- Aleid Van den Brink, Member of GREVIO
- Vladimer Mkervalishvili, Member of GREVIO
- Carmela Apostol, Administrator at the Secretariat of the monitoring mechanism of the Istanbul Convention

During the evaluation visit, the delegation was welcomed by high-level public figures, including the state secretaries of the Ministry of Labour and Social Protection, Mr Peter Janos Makkai, National Agency on Equal Opportunities, Mrs Luminita Popescu, Ministry of Justice, Mr Mihai Pasca, Ministry of Health, Ms Monica Althamer, Ministry of Education and Research, Mr Radu Szekely, Ministry of Internal Affairs, Mr Bogdan Despesu, the General Prosecutor of Romania, Mrs Gabriela Scutea, National Authority for the Protection of the Rights of Persons with Disabilities, Children and Adoption, Ms Florica Chereches, Ministry of Foreign Affairs, Mr Cornel Feruta, National Agency for Roma, Mr Iulian Paraschiv, and Ministry of Finance, Mr Attila Gyorgy. In addition, the delegation met with a wide range of governmental and non-governmental representatives working in the area of preventing and combating violence against women. A list of the national authorities, non-governmental organisations and others met is set out in Appendix II of this report. GREVIO is grateful for the valuable information provided by all of them.

The evaluation visit was prepared in close co-operation with Andreea Pascu – Head of Unit, Gender Equality Directorate within the National Agency on Equal Opportunities – who was appointed as contact person for the evaluation by GREVIO. GREVIO wishes to extend its gratitude for the co-operation and support provided throughout the entire evaluation procedure, and for the constructive approach adopted by the Romanian authorities.

As part of this first baseline evaluation, GREVIO examined the implementation measures taken by the Romanian authorities concerning all aspects of the convention. For the sake of brevity, this report gives priority to some provisions over others. While it covers all chapters of the convention (with the exception of Chapter VIII), it does not present detailed assessments and conclusions for each provision.

I. Purposes, definitions, equality and non-discrimination, general obligations

A. General principles of the convention

1. Chapter I of the Istanbul Convention sets out general principles which apply to all the substantive articles contained in Chapters II to VII. These include, among others, that it is a fundamental human right for everyone, particularly women, to live a life free from violence in both the public and the private sphere, that the convention must be implemented without discrimination on any ground and that the potential for, and effects of, multiple forms of discrimination should be borne in mind. They also spell out that a gender perspective must be integrated into the implementation of the convention and the evaluation of its impact.

B. Scope of application of the convention and definitions (Articles 2 and 3)

2. In light of the scope of the Istanbul Convention set out in its Article 2, paragraph 1, the first baseline evaluation focuses on measures taken in relation to all forms of violence against women, including domestic violence, which affect women disproportionately. Article 3 of the Istanbul Convention sets out key definitions of concepts that are fundamental to its implementation. According to paragraph *a*, the term “violence against women” refers to “all acts of gender-based violence that result in, or are likely to result in, physical, sexual, psychological or economic harm or suffering to women including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”, whereas the expression “domestic violence” is to be understood as referring to “all acts of physical, sexual, psychological or economic violence that occur within the family or domestic unit or between former or current spouses or partners, whether or not the perpetrator shares or has shared the same residence with the victim”. The definition of “gender-based violence against women” offered in paragraph *d* of Article 3 seeks to ensure more clarity about the nature of the violence covered by explaining that this is “violence that is directed against a woman because she is a woman or that affects women disproportionately”.

3. Hence, the violence addressed by the Istanbul Convention differs from other types of violence in that the victim’s gender is the primary motive. It is violence that is perpetrated against a woman that is both the cause and consequence of unequal power relations based on perceived differences between women and men that lead to women’s subordinate status in the public and private spheres. In accordance with the definition given in Article 3*b*, Chapter V of the convention specifies the forms of violence against women that are to be criminalised (or, where applicable, otherwise sanctioned). These are psychological violence, stalking, physical violence, sexual violence, including rape, forced marriage, female genital mutilation, forced abortion, forced sterilisation and sexual harassment. Owing to the seriousness of domestic violence, Article 46 of the convention requires ensuring that the circumstance in which the offence was committed against a former or current spouse or partner, by a member of the family, a person cohabiting with the victim, or a person having abused her or his authority, may entail a harsher sentence either as an aggravating circumstance or a constituent element of the offence.

4. Following the entry into force of the convention in Romania in 2016, Romania has made significant efforts to build a legislative, policy and institutional framework to prevent and combat violence against women. A working group, consisting of government representatives from key ministries, institutions and experts in the field, was created with a view to developing a legislative package to implement the Istanbul Convention. The group was co-ordinated by the National Agency for Equal Opportunities for Women and Men (NAEO), which since 2015 has played a crucial role in the drawing up and implementation of legislative and policy measures in the field of domestic violence and gender equality. Amendments to various laws, in particular Law No. 217/2003 on the prevention and combating of domestic violence (the Domestic Violence Law) and Law No. 202/2002 on equal opportunities and treatment for women and men (the Gender Equality Law), have been made in order to give meaning to various requirements of the Istanbul Convention, notably the introduction into the Domestic Violence Law of the Provisional Protection Order (PPO) as a measure

of immediate protection, which allows law-enforcement bodies to quickly intervene in order to protect victims of domestic violence and to remove the perpetrators from the home immediately. In addition, measures to monitor compliance and prevent infringement of court-ordered protection orders and to assess risk in cases of domestic violence according to Article 51 of the convention were introduced in 2018. The amendments to the laws were followed by the development of a complex set of secondary and tertiary-level normative acts aimed at ensuring the efficient implementation of measures to protect and care for victims of domestic violence.

5. At the same time, important policy documents such as the National Strategy for the Promotion of Equal Opportunities and Treatment for Women and Men and for Preventing and Combating Domestic Violence for the Period 2018-2021 (hereafter the “2018-2021 national equality and domestic violence strategy”), followed by the National Strategy for Preventing and Combating Sexual Violence “SINERGY” 2020-2030 (hereafter the “national strategy on sexual violence”), were adopted. While they establish a good framework for a robust multi-agency and multisectoral response in Romania to preventing and combating domestic and sexual violence, which GREVIO welcomes, they do not touch upon forms of violence against women covered by the scope of the convention such as forced marriage, female genital mutilation (FGM), sexual harassment, forced abortion and sterilisation, for example. No other policy documents seem to exist that specifically address these forms of violence.

6. GREVIO welcomes in particular that the Domestic Violence Law, as revised in 2018, provides for a comprehensive definition of domestic violence in full compliance with Article 3 of the convention, but which also includes two additional forms of domestic violence – social² and spiritual³ violence. At the same time, its legal definition of family members (Article 5) became more detailed, including, for instance, children from previous relationships and child witnesses to domestic violence who are explicitly acknowledged as victims, which GREVIO welcomes.

7. Moreover, a recent amendment to the Domestic Violence Law in July 2020 included cyber violence as a form of domestic violence.⁴ Article 4, paragraph 1*h*, defines cyber violence as: “online harassment, online messages that instigate hate on the basis of gender, online stalking, online threats, non-consensual publishing of information and intimate graphic content, illegal access to interception of communications and private data and any other form of misuse of information and communication technology by means of computers, smartphones or other similar devices that use telecommunications or can connect to the internet and may transmit and use social platforms or e-mail platforms, with the intent to cause embarrassment, humiliate, scare, threaten, or silence the victim”.

8. “Family violence” is a specific offence under Article 199 of the Romanian Criminal Code but only as an aggravating circumstance for a number of offences committed against “family members” and is limited to physical violence.⁵

9. In contrast to the Domestic Violence Law, the Criminal Code contains a restrictive definition of “family members” (Article 199) and only covers current – but not former – spouses and partners. Moreover, under the Criminal Code, the definition of family members is restricted to those persons that share the same residence, hence limiting criminal liability under this offence to those who fall

2. According to the Domestic Violence Law, the social violence consists in “imposing isolation from family, community and friends, prohibiting attendance at school or work, prohibition/restriction of professional development, imposing isolation, including in the shared home, dispossession of identity documents, intentional deprivation of access to information, as well as other actions with similar effect”.

3. The definition of spiritual violence reads as follows: “underestimating or diminishing the importance of meeting moral and spiritual needs by prohibiting, limiting, ridiculing, penalising the aspirations of family members, access to cultural, ethnic, linguistic or religious values, prohibiting the right to speak in the mother tongue and to teach children to speak in the mother tongue, imposing adherence to unacceptable spiritual and religious beliefs and practices, as well as other actions with similar effect or similar repercussions”.

4. The amendment was introduced after the European Court of Human Rights found Romania in violation of Article 8 on account of not considering cyber violence as a form of domestic violence. See *Buturuga v. Romania*, judgment of 10 February 2020.

5. The offences referred to in Article 199 of the Criminal Code are: murder (Article 188); qualified murder (Article 189); assault and other violence (Article 193); bodily harm (Article 194) – when there are permanent consequences to the crime under Article 193; assault or other harm causing death (Article 195); bodily harm without intent (Article 196).

within the definition of family or share a residence. As such, it is not in line with the definition set out in Article 3 of the Istanbul Convention and differs from the definition of domestic violence put forward by the Domestic Violence Law. GREVIO thus points to the need to align all definitions in use to those of the Istanbul Convention.

10. In addition, GREVIO notes with concern that the definitions of domestic violence offered by the Domestic Violence Law treat intergenerational domestic violence and intimate partner violence alike and do not take into account the gendered dynamics and issues of power and control that are manifest in the latter form of domestic violence.

11. GREVIO recognises the fact that domestic violence against men and boys exists, although research seems to indicate that their experiences of violence are different. Article 2, paragraph 2, of the Istanbul Convention in fact encourages parties to the convention to apply it to all victims of domestic violence, including men and boys. It also, however, emphasises that in doing so, “parties shall pay particular attention to women victims of gender-based violence in implementing the provisions of this Convention”. In order to effectively tackle the root causes of violence against women, the implementation of laws and the shaping of policies must acknowledge and recognise that women’s overexposure to gender-based violence in comparison to men emerged from and is sustained by structural inequalities between women and men, as well as structural patterns of discrimination against women which are justified and reinforced by socially entrenched negative stereotypes and prejudicial attitudes against women.

12. **GREVIO urges the Romanian authorities to enhance the implementation of the Istanbul Convention in relation to all the forms of violence against women, beyond domestic violence, that are currently less addressed by policies, programmes and services, such as sexual harassment, female genital mutilation (FGM), forced marriage, forced abortion, forced sterilisation and stalking.**

13. **GREVIO strongly encourages the Romanian authorities to take all legislative measures to harmonise its definition of “family members” in the Criminal Code with the definition of domestic violence contained in Article 3 of the Istanbul Convention and to ensure the effective application of such a harmonised definition in practice.**

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

14. The principle of non-discrimination and equality before the law and public authorities is enshrined in the Romanian Constitution (Articles 4 and 16).⁶ However, with the exception of Article 16, paragraph 3, which guarantees equal opportunities for women and men to access public office, equality between women and men is not explicitly mentioned in the text of the constitution.

15. Despite this, the principle of equal opportunities and treatment between women and men is regulated by legislation. Government Ordinance No. 137/2000 on preventing and sanctioning all forms of discrimination (“the Anti-discrimination law”) regulates gender-based discrimination among other forms of discrimination. The Gender Equality Law prohibits discrimination based on sex and has important provisions on incentivising measures to foster gender equality. It defines terms such as discrimination on the grounds of sex, direct and indirect discrimination, harassment and sexual harassment, equal pay for work of equal value, positive action, multiple discrimination and gender-based violence. Moreover, it contains a chapter on eliminating gender roles and stereotypes.

16. The National Strategy for the Promotion of Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence for the Period 2018-2021 and the operational plan for its implementation provide for measures to ensure gender mainstreaming in all areas of public life.

17. The National Agency for Equal Opportunities for Women and Men (Agenția Națională pentru Egalitate de Șanse între Femei și Bărbați (NAEO)) can propose legal amendments and national plans of action and co-ordinates the implementation of government policies and strategies on equal opportunities between women and men. Moreover, the National Commission on Equal Opportunities for Women and Men (Comisia națională în domeniul egalității de șanse între femei și bărbați), governed by NAEO and composed of representatives of various ministries or other bodies at the national administration level, including civil society, has an important role in promoting a gender perspective in policies and programmes.

18. GREVIO notes the efforts made by the Romanian authorities to improve their policy framework aimed at eliminating discrimination against women and promoting gender equality. However, concerns were expressed about the existing gaps in the implementation of gender equality legislation and policies.⁷

19. **GREVIO encourages the Romanian authorities to continue their efforts to implement legislation and public policies on equality between women and men by ensuring the practical realisation of the principle of gender equality.**

2. Intersectional discrimination

20. Article 4, paragraph 3, of the convention requires parties to secure the implementation of their undertakings under the convention without any discrimination. This provision provides an open-ended list of grounds for discrimination which draws on that of Article 14 of the European Convention on Human Rights and on the list contained in its Protocol No. 12⁸ as well as including the grounds of gender, sexual orientation, gender identity, age, state of health, disability, marital status, and migrant or refugee status or other status. This obligation stems from the realisation that discrimination of certain groups of women, for example at the hands of law-enforcement agencies, the judiciary or service providers, is still widespread.⁹

21. GREVIO notes that multiple discrimination is addressed in Article 2, paragraph 6, of the Anti-discrimination Law and Article 4(h) of the Gender Equality Law. Although the concept of multiple discrimination is reflected in the legislation, related regulations/methodologies are lacking.¹⁰ There is also a reported lack of acknowledgement and understanding of the concept of multiple and intersectional discrimination within the courts and legal institutions.¹¹ The National Council against Discrimination (CNCD) ruled on the first case of multiple discrimination against Roma women only in 2017.¹²

22. GREVIO notes that the 2018-2021 national equality and domestic violence strategy includes some measures to address specific groups of women, including Roma women, women of migrant or refugee status, women with disabilities, women with HIV/AIDS and elderly and homeless women. However, they are limited to information campaigns on the sexual and reproductive health of women. Moreover, GREVIO welcomes the fact that the National Roma Integration Strategy 2012-2020 contains some measures and policies that focus on Roma women and their exposure to violence. For example, the chapter on health covers, among other things, the implementation of information campaigns among Roma women concerning the risks associated with early marriage, preventing and fighting against domestic violence, and human trafficking. Moreover, many of the health mediators in the Roma communities are women.¹³ GREVIO also highlights the role played by school

7. Making a Difference to Women Activism – Celebrating 20 years – IWRAW Asia Pacific – CEDAW 67th SESSION – *Report on discrimination and violence in the context of intolerance on the full enjoyment of all human rights by women and girls in Romania*, The Women's Association in Romania.

8. The discrimination grounds in question include sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

9. See paragraphs 52-54 of the Explanatory Report.

10. See for example CEDAW Concluding observations, Romania, paragraph 36(b).

11. The NGO Shadow report to CEDAW, Romania, page 21.

12. CNCD (2017), Decision No. 484 of 6 September 2017. The case concerned comments made during a political talk show on TV by a journalist who criticised parents for taking their six-month-old child to a protest, comparing this behaviour to what he presented as being Roma mothers' irresponsible behaviour.

13. At present there are 500 health mediators.

mediators in reinforcing the right to education for Roma girls. The training programmes for school mediators include actions to support Roma girls and women through education on human rights, exercise of free choice and personal development, and self-confidence building with an emphasis on the importance of education for girls. The National Agency for Roma, which is the central public administration body in charge of the co-ordination and implementation of the strategy, has also included among its activities the promotion of entrepreneurship and education for Roma women.

23. The National Strategy on Preventing Early Leaving from Education and Training (2015-2020) aims at implementing an effective system of policies and measures for prevention, intervention and compensation to address the major causes of early school leaving, with a focus on young people in the 11-17 age group. In this context, early marriages have been identified as a factor contributing to early school leaving. Despite these measures, there is still a high prevalence of early marriages among Roma women, which are not always officially registered. The fact that these early marriages are not always registered causes major disadvantages in terms of spouse-based eligibility for survivor pensions and/or other related benefits, among many other disadvantages.

24. GREVIO notes with satisfaction that the project “Support for the Implementation of the Istanbul Convention in Romania” for the period 2019-2022 includes several objectives targeting Roma women. These include, *inter alia*, the training of 50 magistrates on the topic of domestic violence and violence against Roma women, training of 200 frontline social workers concerning discrimination against Roma victims and the organisation of national awareness-raising campaigns on gender stereotypes and the problems faced by Roma women.

25. While welcoming the adoption of these policies and measures, GREVIO points out that further efforts to ensure access to justice and support for Roma women are needed. Financial constraints and lack of legal education, coupled with the intricacies of the Romanian justice system, discourage many Roma victims of crime from seeking justice. Moreover, educational and financial constraints hinder them from accessing support services. Particular concerns were expressed by NGOs in relation to racist, sexist and classist prejudices and stereotypes among representatives of state authorities and a lack of intervention in cases of violence against Roma women. Furthermore, despite legislation prohibiting the justification of violence on cultural or other grounds, indications from NGOs suggest that there is a tendency to ascribe violence committed against Roma women to “cultural practices” and to apply double standards in access to justice.¹⁴

26. Specific measures are being taken to ensure the implementation of the standards of the Istanbul Convention for the benefit of migrant and foreign women and girls, and for women and girls with disabilities, which GREVIO welcomes. For example, foreigners, who are subjected to one or more forms of violence foreseen in Article 4 of the 2018 revised Domestic Violence Law may benefit from protection and support measures within the National Integrated Programme for the Protection of Victims of Domestic Violence.¹⁵

27. The needs of women and girls with disabilities and their risk of multiple discrimination has been addressed by the national strategy and an action plan on people with disabilities,¹⁶ with the provision of rights, inclusion and equal opportunities and access for women and girls with disabilities. The Romanian authorities also reported on a series of measures taken, with special attention paid to women and girls with disabilities, to increase access of people with disabilities to all community facilities and public resources, including social welfare benefits and services.¹⁷

28. Last, the NAEO, in partnership with the National Agency for Disabled Persons and the NGO “Active Watch”, initiated a project entitled “Justice has no gender”, funded by the European

14. See also the report of the Commissioner for Human Rights of the Council of Europe following the visit to Romania in November 2018, page 21.

15. Government Decision No. 559/2021 on the approval of and the Framework Methodology on the Organisation and Functioning of the Integrated National Network of Shelters for Victims of Domestic Violence.

16. The National Strategy “A society without barriers for people with disabilities” 2016-2020.

17. Seventy-Second Session-General Assembly of the United Nations: “Situation of women and girls with disabilities and the Status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto” – report by the Secretary-General, 28 July 2017.

Commission, to support national information, awareness-raising and education activities to prevent and combat violence against women.

29. **GREVIO strongly encourages the Romanian authorities to continue to address the multiple forms of discrimination that women and girls from Roma communities in particular face and to take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the other grounds listed in Article 4, paragraph 3.**

30. **GREVIO strongly encourages the Romanian authorities to integrate the perspective of such women into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women's NGOs representing them.**

D. Gender-sensitive policies (Article 6)

31. Article 6 of the Istanbul Convention calls on the parties to include a gender perspective in the implementation and evaluation of the impact of its provisions and to promote and implement policies aimed at achieving equality between women and men and the empowerment of women. This obligation stems from the realisation that in order to put an end to all forms of violence covered by the scope of the convention, it is necessary to promote *de jure* and *de facto* equality between women and men. It also reflects the principle that violence against women is a consequence as well as a cause of gender inequality.

32. In Romania, the National Strategy for the Promotion of Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence for the Period 2018-2021 merges into a single policy document the policies and measures to combat domestic violence and those to promote equal opportunities and equal treatment of women and men in public life, which GREVIO welcomes. This strategy can be considered as a positive development in the recognition of violence against women as gender-based discrimination. Moreover, the NAEQ, which is charged with the co-ordination and implementation of both pillars, is responsible for ensuring the inclusion of a gender perspective in all policies, programmes and research services (Article 8, paragraph 7, of Domestic Violence Law).

33. The national strategy, in line with the Domestic Violence Law, adopts the principle of non-discrimination and equal opportunities and treatment between women and men, according to which it requires all those that deal with cases of domestic violence to adopt fair, impartial and non-discriminatory behaviour towards all victims, regardless of race, sex, religion, nationality, political affiliation, wealth or social origin.

34. Despite the above, the strategy does not clearly adopt a definition of violence against women, nor does it include specific measures targeting women. Victim support services also adopt a gender-neutral approach, offering services to both women and men, with the exception of services run by women's NGOs that approach violence against women from a gendered perspective. Moreover, despite recent amendments to harmonise its provisions with the Istanbul Convention, the Domestic Violence Law still lacks a gendered perspective since it does not acknowledge the gendered nature of domestic violence but rather subscribes to a family-protection approach. It refers to both men and women as subjects of protection and states under Article 1, paragraph 2, that "preventing and combating domestic violence is part of the integrated family protection and support policy".

35. **GREVIO strongly encourages the Romanian authorities to introduce a gender perspective into the National Strategy for the Promotion of Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence for the Period 2021-2027 and into the Domestic Violence Law by clearly linking violence against women with gender inequality and taking into account the specific experiences of women and girls based on the recognition that domestic violence predominantly affects women and girls.**

II. Integrated policies and data collection

36. Chapter II of the Istanbul Convention sets out the core requirement for a holistic response to violence against women: the need for state-wide effective, comprehensive and co-ordinated policies sustained by the necessary institutional, financial and organisational structures.

A. Comprehensive and co-ordinated policies (Article 7)

37. Article 7 of the Istanbul Convention requires states parties to ensure that co-ordinated and comprehensive measures to prevent and combat violence against women address all forms of violence against women.

38. In Romania, several initiatives have been taken in the past few years to design a set of policies on some forms of violence covered by the Istanbul Convention. For example, in June 2018, the government adopted the National Strategy for the Promotion of Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence for the Period 2018-2021 and an action plan for its implementation.¹⁸ As with the previous strategy for the period 2013-2017, the strategy aims to promote equal opportunities between women and men and to prevent and combat domestic violence.

39. Its main objectives include improving the current legislative framework and its implementation, increasing the effectiveness of measures to prevent domestic violence, strengthening the institutional capacity of central and local public administration authorities to respond to domestic violence and training different categories of professionals to work on cases of domestic violence, among other things. GREVIO notes with satisfaction that the national strategy on domestic violence addresses the three pillars required for a comprehensive approach: prevention, protection and prosecution. However, the prosecution pillar only incorporates measures on improving the capacity of and providing training to law-enforcement agencies and judicial bodies on domestic violence.

40. GREVIO notes that while the current national strategy adopts a comprehensive approach to preventing and combating domestic violence, it fails to address all the forms of violence against women covered by the Istanbul Convention. However, it includes among its measures the development of a national strategy on sexual violence, which was finalised and adopted in May 2021.¹⁹ GREVIO takes positive note of the fact that this form of violence has received attention in national policy.

41. The National Strategy for Preventing and Combating Sexual Violence, “SINERGY” 2020-2030, adopts a comprehensive approach and aims to decrease the number of cases of sexual violence and to prevent recidivism. GREVIO notes with satisfaction that particular attention has been paid to measures on cyber violence, a phenomenon that is a growing concern, particularly for women and girls. Measures foreseen include, *inter alia*, training of all relevant professionals on preventing and combating sexual violence; awareness-raising activities aimed at journalists, bloggers and vloggers; an analysis of the current legislative framework to enhance security in the online environment and combat pornography, “revenge pornography”²⁰ and harassment/blackmail through the dissemination of sexually explicit material; psychological support for victims of sexual violence; data collection for offences of sexual violence (including street sexual harassment and online offences); and the setting up of specialised units within prosecutors’ offices and law-enforcement agencies. In addition, forensic services for women victims of rape and sexual violence are being introduced, which complement the approach.

18. Government Decision No. 365/2018 on the approval of the National Strategy for the Promotion of Equal Opportunities between Women and Men and Preventing and Combating Domestic Violence for the Period 2018-2021 and the Operational Plan for the Implementation of the National Strategy for the Promotion of Equal Opportunities between Women and Men and Preventing and Combating Domestic Violence for the Period 2018-2021, published in the Official Journal No. 465 of 6 June 2018.

19. Government Decision No. 592/2021.

20. Chapter IV, OS II, point 2 of the national strategy on preventing and combating sexual violence.

42. Furthermore, GREVIO notes with satisfaction that the Romanian legislation and the national strategy on domestic violence establish a good framework for a robust multi-agency and multisectoral response in Romania. The action plan for the implementation of the national strategy on domestic violence assigns clear roles and responsibilities in relation to the implementation of policies foreseen in the strategy in line with Article 2(i) of the Domestic Violence Law that provides for an integrated approach to combating domestic violence. It recognises the role of the central and local public administration authorities, setting out specific responsibilities at both levels and across sectors, involving different ministries, but also recognises the role of NGOs and civil society in preventing and combating domestic violence (Article 8, paragraph 2). However, difficulties are encountered in the implementation of the policies and measures as a result of weak and fragmented interinstitutional co-ordination and co-operation.²¹ GREVIO also notes disparities in the co-ordination of policies at the local level.

43. In relation to interinstitutional co-ordination mechanisms at county/local level, a 2017 amendment to the Domestic Violence Law supplemented the tasks initially assigned to the County Commissions²² in the field of equal opportunities between women and men, with additional responsibilities in the field of domestic violence. These include the co-ordination and efficiency of interinstitutional mechanisms in the field of preventing and combating domestic violence and the collection and centralisation of data on domestic violence at county level (Article 7, paragraph 7).

44. While recognising the high degree of comprehensiveness in the approach to preventing and combating domestic violence and sexual violence, albeit on the basis of the new strategy that has yet to develop its potential, GREVIO is concerned by the absence of comprehensive policies on other forms of violence, notably sexual harassment, stalking, forced marriage and FGM.

45. GREVIO strongly encourages the Romanian authorities to ensure a state-wide effective, comprehensive and co-ordinated set of policies to prevent and combat all forms of violence covered by the Istanbul Convention, in particular by fostering increased co-ordination and greater consistency in the policies and measures at the various levels of authority. For this purpose, the authorities should plan to remedy the current fragmentation in multi-agency co-ordination and devise measures aimed at harmonising and monitoring the implementation of local plans to prevent and combat domestic violence and violence against women. Such efforts should be supported by the allocation of appropriate financial resources and the promotion of best practices.

B. Financial resources (Article 8)

46. In the National Strategy for the Promotion of Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence for the Period 2018-2021, various sources of funding are enumerated, without actual cost estimations. It only states that budgetary projections are to be elaborated each year for the following year.²³ GREVIO is concerned that adjusting the number of measures implemented to the existing budgetary appropriations rather than to needs identified through evidence, might compromise the overall implementation of the strategy, as well as its monitoring and evaluation.

47. As regards the recently adopted national strategy on sexual violence, there is no available information on the financial resources allocated for its implementation. It appears that the funding for the measures foreseen has not been planned in advance and will depend on the budget available.

21. See also the Report of the Commissioner for Human Rights of the Council of Europe following the visit to Romania in November 2018, page 18.

22. There are 43 county commissions functioning in all territorial administrative units of Romania (42 counties and Bucharest); they were set up under the Gender Equality Law and co-ordinate with the NAEQ.

23. Chapter IX of the stream on preventing and combating domestic violence of the strategy, available here: <http://anes.gov.ro/wp-content/uploads/2018/06/Strategia-Nationala-ES-si-VD.pdf>.

48. From the information available, resources dedicated to addressing domestic violence and for the provision of specialist services seem to be heavily dependent on restricted project funding from external sources, rather than from the state budget. Even the action plan for the implementation of the national strategy on domestic violence explicitly mentions as funding sources the Norwegian Funding mechanism 2014-2021, among others.

49. Another important source of funding for projects implemented by the NAEO are European Union (EU) funds. A total of €13 937 345 was allocated for the implementation of different projects for the period 2019-2023.²⁴ For example, the Equal Opportunities Agency has recently initiated the development of a four-year project supported by EU funds, which aims to establish a network of 42 shelters of adequate geographical distribution covering all counties of Romania and the municipality of Bucharest. The VENUS project is worth €11 million. There is also a dedicated project to support the establishment of rape crisis centres and centres for perpetrators worth €2.5 million.

50. Although the law²⁵ requires all county authorities to provide social assistance to victims of domestic violence, in some counties public shelters are still lacking due to the insufficient allocation of resources to local authorities. Moreover, research recently conducted by a civil society association²⁶ in one of the 42 counties into how the budget of the mayor's office is allocated across all the cities and villages for providing social services for violence against women revealed that the majority (90%) do not finance any social, health or protection services for victims of domestic violence. Concerns were expressed about the scarcity of the financial resources allocated from the local budgets for victim support services, often on the mistaken assumption that these are not necessary given the low level of reporting to the police.

51. In this context, GREVIO notes that a recently adopted government decision²⁷ provides for minimum standard costs for social services for victims of domestic violence,²⁸ which according to the authorities will be used to determine the amounts allocated to local budgets to ensure sufficient and sustainable funding for specialist support services.

52. In relation to the provision of financial resources to NGOs working in the field of violence against women, according to information provided to GREVIO by NGOs, there is no budget line in the state budget specifically dedicated to supporting the work of NGOs. NGOs have been requesting clearer legislative measures to enable the commissioning of public services dealing with violence against women to experienced women's organisations. NGOs have also expressed concern that state provision of victim support services suffers from lack of experience and expertise.

53. According to the authorities, the allocation of financial resources to an NGO is regulated by law and can be made available through the conclusion of a contract for services provided by the NGO. However, this depends on the availability of resources in the budgets of local authorities. NGOs working in the field report they receive little or fragmented funding from local authorities, exacerbated by funding rules that pose severe restrictions on access to services.

54. Legal provisions providing for gender budgeting at the local, regional or national level do not seem to exist but a project on gender budgeting in public policies was implemented by the NAEO in partnership with two civil society organisations²⁹ between June 2019 and February 2020. Its main objective was to increase the capacity of NGOs to engage in the formulation and promotion of alternative proposals to public policies initiated by the government. Training sessions and round-table discussions on gender budgeting were held for non-governmental organisations. GREVIO

24. Other projects financed by EU funds are the project "Justice has no gender" – €224 616 and "Gender budgeting in public policies" (POCA) – €212 729.

25. Articles 39 and 76 of Social Assistance Law No. 292/2011.

26. The Filia Centre conducted research in Bacau county in 2020.

27. Government Decision No. 426/2020 of 27 May 2020 for the approval of standard costs for social services; the costs were updated in 2021 to adjust to the actual needs.

28. The cost standard represents the minimum amount related to the annual expenses necessary for the provision of social services, calculated for a beneficiary/types of social services, according to the minimum quality standards and/or other criteria provided by law.

29. The civil society organisations Corona Iasi and Centrul de Mediere si Securitate Comunitara were the NAEO's partners in the project.

welcomes the development of a guide, “Gender-based budgeting in public policies”, for all those interested in the aspects of gender budgeting in public budgets and encourages the NAEO to take responsibility for and put into practice all the proposals made in this context.

55. GREVIO urges the Romanian authorities to pursue their efforts to:

- a. increase the budget allocated by central and decentralised levels for preventing and combating violence against women, while strengthening the assessment of the financial resources needed for this purpose;**
- b. intensify efforts to monitor actual expenditure and assess progress, including through gender budgeting.**

56. GREVIO furthermore invites the Romanian authorities to gradually reduce the dependency on external funding for activities to combat violence against women and ensure a wider share of funding from the Romanian state budget to demonstrate their financial responsibility for the implementation of the Istanbul Convention.

C. Non-governmental organisations and civil society (Article 9)

57. GREVIO notes with satisfaction that NGOs and civil society organisations are recognised as playing an important role in preventing and combating violence against women in Romania and were involved in the drawing up of the legislative package for the implementation of the Istanbul Convention and of the national strategies on domestic and sexual violence. Moreover, women’s NGOs were involved in the design of the projects “Support for the implementation of the Istanbul Convention in Romania” and the VENUS project for combating violence against women and domestic violence.

58. However, according to information provided by NGOs, while the NAEO is making an active effort to engage with civil society in drafting legislation and policies, other relevant state authorities often fail to recognise the importance of women’s organisations. For example, according to information provided by women’s NGOs to GREVIO, throughout the process of amending the Criminal Code during 2017 and 2018, the Ministry of Justice did not consult with women’s organisations or accommodate the concerns expressed by the Violence against Women Coalition in a public letter in December 2017 warning of the negative effects of these changes on the implementation of the Istanbul Convention.³⁰ Moreover, ahead of the recent legislative attempt to amend Article 7 of the Law of Education to expressly prohibit any distinction being made between sex and gender in schools, universities and informal education facilities at all levels, public or other consultations with women’s organisations or other civil society groups such as the Gender Equality Coalition were not held.

59. GREVIO notes that the NAEO has signed collaboration protocols with several of the active NGOs working in the field of violence against women and gender equality.³¹ They also participate in national institutional mechanisms of co-operation such as the Interministerial Committee for Preventing and Combating Domestic Violence and the National Commission for Gender Equality.

60. The Domestic Violence Law has explicit provisions for co-operation between public authorities and NGOs working in the field. For example, Article 8, paragraph 2, foresees the signing of co-operation partnerships between public authorities at the local and national level and NGOs in the areas of information, prevention and intervention. Article 13, paragraph 4, of the same law provides for intersectoral working groups in county districts composed of representatives from

30. For example, modification of Article 83 of the Code of Criminal Procedure which entitles the suspect and defendant to attend the hearings of witnesses. <https://violentaimpotrivafemeilor.ro/modificari-la-codul-de-procedura-penala-care-anuleaza-orce-protectie-a-victimelor-violentei-in-familie-si-a-victimelor-violentei-sexuale-orce-efort-de-armonizare-a-legislatiei-romane-cu-prevederile/>.

31. For example, such protocols were signed with associations such as the Vodafone Foundation, Transcena and Centrul Filia.

relevant services (police, health, child protection, etc.) as well as NGOs. Such partnerships may allow for the provision of funding from local budgets.

61. Although NGOs' services complement state activities in the field such as the provision of support services, the information available indicates that they are seriously underfunded and understaffed.³² Moreover, the existing funding system does not ensure formalised funding to compensate NGOs for their activity in the field. It was also brought to GREVIO's attention that due to a lack of financial resources several NGOs have been forced to close the shelters they run.³³

62. GREVIO notes with satisfaction that despite the financial difficulties encountered, there are NGOs which are able to provide integrated services and ensure the provision of basic rights (such as the right to legal aid and the right to information), albeit with limited outreach, such as the Equality and Human Rights Action Centre (ACTEDO) which provides pro bono legal assistance and representation to victims of crime with the help of attorneys from all over the country,³⁴ as well as the Association for Equality and Liberty of Gender (ALEG)³⁵ which offers online information and psychological counselling to victims of domestic and/or sexual violence.

63. GREVIO strongly encourages the Romanian authorities to provide greater support for the work of women's organisations specialised in preventing and combating violence against women, by providing them with stable and sustainable funding opportunities commensurate with their estimated needs. To this end, the Romanian authorities should put in place a dedicated, transparent and accountable public procedure under which all NGOs providing specialist support services to victims of all forms of violence against women and their children can apply for funding.

D. Co-ordinating body (Article 10)

64. The co-ordinating body appointed by the Romanian authorities in accordance with Article 10 of the convention is the NAEO, which exercises state authority in two areas of competence: promoting equal opportunities and treatment of women and men; and preventing and combating domestic violence. The NAEO operates under the aegis of the Ministry of Labour and Social Protection.

65. According to the Romanian state report to GREVIO, the NAEO is responsible for the drawing up, co-ordination and implementation of strategies and policies in these two areas of competence. The NAEO's competences are derived from the provisions of the Domestic Violence Law (Article 8) and the General Equality Law. As such, the NAEO is the responsible body for the co-ordination and monitoring of the implementation of the 2018-2021 national equality and domestic violence strategy and the operational plan. Moreover, the NAEO is responsible for developing, co-ordinating and implementing the national strategy on sexual violence.

66. The NAEO manages the national database on administrative data on domestic violence³⁶ submitted by general departments for social assistance and child protection, as well as data collected through the national helpline. The NAEO also collects data from the General Directorate for Child Protection and Social Assistance on the beneficiaries of social assistance, including shelter services, psychological counselling and vocational and legal counselling for victims and perpetrators. These data are collated into an annual national study, which is available to the public on the NAEO's website.³⁷

32. NGO written submission, page 4.

33. See, as an example, the Anais Association, an NGO which offered shelter and counselling to over 1 000 women over a five-year period but which was forced to close its centre in 2019 after cuts in its funding from Bucharest City Hall. Another NGO from Cluj-Napoca, the Artemis Association, which ran a shelter for victims of gender-based violence (domestic violence and trafficking of human beings) for several years, was forced to shut down because of a lack of funding.

34. More information available at: <http://probono.actedo.org/en/about-pro-bono-network/>.

35. More information available at: <https://aleg-romania.eu/2013/09/16/consiliere-on-line/>.

36. Article 8, paragraph 6, of the Domestic Violence Law.

37. www.anes.gov.ro

67. The implementation of the national strategy on domestic violence is evaluated on the basis of monitoring reports, prepared annually by the NAEO, based on the reports submitted by all the public authorities and institutions with responsibilities in the implementation of the Operational Action Plan for the period 2018-2021. The evaluation is based on the reporting indicators established in the Operational Action Plan for the period 2018-2021. While welcoming the tendency to apply a clear monitoring procedure, GREVIO points out the need to consider the possibility of evaluation by external, independent entities, to ensure the objectivity of the assessment.

68. The functioning and organisational structure of the NAEO is regulated according to Government Decision No. 177/2016. It is comprised of 50 positions, however only 39 of these positions were filled in 2020. Of those 39 positions, five counsellor positions are exclusively for the provision of support services through the 24-hour helpline for victims of domestic violence, and two positions are dedicated to the social services accreditation. According to information provided by the authorities, additional funding allocated allows for the filling of four of the 11 vacant positions.

69. The annual budget for the NAEO for the year 2017 was €695 500, which rose to €1 116 000 in the year 2019, including contributions from external funding (*Norwegian Grants*).

70. Also, in accordance with Article 10 of the Istanbul Convention, in 2016 the Interministerial Committee for the Preventing and Combating of Domestic Violence was created through a government memorandum. It plays a consultative role, which consists of ensuring co-operation between relevant institutions and organisations, supporting the implementation and monitoring of the Istanbul Convention and supporting proposals for improving the legal framework.

71. The National Commission for Equal Opportunities between Women and Men (CONES) also works under the co-ordination of the NAEO. CONES is comprised of representatives of ministries and other specialist bodies, including local authorities, trades unions and employer associations and NGO representatives. The role of CONES is to support the activities carried out by the NAEO and to ensure the integration of a gender perspective into public policies.

72. To ensure co-ordination at the local level, County Commissions for Equal Opportunities between Women and Men (COJES) function in co-ordination with the NAEO in the 42 counties and in Bucharest. The main function of the County Commissions is to promote the principle of non-discrimination based on sex at the local level.

73. From the above, it appears that currently the functions of the co-ordinating body apply to the promotion of gender equality and combating domestic and sexual violence and do not apply to all the forms of violence against women covered by the Istanbul Convention, reflecting the fragmented approach to addressing all forms of violence against women covered by the convention. It is not equipped with the mandate, competences and resources to comply with the requirements set out in Article 10 of the Istanbul Convention. In this context, GREVIO emphasises that the role of this co-ordinating body must be understood in the light of the obligations set in Article 7 of the Istanbul Convention, which require parties to the convention to devise and implement policies that encompass a multitude of measures taken by the different agencies and sectors, through effective co-operation among those, in order to offer a holistic and co-ordinated response to violence against women.

74. **With a view to ensuring continuous policy making and the effective implementation, monitoring and evaluation of measures taken to prevent and combat all forms of violence against women, GREVIO strongly encourages the Romanian authorities to:**

- a. **ensure, on the one hand, that the mandate of the existing co-ordinating body comprises the power to ensure co-ordination and implementation of policies and measures to prevent and combat all the forms of violence covered by the Istanbul Convention, and to ensure on the other hand that independent monitoring and evaluation of these policies and measures be carried out on the basis of predefined indicators established to measure success;**

- b. ensure that the functions of the co-ordinating body are exercised in close consultation with relevant NGOs and civil society bodies, including independent women's NGOs, and that they are supported by adequate and appropriate data.**

E. Data collection and research (Article 11)

75. Preventing and combating violence against women and domestic violence requires evidence-based policy making. The collection of systematic and comparable data from all relevant administrative sources is crucial in this regard, as is information on the prevalence of all forms of violence against women.³⁸

1. Administrative data collection

76. Romania does not have an integrated system of data collection on domestic violence and other forms of violence against women. Various authorities, including the police, the prosecution authorities, the judiciary and the NAEO, collect data, but these are not collated centrally to provide a comprehensive picture of the phenomenon of violence against women and domestic violence. Moreover, not all relevant authorities collect disaggregated data and data are not systematically made available to the public.³⁹ GREVIO highlights that the lack of co-ordination and comparability of the data makes it impossible to track cases at all stages of the law-enforcement and judicial proceedings and, more specifically, impedes an assessment of conviction, attrition and recidivism rates, as well as the identification of gaps in the response of institutions.

77. According to the authorities, a protocol to regulate the exchange of administrative data between the NAEO, health services, law-enforcement agencies and the justice sector is under preparation. Such a protocol would improve the monitoring capacity of the agency and would greatly improve the quality of public policy proposals.

78. GREVIO welcomes the fact that the National Institute for Statistics and the NAEO concluded a collaboration protocol that led to the setting up of a working group aimed at the implementation of Article 11 of the Istanbul Convention on two main components: (i) the implementation of an information system on domestic violence and designing and conducting of a survey on domestic violence based on gender criteria (2022-2023); and (ii) interinstitutional co-operation on the provision of statistical data needed to carry out national monitoring and reporting procedures in accordance with international commitments, namely the Istanbul Convention and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW).

a. Law-enforcement agencies and the justice sector

79. The National Inspectorate of Romanian Police collects annual and monthly statistics on criminal complaints, type of crime and the number of perpetrators and victims segregated by age, sex, relationship between them and place of residence. Also, the statistics include the number of provisional protection orders issued by the police and the number of protection orders breached.⁴⁰

80. The Public Ministry collects global data on the number of cases prosecuted, the number of victims and perpetrators, their age and the relationship between the victim and perpetrator. However, data are not disaggregated by sex. The database recording information about perpetrators cannot generate sex and age-disaggregated data. In order to show the number of cases of violence against women at the hands of men or male partners prosecuted by Romanian prosecution services, it would be important for the Public Prosecutor's Office to expand its data collection to include the age and sex of the perpetrator and of the victim.

38. While this section discusses the main considerations related to data collection, Chapters V and VI also offer reflection on data related to specific criminal offences.

39. Data are available by request based upon Law No. 544/2001 on public access to official data.

40. The NGOs in the VIF Network publish as user-friendly infographics yearly data from the Romanian Police.

81. According to the state report, the Office for Judicial Statistics that operates within the Ministry of Justice collects data on the cases before the courts, which are collated by specialist personnel when introducing data into the Electronic Court Register Informational System (ECRIS) and which are periodically replicated for statistical purposes. Statistical data on convicted persons against whom there is a final decision ordered by the court are available through databases managed by the Ministry of Justice and that are disaggregated according to sexual criteria (male/female) and general age group (adults/minors). No other disaggregated criteria are available in the databases managed by the ministry. In order to obtain information on the number of convictions per type of offence, there would need to be an offence-based collection of data on court proceedings, disaggregated by age and sex of the perpetrator and victim as well as indicating the relationship of the perpetrator with the victim. According to information provided by the authorities, the Ministry of Justice is preparing a new version of ECRIS, which will include additional disaggregation criteria for both the perpetrator and the victim.

82. Data covering domestic violence as defined in the Domestic Violence Law are not currently collected by the Public Ministry and the Ministry of Justice. Moreover, details on non-cohabiting partners and former cohabiting partners are not included in the data collected. Comprehensive relationship categories in line with the provisions of the Istanbul Convention are therefore lacking.

83. From the data provided in the annexes to the Romanian state report to GREVIO in relation to criminal justice, data are limited to violence committed within the family according to offences in the Criminal Code. Data are recorded by the Public Ministry according to the articles of the Criminal Code and then cross-tabulated as a form of violence between family members.

84. The current legal framework refers to “family violence”, which includes both intimate partner violence and intergenerational violence. The scope of the definition of domestic violence refers to intimate partners who either are/were married or share the same household. There are difficulties in interpreting the data, as the terminology used is not that of intimate partner. The current definition excludes those who are intimate partners but who do not share a household. It is therefore important that the justice systems record all crimes perpetrated against intimate partners, not solely those among partners sharing a common household or who are married. Additional categories adapted to the national context should also be included, such as former cohabiting partners and current or former non-cohabiting partners.

85. GREVIO urges the Romanian authorities to introduce a system for the collection of administrative data by law-enforcement agencies and judicial bodies based on harmonised categories which make it possible to trace the progress of cases throughout the criminal process, covering all the forms of violence against women covered by the Istanbul Convention and broken down by sex, age, type of offence and type of relationship of the perpetrator with the victim.

b. Healthcare sector

86. In Romania, the National Institute of Public Health collects data on the victims of violence against women and domestic violence admitted to public and private hospitals, disaggregated by age but without including information on the victims’ sex, the type of violence and type of relationship of the alleged perpetrator to the victim. However, no data are collected on the number of victims of violence against women and domestic violence who are not admitted to hospitals but seek healthcare in relation to their experiences of violence. The absence of such data significantly limits the authorities’ ability to assess the impact and performance of health services in responding to violence against women and domestic violence.

87. GREVIO strongly encourages the Romanian authorities to expand the collection of data on healthcare providers’ contact with women patients for reasons related to experiences of gender-based violence. Such data should be disaggregated, at the minimum, by sex, age and relationship of the perpetrator to the victim.

c. Social services

88. The NAEO manages the national database of domestic violence victims and perpetrators who benefit from social services on domestic violence with data submitted by general departments for social assistance and child protection (GDSACP), as well as data collected through the national helpline.

89. The statistical data refer only to cases of domestic violence and are disaggregated by sex, citizenship, age, types of intervention, services offered, types and level of settlement, legal measures, safety and protection measures, typology of solutions and risk factors. These data are incorporated into a national study, which is made public on www.anes.gov.ro.

90. NGOs in Romania collect statistical data on beneficiaries, disaggregated by geographical area, crime type, solution/services offered, sex, age and source of reference.

91. GREVIO strongly encourages the Romanian authorities to expand the collection of data on reports made to and interventions proposed by social services in relation to all forms of violence covered by the Istanbul Convention.

d. Data on the asylum procedure

92. Data on the number of asylum claims made on the basis of gender-related persecution and their outcomes are not collected.

93. GREVIO encourages the Romanian authorities to introduce a data-collection system that allows the recording of the registration and outcomes of asylum claims made on the basis of gender-related persecution, including female genital mutilation and forced marriage.

2. Population-based surveys

94. In 2017, an opinion poll was carried out on domestic violence, as part of the project “The national awareness and information campaign about domestic violence”, implemented by the NAEO and financed through the Norwegian Financial Mechanism, part of the programme “RO20 Domestic violence and gender-based violence”. It revealed that the population’s tolerance towards violence had declined considerably in recent years, with nine out of 10 Romanians considering domestic violence to be a problem for society. This indicates an increase in awareness of domestic violence, which GREVIO welcomes, and which can be built upon.

95. Similarly, the public safety surveys conducted by the National Institute of Statistics and the General Inspectorate of Romanian Police in 2015, 2016 and 2017 showed that, overall, domestic violence is little tolerated in Romania, although a certain level of acceptance of the phenomenon still remains in society.

96. In March 2021, a national study on the prevalence of different forms of violence against women was conducted by the NAEO under the project “Support for the implementation of the Istanbul Convention in Romania”. Despite its remit, the study focused on domestic violence only. Apart from this, no population-based surveys have been carried out in Romania that reveal the prevalence of any of the other forms of violence against women covered by the Istanbul Convention. The only available data emanate from the Violence against Women Survey conducted by the European Union Agency for Fundamental Rights in 2014, which showed that, since the age of 15, 30% of women in Romania had experienced physical and/or sexual violence and only 23% had reported the most serious incident to the police; 8% of women had been stalked; and 32% of women had experienced sexual harassment.

97. GREVIO strongly encourages the Romanian authorities to carry out population-based surveys on the different forms of violence against women covered by the Istanbul Convention. GREVIO further encourages the Romanian authorities to ensure that the design

of these surveys allows the survey results to show women's exposure to the different forms of violence covered by the Istanbul Convention, including domestic violence.

3. Research

98. Article 11, paragraph 1b, of the convention creates the obligation for parties to support research, out of the consideration that it is essential that parties base their policies and measures to prevent and combat all forms of violence covered by the convention on state-of-the-art research and knowledge in this field. As a key element of evidence-based policy making, research can contribute greatly to improving day-to-day, real-world responses to violence against women and domestic violence by the judiciary, support services and law-enforcement agencies.⁴¹

99. The Romanian authorities provided information on only two studies conducted with state support. The first one, "Study on domestic violence – Causes and institutional response" conducted in 2016 by the Crime Research and Prevention Institute within the police focused on the institutional response of the police in handling cases of domestic violence, taking into consideration both the internal perspective of those involved in managing these situations (intervention limits, difficulties and effects of the intervention) and the victim's perception of the intervention by the police. The second study, called "Child abuse and neglect" was conducted by the GDSACP in partnership with the NGO Save the Children at national level in 2013 and gathered information on violence against girls.

100. GREVIO recalls that the Istanbul Convention requires states to support research in the field of all forms of violence against women in order to identify their root causes and effects and, accordingly, to base their policies and measures to prevent and combat such forms of violence on research and knowledge in this field. However, it notes that in Romania little attention has been devoted to forms of violence other than domestic violence, such as stalking, sexual violence and rape, female genital mutilation (FGM) and forced marriage. There is also an absence of research into the effects of gender-based violence on children, particularly child witnesses of domestic violence, and on the access of women victims to support, protection and justice.

101. **GREVIO strongly encourages the Romanian authorities to:**

- a. **address, through research, all forms of violence against women such as sexual violence, sexual harassment and forced marriage or other traditional practices harmful to women, as well as violence affecting vulnerable groups of women such as Roma women and girls, migrant women, LGBTI women and women with disabilities;**
- b. **support research in order to study the effects on children of witnessing domestic violence and the access of women victims to support, protection and justice.**

41. See Explanatory Report to the Istanbul Convention, paragraph 77.

III. Prevention

102. This chapter contains a number of general and more specific obligations in the area of prevention. These include early preventive measures such as changing social and cultural patterns of behaviour of women and men, eradicating prejudices and gender stereotypes, and measures to involve all of society, including men and boys, in achieving gender equality and the prevention of violence against women. It also includes more specific preventive measures such as awareness raising and campaigning, ensuring the adequate training of all professionals, education in schools and other settings, and, last but not least, measures such as perpetrator programmes to prevent further victimisation.

A. Awareness raising (Article 13)

103. In Romania, the National Agency for Equal Opportunities for Women and Men (NAEO) has taken a lead role in implementing campaigns to raise awareness of domestic violence at the national level. For example, the NAEO implemented a two-year awareness-raising campaign during the period 2015-2017 on domestic violence, funded by the Norwegian Financial Mechanism, that used a variety of methods such as TV and radio spots, regional debates and the distribution of informational material addressing the general public. Within this framework, an opinion poll was conducted that looked at attitudes to and awareness of domestic violence among both the public and institutional bodies in the field.

104. The NAEO has also carried out awareness-raising activities within the framework of International Women's Day, International Day for the Elimination of Violence against Women and UN campaigns such as "Orange the World" and the "HeForShe" Campaign.

105. GREVIO notes that a positive element of the NAEO's awareness-raising efforts has been the forging of a partnership with a private company in order to promote the emergency number for victims of domestic violence. In 2020 and 2021, several other initiatives aimed at awareness raising and promoting the emergency number were taken by the NAEO in partnership with the Romanian National Television corporation, the National Audiovisual Council and a transport company.

106. Other efforts by the NAEO have included collaborating with the National Wrestling Federation on the implementation of a campaign to combat gender stereotypes in sports, and with the Ministry of Youth and Sports to implement activities for the promotion of the principle of equal opportunities and treatment for women and men in youth education, including gender-based violence.

107. GREVIO welcomes the involvement of the Romanian police in several awareness campaigns. The national-level campaign "Broken Wings", which was carried out in partnership with civil society organisations during 2016 and 2017, focused on domestic violence. In this context, "safety guides" for victims and awareness-raising material were distributed nationwide. The campaign also involved awareness-raising activities in both urban and rural areas and engaged educational institutions, civil society, private companies and public institutions. Another national awareness-raising campaign led by the police was implemented in 2019 within the framework of the project "Effective criminal justice strategies and practices to combat gender-based violence in Eastern Europe" funded by the Council of Europe and the OSCE.

108. While welcoming the efforts made by the authorities to increase the visibility of violence against women, in particular of domestic violence, GREVIO notes with concern that most of the awareness-raising activities highlighted by the authorities are primarily implemented through externally funded projects, which puts into question the sustainability of awareness-raising actions once the funding has ended.

109. Moreover, in light of information that most Romanian women are unaware of their rights and the protection measures and support services available,⁴² GREVIO considers that additional actions need to be implemented at regular intervals aimed at increasing public awareness and supplying people at risk with information on the protection, support and legal avenues available to women victims of violence. In this context, GREVIO recalls that one of the requirements of Article 13 of the convention is that awareness-raising campaigns and programmes are conducted on a regular basis so as to reach as many people as possible.

110. While commending the authorities' efforts to promote awareness on domestic violence, GREVIO notes that other forms of violence covered by the convention such as sexual violence/rape, early/forced marriage and stalking, with high rates of under-reporting, are only marginally addressed, if at all. It is also unclear whether the gendered dynamics of domestic violence and the specific experiences of women and girls were addressed/highlighted in the campaigns implemented. More effort is needed to extend the scope of awareness-raising initiatives to address all aspects of violence and to succeed in reaching out to all women and girls potentially affected, as well as to society at large.

111. In November 2021 a national public campaign addressing the specific needs of Roma women was launched in the context of the project "Support for the implementation of the Istanbul Convention in Romania". Noting the lack of awareness-raising activities reaching other vulnerable groups of women and girls and addressing their specific needs, GREVIO highlights the need for the Romanian authorities to diversify awareness-raising activities so that the information and messages disseminated are relevant to the particular needs and concerns of women and girls at risk of intersecting discrimination, because of their age, disability or migrant or ethnic minority status, for example.

112. GREVIO strongly encourages the Romanian authorities to step up their efforts to conduct awareness-raising campaigns, on a regular basis and at all levels, with a view to addressing the various aspects of preventing and combating all the forms of violence against women covered by the Istanbul Convention, and to reaching specific groups of women and girls, in particular Roma women. Furthermore, GREVIO strongly encourages the Romanian authorities to ensure appropriate and sustainable state funding for awareness-raising campaigns and to involve all relevant stakeholders in such efforts, including civil society organisations. GREVIO also encourages the Romanian authorities to analyse the effectiveness of the conducted awareness-raising campaigns and, based on this analysis, to design further steps.

B. Education (Article 14)

113. Attitudes, convictions and behavioural patterns are shaped very early in life. Educational establishments therefore have an important role to play in promoting equality between women and men and human rights. Article 14 therefore requires the design of teaching material that promotes equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity and that informs learners of the different forms of gender-based violence against women.

114. GREVIO welcomes the provision, in the 2018-2021 national equality and domestic violence strategy, for specific measures to promote gender equality and to prevent gender-based violence in education, such as increasing the awareness of children and young people of the legal provisions on equal opportunities between women and men. It also provides for the implementation of information and awareness campaigns among students at all levels of education on the importance of respecting the right to non-discrimination and equal opportunities between women and men, and on the concept of multiple discrimination.

42. According to the survey conducted by the European Union Agency for Fundamental Rights (2014), Violence against Women – An EU-wide survey, p. 162, 74% of Romanian women were unaware of institutions or organisations providing support services for gender-based violence.

115. In the context of the implementation of the national strategy, the NAEO has taken several steps to integrate educational content promoting gender equality at different levels, such as the creation of a guide for gender mainstreaming in preschool education and training programmes on gender equality for teachers. Moreover, according to the state report, the legislative package for the harmonisation of the national legislation with the provisions of the Istanbul Convention includes the integration of gender equality and gender-based violence at all levels of the education system. A Collaboration Protocol signed between the NAEO and the Ministry of Education in August 2020 provides for the implementation of joint activities, projects and events for students and teachers to prevent and combat violence and gender discrimination.

116. While commendable efforts have been made, gender studies remain underdeveloped in Romania and topics related to equality between men and women are often marginalised and approached fragmentally.⁴³ GREVIO notes with concern that, in June 2020, the parliament voted in an amendment to Article 7 of the national law of education expressly prohibiting any distinction being made between sex and gender in schools, universities and informal education facilities at all levels, with fines established for lack of compliance. In the public debate that ensued, the principles set out in Article 14 of the convention addressing the education sector were misrepresented. While subsequently rejected by the Constitutional Court as the proposed amendment was not considered to be in line with the Romanian Constitution and other national laws and international treaties,⁴⁴ GREVIO points to the need to step up efforts to address misrepresentations and false assumptions about the aims of and the obligations contained in Article 14 of the Istanbul Convention. GREVIO recalls that Article 14 establishes the obligation for states parties to develop, for the age groups that they deem suitable, teaching materials on aspects that help address the root causes of violence against women and domestic violence. These are the principles of equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity. Following the evaluation visit, the Romanian authorities have brought to GREVIO's attention the fact that in the second semester of 2021, 10 000 professionals were designated as persons with attributions on gender equality in the education system, whose task is to promote the above-mentioned principles and values.

117. Law No. 272 of 2004 for the Protection and Promotion of the Rights of Children (Law No. 272/2004) states that the central public administration and the local administration, as well as other relevant institutions, should take all necessary measures to systematically integrate sessions on "education for life" into schools, including sexuality education with the aim of preventing sexually transmitted infections and early pregnancies.⁴⁵

118. NGOs report that while there are minimum standards set by the Ministry of Education for the teaching of sexuality education, and a guide created for teachers for the sexuality education module of the health education curriculums, these have not been updated for over 10 years and do not cover issues such as consent and sexual violence. Furthermore, health education is not mandatory and there is a low participation rate among students (6% for the 2014-2015 school year). Training for teachers on sexuality education is not mandatory, nor is the quality of health education evaluated at any level.⁴⁶

119. A legislative amendment to the aforementioned law was passed by parliament and promulgated by the President in April 2020, obliging schools to offer sexual education to children at least once every six months. However, due to growing resistance to education on sexuality⁴⁷ and the stigmatisation of those partaking in it, often channelled through disinformation campaigns on the content of such education, this amendment was abandoned in June 2020 and the text reverted to

43. "Students' Sense and Sensibilities. An Exploratory Study of Gender Perceptions at Romania's Largest University" – article by Alexandra Columban and Felicia Cornelia Macarie; www.researchgate.net/publication/345237777.

44. Decision No. 907 of 16 December 2020 of the Constitutional Court on the objection of unconstitutionality of the provisions of Article 7(1)(e), introduced by the Sole Article of the Law amending Article 7 of the Law on National Education No. 1/2011.

45. http://youact.org/wp-content/uploads/2018/05/WEB-SPREAD_The-Current-State-of-Sexuality-Education-in-Cyprus-Georgia-Poland-Romania-and-the-Netherlands-Insights-from-a-Youth-Perspective.pdf.

46. NGO Shadow report complementing the Romanian Government's report to the CEDAW.

47. For example, see www.citizenngo.org/en/ed/40131-romanian-chamber-deputies-give-parents-right-say-no-sex-ed and www.comprehensivesexualityeducation.org/.

the original. It is also required that parents must also give written consent for their children to be taught health education.

120. GREVIO recalls that the importance of comprehensive sexuality education for girls and boys, including the teaching of notions such as consent and personal boundaries, has been expressed by different intergovernmental organisations and bodies,⁴⁸ and Council of Europe Recommendation CM/Rec(2019)1 to member states on preventing and combating sexism calls for age-appropriate, evidence-based and scientifically accurate and comprehensive sex and sexuality education to be incorporated into school curriculums.⁴⁹

121. This is particularly important given the context that Romania has one of the highest rates of teen pregnancies in the European Union,⁵⁰ and by far the highest cervical cancer-driven mortality rate in the EU.⁵¹ A survey conducted by civil society revealed that initiatives to revise the school curriculum and introduce comprehensive sexual education have failed mainly because of pressure exerted by groups representing only a minority of society, and not because of broad resistance from the rest of society.⁵²

122. GREVIO strongly encourages the Romanian authorities to step up their efforts to promote, adapted to the evolving capacity of learners, the principles of equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships and the right to personal integrity, and to ensure information on the different forms of gender-based violence against women, in formal curriculums and at all levels of education. This includes the need to address in particular forced marriage and sexual violence by focusing on the right to personal integrity and unequal power relations between women and men.

C. Training of professionals (Article 15)

123. The standard set by the Istanbul Convention in its Article 15 is that of systematic initial and in-service training of the relevant professionals who deal with victims or perpetrators of all acts of violence. The training that is required must cover the prevention and detection of such violence, equality between women and men, the needs and rights of victims and the prevention of secondary victimisation.

124. In Romania, the 2018-2021 national equality and domestic violence strategy includes the “development and consolidation of professional competences through the necessary training and training of different categories of specialists for intervention tailored to the case”, which GREVIO welcomes.

125. Moreover, the recently adopted national strategy on sexual violence provides for regular training for all categories of relevant professionals, such as teachers, doctors, psychologists, police officers, judges, prosecutors, social workers and NGOs working in the field of sexual violence, including training on acts committed in the online environment.

126. According to the authorities, the curriculums of learning institutions that come under the auspices of the Ministry of Internal Affairs include elements for the promotion of professional competence in relation to dealing with domestic violence. Police officers’ initial training courses

48. “Comprehensive sexuality education” is defined by UNESCO’s “International technical guidance on sexuality education – An evidence-informed approach” (2018) and the World Health Organization’s (WHO) Standards for Sexuality Education in Europe (2010). See also Resolution of the United Nations Human Rights Council, Accelerating efforts to eliminate violence against women: engaging men and boys in preventing and responding to violence against all women and girls, adopted on 12 July 2017, A/HRC/ RES/35/10.

49. See Recommendation CM/Rec(2019)1 on preventing and combating sexism, section II.G.6.

50. Statistics for 2015 available at Eurostat, Teenage and older mothers in the EU, at: <http://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20170808-1?inheritRedirect=true>.

51. Statistics for 2012, available at European Commission, Cancer screening in the EU (2017), p. 58

52. The Gender Barometer survey conducted by the Filia Association showed that three quarters (75.8%) of the respondents were in favour of teaching sexual education in schools, while only 17.8% opposed it.

contain lectures on topics related to combating domestic violence, including general awareness raising of domestic violence and of their role as first responders, as well as specific lectures on dealing with domestic violence cases, such as on risk assessment, filing for a temporary protection or restraining order and reporting on risk-management measures taken. The training is conducted by trainers from the Romanian police.

127. GREVIO notes that there is no available information on training on other forms of violence within the scope of the convention. Moreover, the in-service training available is neither compulsory nor systematic, which seems to have a serious impact on the ability of law-enforcement agencies to recognise and identify gender-based violence against women, as well as on the extent to which they treat the victims of violence in a respectful, professional and non-discriminatory manner. Even the recently adopted national strategy on sexual violence highlights the low level of public confidence in the intervention capacity of the police, which is the main cause for the low level of reporting of domestic and sexual violence as well as of the high level of withdrawal of complaints.

128. According to Article 103, paragraph 1, of Law No. 304/2004, the initial and in-service training of judges and prosecutors is ensured by the National Institute of Magistracy (NIM). The NIM has included elements on domestic violence in the initial training programme for future judges and prosecutors, although these are integrated into the “criminal law” and “family law” disciplines and are not stand-alone areas.

129. The NIM is also involved in delivering in-service training sessions for public prosecutors and the judiciary within the framework of externally funded projects. During the period 2009-2014, these included train-the-trainer sessions with a smaller number of trainees (10 judges and 10 prosecutors) as well as three-day training sessions for police, prosecutors and judges from various counties, including 74 judges and 84 prosecutors. During 2016, 15 interinstitutional training sessions were offered to those in the criminal justice sector and law-enforcement agencies, whose participants included 62 judges, 67 prosecutors and 250 police officers. For the period 2019-2021, 10 two-day seminars were planned for 20 judges and prosecutors on handling domestic violence cases. It appears that no training sessions focus specifically on violence against women as a form of gender-based violence or on gender equality. Furthermore, the training offered is not mandatory and only a limited number of professionals have been involved in the training and only for a short period. Furthermore, there is no information regarding the impact of training on the target groups.

130. The fact that most in-service training sessions for judges and prosecutors are implemented within the framework of externally funded projects also puts into question the availability of systematic and continuous training for these groups of professionals.

131. According to the current regulations concerning the continuous training of magistrates, the judges and prosecutors are obliged to attend at least one training session every three years.⁵³ Which sessions are attended is based on the personal choice of the magistrates and their area of specialisation but not on the basis of a preliminary analysis of their needs and the evaluation of prior training sessions. GREVIO is therefore concerned that the continued training of judges is left to their discretion and that the figures provided by the authorities on the number of judges who have accessed relevant training is relatively low. Moreover, judicial practice and studies available⁵⁴ highlight persistent shortcomings in the handling of domestic and sexual violence cases by judges, such as victim-blaming attitudes, secondary victimisation, a lack of understanding of the vulnerability of certain groups of victims⁵⁵ and limited referral of victims to specialist support services. These findings call for more frequent and comprehensive training for judicial authorities, focusing on the

53. Consiliul Superior al Magistraturii, Regulament din 24 August 2005 Publicat în Monitorul Oficial, Partea I nr. 816 din 08/09/2005 privind modul de desfășurare a cursurilor de formare profesională continuă a judecătorilor și procurorilor și atestare a rezultatelor obținute [Superior Council of Magistracy, Regulation from 24 August 2005 published in the Official Monitor no. 816 of 8 September 2005 regarding the professional training courses for judges and prosecutors and certification of results], p. 1.

54. The study conducted in the framework of a transnational project funded by the Justice Programme of the EU (VICATIS: Victim-centered Approach to Improving Support Services) is available at www.crj.ro/en/antidiscrimination/ongoing-projects/vicatis.

55. Superior Council for Magistracy (2014), Improving access to justice for Roma and other vulnerable groups – An integrated approach, p. 83.

characteristics of specific vulnerable victims, their rights and needs, and how to avoid secondary victimisation.

132. Specific information was not provided on initial and in-service training of other relevant professional groups dealing with women victims of violence, such as health professionals, social services workers, and immigration and asylum officials, as required by Article 15 of the Istanbul Convention. However, GREVIO was informed by the authorities that compulsory training of all these professionals is included in the yearly training plans of each relevant authority.

133. The officials in charge of receiving and processing women's asylum applications are another group of professionals for whom it is important that training on gender-based violence against women be provided. Except for occasional training sessions, gender-based violence is not mainstreamed as a specific training topic in the professional development curriculum of case officers dealing with asylum cases.

134. To conclude, the training of professionals in Romania has focused on domestic violence and is it is not clear if the focus is on the gendered aspects of domestic violence, as well as on the impact of such violence on children. While noting the steps taken by the Romanian authorities to train professionals dealing with victims of violence, GREVIO considers that there is further room to consolidate and expand the capacity of professionals to deliver an effective and tailored response to violence against women through mandatory, systematic initial and in-service training.

135. GREVIO urges the Romanian authorities to ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women covered by the Istanbul Convention, on equality between women and men, on the needs and rights of victims and on the prevention of secondary victimisation for all professional groups, in particular law enforcement, the healthcare sector and the judiciary. All training must be supported and reinforced by clear protocols and guidelines that set the standards staff are expected to follow and by appropriate and sustainable funding for the training sessions.

D. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

136. According to the information available, there are currently no specific programmes in place for the preventive intervention and treatment of perpetrators of domestic violence. An issue of concern is the implementation of an anger management programme "designed to address anger as the cause of violence" by the probation system. Perpetrators of domestic violence are required to participate to such programmes by the courts or are advised to attend by probation counsellors when considered necessary. While some perpetrators may need anger management training, GREVIO stresses that preventive intervention should encourage all perpetrators to take responsibility for their actions and question their harmful attitudes, behaviours and stereotypes towards women. It is essential that such programmes address the underlying issues of power and control.

137. Information provided in the Romanian state report to GREVIO indicates that a programme for the primary prevention of domestic violence called "STOP VIOLENCE!" has been implemented within the penitentiary system since 2010. It is a social assistance programme whose beneficiaries include people convicted of crimes against family members and people deprived of liberty that manifest difficulties relating to family members following incidents of violence. The programme lasts 12 weeks and its main objectives are to provide information to the beneficiaries about different types of domestic violence, to dismantle the prejudices about domestic violence and to help the beneficiaries of the programme to acknowledge the effects of domestic violence, understand gender differences and develop relationship skills. A total of 724 perpetrators completed the programme in 2019 and 448 in 2020.

138. While NGOs with expertise in the field have developed programmes for perpetrators in prisons and on parole within the framework of a public-private partnership, these programmes again seem to focus on anger management and addiction issues, and it is not clear how they integrate a victim-safety approach and a gendered understanding of domestic violence.

139. Furthermore, there are no specific measures to evaluate the impact of the programmes on perpetrator behaviour and/or victim safety.

140. GREVIO welcomes the establishment of eight counselling centres for perpetrators and the creation of a single methodology and a set of standardised tools for working with perpetrators, some of the objectives set out by the project “Support for the implementation of the Istanbul Convention”, implemented by the NAEO under the EEA/Norway Grants scheme.

141. **GREVIO strongly encourages the Romanian authorities to:**

- a. **develop perpetrator programmes based on common minimum standards that: focus on achieving behavioural change of perpetrators to adopt non-violent behaviour; ensure that the safety of victims, their support and their human rights are of primary concern; work in close co-ordination with specialist support services for victims, such as women’s shelters and counselling centres, based on multi-agency co-operation;**
- b. **ensure that staff administering such programmes receive adequate training that incorporates a gendered understanding of violence and the need to deconstruct harmful gender stereotypes;**
- c. **take measures to monitor perpetrator programmes and evaluate their impact, based on a set of predefined indicators aimed at measuring the effectiveness of such programmes to prevent further acts of violence, considering, *inter alia*, feedback from the victim.**

2. Programmes for sex offenders

142. In relation to programmes for sex offenders, in accordance with Law No. 118/2019, an automated national register for persons committing sexual crimes or exploiting persons or minors became functional in June 2021. A programme for sex offenders is implemented in the penitentiary system. After an assessment of their specific needs, sessions for groups of 4-12 participants are offered. The duration and frequency of the sessions depend on the pathology of the offenders included in the programme and the sessions focus on strengthening the capacity of self-control and empathy for the victims. In 2019, 297 offenders completed the programme and 285 did so in 2020.

143. **GREVIO encourages the Romanian authorities to develop treatment programmes for sex offenders which take due account of best practices developed internationally, while guaranteeing a human rights-based approach.**

E. Participation of the private sector and the media (Article 17)

144. Article 17 of the Istanbul Convention requires states parties to encourage the private sector, the information and communication technology sector and the media to participate in the devising and implementation of policies and to set guidelines and self-regulatory standards to prevent violence against women and to enhance respect for their dignity.

145. GREVIO welcomes the fact that the National Strategy for the Promotion of Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence for the Period 2018-2021 provides for specific measures aimed at fighting harassment and sexual harassment at work.

146. Moreover, it notes with satisfaction that recent amendments to the Gender Equality Law⁵⁶ requires employers to develop internal policies to prevent and fight sexual harassment and sex-based discrimination in the workplace, as well as to raise awareness among employees about the anti-harassment policy and inform employees about the procedure concerning complaints of sexual harassment. However, according to indications from civil society representatives, the authorities have not taken measures to ensure the implementation of these legal requirements and therefore more effort is needed to step up their commitment to safe and healthy workplaces and to protecting women from sexual harassment in the workplace.

147. Information on other initiatives to involve employers or other private-sector entities in the development of policies on different forms of violence was not made available. In relation to the media sector, GREVIO welcomes the inclusion in several laws of provisions which lay down media standards for reporting on gender-based violence: Article 317 of the Criminal Code on issues related to discrimination; Audiovisual Law No. 504/2002; Decision 220/2011 on the code for regulating audiovisual content; Law No. 148/2000 on publicity; Ordinance 137/2000 on preventing and punishing all forms of discrimination; the Domestic Violence Law and Articles 18 and 19 of the Gender Equality Law.

148. In terms of self-regulatory standards, Article 40 of Audiovisual Law No. 504/2002, with the subsequent amendments, states that: “broadcasting of programmes containing any form of incitement to hatred on the basis of race, religion, nationality, sex or sexual orientation is prohibited”. According to Article 10, paragraph 41, of the aforementioned law, the National Audiovisual Council (NAC) exercises control over the content of programmes offered by the audiovisual media service providers after they have been made public. The NAC issues monitoring reports on the protection of human dignity and the right to one’s own image, as well as the protection of minors, and may impose sanctions, such as warnings and fines.⁵⁷

149. The Audiovisual Law also addresses violence through secondary legislation and specifically through NAC Decision No. 220/2011 on the code for regulating audiovisual content. The regulatory code aims to strengthen the protection of human dignity and the protection of minors with regard to audiovisual content from the potentially harmful effects on physical, mental or moral development. Under Article 6, paragraph 3, the explicit agreement of a minor over the age of 16 is needed for the dissemination of information concerning physical, psychological or sexual abuse which he/she witnessed or was a victim of. Moreover, the same article requires the elimination of any element that may lead to his/her identification, upon the request of the minor, the parents or the legal representative. GREVIO notes with satisfaction that on 24 March 2019, the Romanian Parliament amended Audiovisual Law No. 504/2002 by Law No. 52/2019, introducing a new chapter which expressly refers to the protection of victims of domestic violence.

150. GREVIO notes with interest a judgment in relation to online media, delivered by the High Court of Cassation and Justice,⁵⁸ which ruled that Facebook and other online social network platforms are a public space, and as such, users can be held criminally liable for their deeds, including the distribution of content that is the material object of a crime. Thus, posts that lead to public provocation, incitement to hatred or discrimination, disturbing the peace and public order, with explicitly sexual content or child pornography, can be legally punished.

151. GREVIO invites the Romanian authorities to seek the involvement of employers in the prevention of violence against women. To this end, employers should be encouraged to adopt measures and set self-regulatory standards to prevent and combat gender-based violence against women in the workplace.

56. Article 5 of Government Decision No. 262/2019 for the approval of the Methodological Norms for the application of the Gender Equality.

57. For example, in 2018, the National Audiovisual Council issued 10 warnings and 20 fines on the topic of the protection of human dignity and the right to one’s own image, and five warnings and 14 fines on the topic of the protection of minors.

58. Decision No. 4546/2016 of the High Court of Cassation and Justice.

IV. Protection and support

152. Chapter IV of the Istanbul Convention aims at a multifaceted, professional and victim-oriented support structure for any woman who has experienced any of the forms of violence covered by the convention.

A. General obligations (Article 18)

153. Article 18 of the Istanbul Convention sets out a number of general principles to be respected in the provision of both general and specialist protective and supportive services. One of these principles is the need for services to act in a concerted and co-ordinated manner with the involvement of all the agencies concerned, taking into account the relationship between victims, offenders, children and their wider social environment. Addressing the complexity of violence against women requires establishing an intervention system which involves all relevant policy sectors, administrative levels and actors. Multisectoral and multi-agency interventions across the national, regional and local levels are key to ensuring an effective and cohesive response to all forms of violence. Effective co-ordination at local levels is particularly important in terms of ensuring that responses fit the community needs and of providing “one-stop-shop” services to victims.

154. In Romania, the Domestic Violence Law provides a framework for multi-agency and multisectoral co-operation in the provision of different forms of assistance for victims of domestic violence. It provides for the creation of intersectoral county teams (ICTs) to prevent and combat violence against children and domestic violence (Article 13, paragraphs 4-8). They are composed of representatives of the police, gendarmerie, healthcare providers, the domestic violence department of the GDSACP of the county, social services for the prevention and combating of domestic violence, NGOs, representatives of probation offices, forensic medicine units and other institutions with relevant responsibilities in the field. The ICTs have only a consultative role and provide assistance and guidance to professionals working directly with victims of domestic violence and, at the request of a GDSACP case manager, facilitating co-operation between the institutions participating in case management, on a case-by-case basis. The ICTs have been set up in most of the counties by decisions of the local authorities. However, due to their consultative role, they do not deliver multi-agency interventions at the level of case management, which impedes a proper multi-agency and multisectoral co-ordinated response.

155. Promising practices on multi-agency and multisectoral response mechanisms have been identified in several counties in Romania, where multisectoral co-ordination mechanisms (domestic violence working groups) have been created, under which several agencies (police, domestic violence specialist services, health services, general social services, etc.) participate in and work collaboratively, providing multisectoral responses to victims of domestic violence within those counties. The domestic violence working groups meet regularly to co-ordinate on cases, solve problems and review processes and needs to improve the co-operation among agencies. The roles and responsibilities in each working group are assigned on the basis of a protocol. The protocol also foresees training for professionals, awareness-raising activities and the development of an action plan that defines how all the institutions involved interact.

156. The emergency interventions at local level are ensured by the setting up of mobile integrated intervention teams composed of professionals from the Public Services (PSAS), which are mainly professionals from GDSACP.⁵⁹ These teams are mandated to conduct a procedure called “Emergency intervention” in which professionals from the PSAS intervene after a provisional protection order (PPO) has been issued by the police. The mobile team’s role is to provide social services in emergency cases where there is a high risk for the victim. They must verify the alerts, undertake initial risk assessments and take the necessary measures to overcome the immediate risk

⁵⁹ Order No. 2525/2018 of the Ministry of Labour and Social Justice regarding the emergency intervention procedure in domestic violence cases.

situation for the victim, mainly by referring the case to the domestic violence unit within the GDSACP or the PSAS for protected accommodation for the victim and management of the case. Case management is always undertaken by the domestic violence unit within the GDSACP. According to information provided by the authorities, 1 422 mobile integrated intervention teams have been set up so far (1 264 more intervention teams need to be set up to cover all the country).

157. While GREVIO notes the new legal provisions concerning multi-agency and multisectoral responses to domestic violence, it is concerned that they may have led to the creation of new structures whose roles are sometimes unclear and may overlap. NGOs report that interinstitutional co-ordination is rather weak. There is no state-run joint co-ordination of services, and no national database showing all available services and vacant spaces at a given time. The referral of cases is most often based on personal contact between individual specialists.⁶⁰

158. GREVIO notes with interest an efficient co-operation and referral mechanism between public and private entities in Târgu Mureş regarding domestic violence victims. A multisectoral team offers efficient intervention and prevention of violence,⁶¹ including the use of a shelter run by the East European Institute for Reproductive Health, a victim support organisation. The shelter provides victims and their children with practical assistance, information, psychological counselling and legal aid. Support is based on an assessment of their individual needs, and a personalised action plan is drafted. The shelter also collaborates with the emergency unit of the county hospital, offering regular training programmes to their staff, doctors and nurses on identifying gender-based violence and dealing with victims.

159. GREVIO draws attention to the fact that in Romania the support system caters almost exclusively to victims of domestic violence. Similar support does not exist for victims of any other form of violence against women covered by the Istanbul Convention.

160. GREVIO urges the Romanian authorities to set up institutionalised structures for co-ordination and co-operation among all of the different governmental and non-governmental agencies and service providers to ensure multi-agency co-operation tailored to the specific needs of victims of all forms of violence against women covered by the Istanbul Convention, in particular rape and sexual violence, forced marriage, stalking and sexual harassment.

B. Information (Article 19)

161. Several laws set out the obligation for the authorities to provide information about available support services and legal measures to the victims of violence, which GREVIO welcomes. According to the Domestic Violence Law, national and local authorities are obliged to inform victims of domestic violence of their rights, support services and any legal measures or financial help available (Articles 6b and 7). Moreover, Law No. 211/2004 sets out the obligation of the judicial authorities (judges, prosecutors, police officers and police agents) with whom the victims of crime first establish contact to provide information on how to access available support services, where to file a criminal complaint, and their right to legal aid or to obtain financial compensation from the state. In addition, in order to ensure that victims understand the information presented to them, communication takes place in written form (Article 4). Pursuant to Article 13, paragraph 1, of Government Ordinance No. 102/2000 regarding the status and regime of refugees in Romania, foreign citizens benefit from the same right to receive information as long as they are legally residing in Romania. This provision also includes migrants who have applied for refugee status and who have been granted a temporary residence permit until their application for a refugee status is resolved.

162. There is a wide variation on how information is provided to victims across the country. For instance, at some police stations victims are offered written materials (such as printouts or leaflets)

60. NGO written submission, page 12.

61. The team is composed of representatives of the General Direction of Social Assistance and Child Protection of Mureş County, the East European Institute for Reproductive Health (a victim support organisation), the Police Inspectorate of Mureş County and other law-enforcement authorities, the emergency unit of the county hospital (UPU/ SMURD), the Public Health Direction and the School Inspectorate of Mureş county.

detailing their rights, while the majority only provide oral information. Judicial authorities – police officers, prosecutors and judges – do not always inform victims of their rights⁶² and when they provide information, they tend to use abstract legal terms instead of adapting their language to the victim's capacity to understand. Sometimes they just read to the victims their rights as stipulated by the Code of Criminal Procedure, without offering practical advice on how to enforce their rights or access support services.⁶³

163. GREVIO welcomes the availability of a significant amount of relevant information for victims of domestic violence on the websites run by the NAEO, GDSACP, PSAS, National Council against Discrimination and the Romanian Ombudsman. The General Prosecutor's Office has created a dedicated section on its website with a detailed practical guide for victims belonging to vulnerable groups, including victims of domestic violence. The Romanian police, in co-operation with civil society organisations, have developed and launched a free digital application (Bright SKY RO), which provides information and various tools to assist victims of domestic violence. However, according to indications from members of civil society, more written materials (leaflets, posters, brochures, flyers) are needed in venues where victims are likely to seek information and support (police stations, hospitals and medical centres, victims support organisations, social services centres).

164. Moreover, seven centres for information and awareness raising, run by local councils and the GDSAPC, provide information services to victims of violence free of charge. The provision of information to victims of crime in Romania is complemented by three national helplines, but awareness of the existence of these helplines is low among the Romanian population.

165. As regards the right of victims to receive information in a language they understand, GREVIO is concerned that information on support services available on the website of the National Agency of Equal Opportunities is not available in any minority language (Hungarian, German, Romani). Moreover, the information provided by police is only in Romanian. Information about support services and about legal measures that victims have access to does not seem to be easily accessible to different vulnerable groups (such as Roma women, women from rural areas), which might discourage them to report the crimes.

166. While GREVIO notes with appreciation that efforts are being undertaken to provide information on domestic violence services and legal measures, it is concerned by the absence of information on other forms of violence, in particular information intended for victims of sexual violence and victims of, and women and girls at risk of, FGM and forced marriage.

167. GREVIO strongly encourages the Romanian authorities to ensure that professionals in all relevant institutions take a more proactive approach towards informing victims and secure a wider dissemination of information about existing support services and legal measures available to victims of domestic and other forms of violence against women in a language they understand.

C. General support services (Article 20)

1. Social services

168. In Romania, social support services for victims of domestic violence and child victims are provided by the GDSAPC in each of the 41 counties and the six sectors of Bucharest and by the Public Social Services (PSAS) at local (communal, town and municipal) level.

169. The Domestic Violence Law provides for the right of the victims of domestic violence to special protection appropriate to their situations and needs, counselling, rehabilitation, social reintegration services, free medical assistance and free counselling and legal assistance (Article 6).

62. VOciare – Victims of Crime Implementation Analysis of Rights in Europe – National Research template for Romania, by Alexandra Columban.

63. VIITORIA – National report Romania – drafted by the Center for Legal Resources, Romania, Bucharest, April 2019.

The Ministry of Labour and Social Protection is the central public authority responsible for the social assistance policy promoting the rights of the victims of domestic violence (Article 8, paragraph 4). The local public administration has the obligation to set up and provide social services for the prevention and combating of domestic violence in an adequate geographical distribution (Article 18, paragraph 1). All services for victims of domestic violence are free of charge and must be funded through local and/or national budgets regardless of whether such services are public or part of a public-private partnership.

170. The NAEO has developed a nomenclature and framework regulation⁶⁴ for the organisation and functioning of social services which describes in detail intervention principles, access conditions, rights and obligations of the beneficiaries, the organisational structure, number of positions and categories of staff in each type of social service.

171. Moreover, in situations of immediate danger, a mobile team, composed of representatives of the PSAS, assesses the risk that the victims are exposed to and refers them, depending on their needs, to the nearest health unit or provider of specialist support services, or notifies law enforcement where necessary (Article 51 of Domestic Violence Law). The case management is undertaken by the Department of Domestic Violence within the GDSAPC.

172. Support services for the victims of other forms of violence, including victims of serious physical and sexual violence, are provided by the GDSAPC on the basis of Law No. 211/2004 on the rights of victims of crime. The amendment, brought into law in April 2019, set the basis for the creation of generic victim support services in Romania to be provided by specialised departments within each GDSAPC, which consist of at least three specialists: a social worker, a psychologist and a legal counsellor (Article 3.1). The services offered by the departments for victims of crime may include information about their rights, psychological counselling, counselling on financial matters regarding the crime, emotional support, information about the victim's role in criminal proceedings and preparation for the trial, as well as referral to other specialised support services (Article 7, paragraph 4).

173. While there is no available information on how the new legal provisions are implemented, GREVIO is concerned about the fact that, according to the law, the new departments are to be set up by the internal reorganisation of each GDSAPC, within the limit of the existing number of positions approved and within the general approved budget, and provided that the number of requests submitted in that geographical area justifies it. In this context, it appears that the under-reporting of violence might lead to a decrease in the number of services available for victims of crime.

174. Concerns have been expressed that many of the authorities, in particular the judicial authorities and in general the population at large, including women victims of violence, are not aware of the existing support services. Hence, referrals are not always made, and victims may not always benefit from the available general support services. Accordingly, the information about the support services available to victims must be made more visible, and constantly updated, to facilitate referral of victims by judicial and other competent authorities, and more effort needs to be made to inform the general population of existing support services.

175. Moreover, there seems to be a scarcity of co-operation and referral mechanisms between state institutions and victim support services, which severely limits victims' access to such services. Protocols between the police, the prosecutor's offices, the courts and Social Services or NGOs providing support services to victims are missing and more training is needed for professionals dealing with victims of violence on referral and needs assessment to ensure victims receive personalised and specialised support, tailored to their needs.

64. The Nomenclature of social services, as well as of the framework regulations for the organisation and functioning of social services were approved by Government Decision No. 867/2015.

176. As regards the economic integration and social empowerment of the victims of violence, according to the authorities, vocational guidance services, vocational training, social and professional integration into the labour market and skills development for integration into the labour market are offered within the context of the project VENUS. However, there is no information about the number of victims of violence who have benefited from these programmes. The Domestic Violence Law provides for recovery centres which offer assistance to victims of violence in order to reintegrate them into society and find employment. They also provide shelter for up to 180 days. It is unclear, however, if financial assistance is offered, in case of need, to the victim. There are 17 recovery centres for victims of domestic violence in Romania, run by local councils and by accredited private bodies and the GDSACP. The recovery centres are social assistance units, available for the whole family.

177. Moreover, GREVIO notes that, according to the law, recovery centres must conclude agreements with authorities dealing with employment in a county in order to provide better support to victims for re-entering the workforce, to enable access to any professional training and to support them during the rehabilitation process.

178. GREVIO also notes as a promising example of economic empowerment of women victims of domestic violence the allocation of rent subsidies by the City Hall of Cluj-Napoca to three categories of beneficiaries, including victims of domestic violence. The project was introduced in 2018 and offers victims of domestic violence independence (thus, separation from the perpetrator), by partially or entirely covering their rent – between RON 900 (around €190) and RON 1 400 (around €290) per month – for up to three years.⁶⁵ Four victims of domestic violence applied for the programme in 2018, and all were accepted, and three other requests were submitted in January 2019. While noting the positive impact on the beneficiaries, GREVIO notes their low number which might suggest administrative barriers, strict eligibility criteria and/or a lack of awareness of the programme among eligible women and potential beneficiaries. In February 2019, the City Hall of Bucharest launched a similar programme, called “Together” (“Împreună”) which cover rent costs of up to RON 1500 (around €315) a month for victims of domestic violence only.

179. GREVIO strongly encourages the Romanian authorities to ensure appropriate human and financial resources for social services, including those delivered by local authorities in support of victims of all forms of violence against women.

180. GREVIO also encourages the Romanian authorities to ensure the setting up of dedicated programmes aimed at the empowerment of women victims of domestic violence, including securing their economic independence through financial assistance, education, training, assistance in finding employment and long-term housing solutions.

2. Healthcare services

181. Public healthcare services play an important role in the prevention of violence and in the provision of medical services to victims of the different forms of violence addressed by the Istanbul Convention, including the identification, screening and detection of violence against women. In Romania, the health sector seems to be offering forensic documentation of evidence in cases of sexual violence, but it is unclear to what extent this is the case also for forensic evidence in cases of domestic violence.

182. While GREVIO welcomes the introduction of free medical assistance for victims of domestic violence as part of the comprehensive special protection set out in the Domestic Violence Law (Law No. 217/2003) which includes the referral of victims to the nearest health unit, it recalls the importance of embedding the support provided to victims of domestic violence in a multi-agency approach seeking to offer holistic services on the basis of agreed protocols and standardised procedures. From the information made available, it is unclear to what extent the health sector is equipped to do so and trained to respond to the specific needs of women victims of all forms of

65. Primăria Cluj-Napoca, Ajutor pentru plata chiriei, 2018, [City Hall of Cluj-Napoca, Rent Subsidies, 2018]. Retrieved from <https://primariaclužnapoca.ro/social/ajutor-pentru-plata-chiriei/> (accessed 1 February 2019).

violence. Medical certificates must be obtained in order to be allocated a place in a domestic violence shelter, and shelters seem to actively co-operate with the health sector to ensure medical support for their residents. For this reason, it would be of utmost importance to develop agreed protocols and ensure the training of the various health professionals on their use. In addition, access to and an adequate response by medical professionals is vital for a victim's physical and psychological well-being and her prospects of obtaining criminal justice. This is particularly important considering that women facing violence, especially women in rural areas, women with disabilities, Roma women and LGBTI women, encounter barriers in accessing medical services, which must be reduced.

183. GREVIO strongly encourages the Romanian authorities to ensure women victims of violence covered by the Istanbul Convention access to adequately resourced health services trained to assist victims, in particular by:

- a. being mindful of the forms of violence against women covered by the Istanbul Convention, responding to the medical needs of victims in a sensitive manner and ensuring referrals to relevant and preferably specialist support services;**
- b. developing and effectively implementing protocols and guidelines which ensure that all healthcare professionals adequately respond to women victims of all forms of violence, including by acknowledging that women exposed to intersectional discrimination, in particular women with disabilities, migrant women and Roma women, may face significant barriers to help-seeking;**
- c. providing free-of-charge documentation of forensic evidence adequate for use by the criminal justice sector.**

D. Specialist support services (Article 22)

184. The aim of specialist support is to ensure the complex task of empowering victims through optimal support and assistance catered to their specific needs. Much of this is best ensured by women's organisations and by support services provided, for example, by local authorities with specialist and experienced staff with in-depth knowledge of gender-based violence against women. It is important to ensure that these services are sufficiently spread throughout the country and are accessible to all victims. Moreover, these services and their staff need to be able to address the different types of violence covered by the scope of the Istanbul Convention and to provide support to all groups of victims, including hard-to-reach groups.

185. In Romania, specialist support services (such as shelters, psychological counselling and legal assistance) are provided by the state-run Social Services, either directly or as part of a public-private partnership with NGOs. In general, they are limited to victims of domestic violence and child victims of abuse and exploitation.

186. According to Article 6 of the Domestic Violence Law, victims of domestic violence should receive specialist support, tailored to their needs. The Domestic Violence Law lays down three types of services for victims of domestic violence: residential, day-to-day care and continuous programme services. The day-to-day social centres provide social assistance, psychological and legal counselling, and information and guidance to victims of violence domestic. There are 29 centres of this type in Romania. All services for domestic violence victims are free of charge (Article 16, paragraph 6, of the Domestic Violence Law) and must be funded from local and/or national budgets regardless of whether such services are public or public-private partnerships.

187. GREVIO notes the fact that all specialised services must comply with minimum standards in order to obtain and maintain an operating licence. In 2019, an order of the Ministry of Labour set up minimum quality standards⁶⁶ for the provision of specialist social services for victims of domestic violence. It includes a set of minimum standards for specialist services in relation to access to the service, initial assessment and individualised intervention plans, human resources, management,

66. Order No. 28/2019 of the Minister of Labour and Social Justice approving minimum quality standards for the accreditation of social services for the prevention and combating of domestic violence.

sanitary and hygienic conditions, food, respect for the rights of the beneficiaries and ethical issues. On this point, GREVIO recalls that quality standards should also be related to principles on which services should be based, such as a gendered understanding of violence, empowerment of victims, avoiding their secondary victimisation, respecting confidentiality, etc.

188. The minimum standards require a comprehensive and a gendered approach to domestic violence, which includes multidisciplinary co-operation and individualised support to ensure a personalised and coherent intervention. With regard to co-operation, as a standard, the social, public and private service providers must enter into collaboration protocols with local public authorities and non-governmental organisations. There is no information available on how these standards are actually implemented in practice by all public authorities. According to indications from civil society, the implementation of these quality standards varies from county to county, and very much depends on the financial resources allocated at the local level.

189. A four-year project supported by EU funds (VENUS project) was launched in 2019, with a view to establishing a network of 42 shelters of adequate geographical distribution, covering all counties in Romania and the municipality of Bucharest. Through these shelters, victims of domestic violence will benefit from psychological and legal counselling, social assistance and vocational counselling.

190. The recently adopted national programme for the protection of victims of domestic violence and its methodology⁶⁷ for the implementation of the VENUS project aims to create the necessary institutional and procedural co-ordination framework for the implementation of integrated protection and support measures for victims of domestic violence in risky and vulnerable situations. They include a wide range of measures for evaluation, guidance and provision of integrated protection and support measures for victims of domestic violence to be provided in partnership between the central and local administration authorities responsible in the field. To that end, an integrated network of sheltered accommodation, support groups and vocational counselling offices for victims of domestic violence will be established in every county in Romania and in Bucharest. GREVIO notes with satisfaction that an important aim of the project is the social rehabilitation and professional reintegration of the women victims of domestic violence. To this end, vocational counselling offices will be established to ensure victims' professional (re)integration and economic independence.

191. Despite improvements in recent years, specialised support services remain underdeveloped, insufficient and often inaccessible. This is either for financial reasons (for instance, many victims have to pay for psychological counselling as they cannot access it free of charge, despite national legislation granting them the right to) or geographical considerations (support services tend to be located in bigger cities and people residing in rural areas have difficulty reaching them).⁶⁸

192. GREVIO urges the Romanian authorities to provide for adequate specialist women's support services supported by sustainable and appropriate funding throughout the country for all forms of violence against women covered by the Istanbul Convention.

E. Shelters (Article 23)

193. The Domestic Violence Law sets out the following types of residential services for the victims of domestic violence and their children: a) emergency reception centres or shelters which provide protection, temporary protected housing (from 5 to 60 days), medical care and psychological and legal counselling;⁶⁹ b) recovery centres which provide housing (up to 180 days), care, legal and psychological counselling, and support aimed at victims' recovery and empowerment by adopting

67. The National Integrated Programme for the Protection of Victims of Domestic Violence and the Framework Methodology regarding the setting up and functioning of the innovative national network of shelters (protected houses) for victims of domestic violence was approved by Government Decision No. 559/2021 of 19 May 2021.

68. VIITORIA – National report Romania – drafted by the Center for Legal Resources, Romania, Bucharest, April 2019. See also VOIARE – Victims of Crime Implementation Analysis of Rights in Europe – National Research template for Romania by Alexandra Columban.

69. Totalling 52 emergency shelters.

an active life and achieving their professional integration;⁷⁰ and c) sheltered housing or protected houses which ensure accommodation (for up to 12 months), care, social assistance, legal and psychological counselling and vocational guidance. The addresses of the protected houses are kept secret from the public.

194. As referred to above, the NAEO launched a four-year project – VENUS – supported by EU funds, which aims to establish a network of 42 shelters of adequate geographical distribution covering all counties of Romania and the municipality of Bucharest. In March 2020, 42 protected houses were set up across the country. Each protected house hosts only six victims.

195. According to the information submitted by the authorities, Romania has a total of 160 specialised support services providing accommodation for victims of domestic violence and perpetrators, out of which 152 are for victims of domestic violence and eight for perpetrators, which function under the GDSACP.

196. Of these specialised services, 114 (with an estimated total capacity of 940 beds) are residential services (shelters and protected houses) for domestic violence victims. These services are free of charge and their locations kept secret. GREVIO thus points to the need to increase the number of specialist shelters for women victims of violence and their children in order to move closer to the minimum standard of one family place per 10 000 head of population.⁷¹

197. Shelters are mostly concentrated in urban areas, making it difficult for victims from rural or isolated areas to access them.

198. The shelters can be accessed 24/7, according to the victims' needs. GREVIO was made aware that it is very difficult to assess which shelters are functional and which are not.⁷² Throughout the lockdown measures imposed by the Romanian Government during the Covid-19 pandemic, there was no map of running services available or easily accessible information about pandemic-related health and safety regulations in shelters.⁷³

199. During its evaluation visit, GREVIO noted an underuse of the state-run shelters, which is concerning in view of the overall shortage of shelters in Romania. The reasons for such a situation are unclear and may have to do with the lack of information about the existing shelters or the difficulties encountered by women victims in accessing them, as indicated below.

200. Existing bureaucratic procedures applicable in all women's shelters imply that these cannot be accessed by women with an irregular migration status in Romania. To access GDSACP shelters and crisis centres, victims need to have identity papers (proving the victim lives in the respective county), proof of violence (such as a medical certificate, complaint to the police) and a prior approval of the director of the GDSACP in the respective county, among several other documents.⁷⁴ GREVIO is concerned about the high threshold set for accessing the shelters and recalls that shelters should be easily accessible for all women without any undue requirements.

201. GREVIO notes with satisfaction that all shelters must conclude collaboration agreements with hospitals or other health units, which provide medical and psychiatric care, meaning that immediate medical support is ensured for victims of domestic violence.

202. There was no information provided on how these services (shelters and centres) support women victims of violence in practice, or whether they apply a victim-centred and gendered understanding or approach. Most public support services are not adequately equipped and staffed⁷⁵ to offer effective support to vulnerable groups of women, such as women with disabilities and migrant women. Insufficient resources combined with a lack of technical capacity at county and local levels

70. Totalling 20 recovery centres.

71. Explanatory Report to the Istanbul Convention, paragraph 135.

72. NGO written submission, page 9.

73. Ibid., page 11.

74. Ibid.

75. According to the state report, the shelters are understaffed – there are 10 beneficiaries supported by one employee in the shelters at one time.

are also at the root of the scarcity and inconsistent quality of support services provided to victims in various regions of Romania.

203. The funding of the different types of shelters and centres depends on whether they are run by a public provider or a private provider, or by a public-private partnership. Local councils seem to only grant subsidies to shelters or other specialised services if the victims have their registered address in the city/town/village where the service is located. As a result, a large number of beneficiaries fall outside this category and have to be supported through other means, such as donations, which are often scarce and unpredictable. There is a rigid mechanism in place when it comes to funding support services, which eventually delays women's immediate access to support services. Moreover, the budget is allocated on a yearly basis, which negatively affects the sustainability of support services.

204. Women's NGOs also offer support (residential and non-residential) to victims of forms of violence other than domestic violence. Unfortunately, information is unavailable regarding their number and type of service provided. Women's NGOs receive scarce state funding to provide specialist support for women victims of gender-based violence. Therefore, women's NGOs rely mostly on private donors and international grants to support victims of violence.

205. **GREVIO strongly encourages the Romanian authorities to:**

- a. **expand the number and/or capacity of specialist shelter facilities dedicated to women and their children, throughout the country, while monitoring the quality and financial sustainability of service provision;**
- b. **ensure equitable access to such specialist shelter services for all women victims of all the forms of violence covered by the Istanbul Convention, especially women with disabilities, women living in rural areas, older women, Roma women and migrant women (including those with an irregular migration status), including by reviewing the current criteria for accessing GDSACP shelters, and ensuring that access procedures do not contribute to secondary victimisation.**

F. Telephone helplines (Article 24)

206. Romania has one national women's helpline ("a free telephone line for victims of domestic violence, gender-based discrimination and human trafficking"), operational since 2015 and which is available 24/7, free of charge, and offers multilingual support (in Romanian, Hungarian, Italian and English). The helpline can be reached on 0800 500 333 by victims of domestic violence, witnesses or any other persons wishing to disclose an act of domestic violence, gender-based discrimination and human trafficking from Romania but also from abroad. Calls to the helpline are confidential.

207. The helpline offers psychological and social assistance and referrals to specialised support services. The NAEO has developed specific guidelines to support victims of domestic violence, as well as a risk-assessment tool for operators.

208. The NAEO is the institution running this helpline, and currently has five employees supporting victims of violence. From 2016 to 2019, this helpline was supported through legal assistance and supervision by the women's NGO ANAIS Association.

209. In 2020, the helpline received 4 000 calls, which is significantly higher compared to the number of calls received in 2018 (1 963 calls). This increase might be explained by the recent steps taken by the Romanian authorities to promote it, which GREVIO welcomes.⁷⁶ However, it appears

76. At the end of 2019, the campaign within the project "Effective strategies and practices of the criminal justice system for combating gender violence in Eastern Europe" promoted the emergency number 112 and the phone line for domestic violence – 0800 500 333. The slogan of the campaign was: "Say NO TO DOMESTIC VIOLENCE! Call 112 for a CASE REPORT or 0800 500 333 for counselling! Don't be indifferent; your attitude can save lives!".

that more effort is needed to ensure the dissemination of the number of the helpline among the population in Romania, especially in rural areas and among vulnerable groups of women.

210. GREVIO welcomes the existence of this helpline but notes that its scope is limited to domestic violence and gender-based discrimination. It is unclear to what extent victims of rape, forced marriage, sexual harassment or stalking can receive support and counselling. According to the authorities, the functioning of the helpline is ensured by five qualified employees of the NAE, who work in three shifts. However, victims supported by women's NGOs that tried to reach the helpline reported that nobody answered the phone.⁷⁷

211. There are also 45 telephone numbers established at county level, run by GDSACP, out of which 36 are free of charge and available 24/7. However, it appears that 41 of these regional helplines are not specific helplines dealing with gender-based violence, but helplines mostly supporting children in difficult situations.⁷⁸ One city helpline supporting survivors of gender-based violence was introduced in the city of Sibiu in 2019.

212. Romania has two helplines for child victims of violence; one is run by Child Helpline Association: Line 116.111 – the European number for children's helplines – and the Line 116 000 – European hotline for missing children. The main forms of violence registered by Line 116 111 are: emotional abuse, physical molestation and neglect. An alarming increase in sexual abuse against children has been recently noted.⁷⁹

213. **GREVIO strongly encourages the Romanian authorities to widen the offer of telephone counselling currently available by ensuring counselling and referrals in relation to all forms of violence against women covered by the Istanbul Convention beyond domestic violence and in a wider variety of languages, including minority languages, by staff trained in all forms of violence, and to widely advertise the existing helpline.**

G. Support for victims of sexual violence (Article 25)

214. In Romania, fully established rape crisis or sexual violence referral centres do not yet exist in an adequate geographic distribution. However, GREVIO notes that in some hospital settings, emergency centres for victims of sexual violence exist, providing forensic examination and medical support, as well as post-traumatic assistance and counselling for victims of sexual violence. However, there is no information about the number of these services, their location and beneficiaries, making it difficult to assess their accessibility in practice for women and girls who have experienced sexual violence and rape, including those at risk of intersecting forms of discrimination. In addition, GREVIO notes that certificates from forensic examiners seem to be subject to a fee, adding a financial burden to an already complex situation and presenting obstacles to women's access to justice.

215. In view of the above, GREVIO welcomes the setting up of a first pilot centre for victims of sexual violence, which introduces an integrated services model, within the Bucharest University Emergency Hospital. The centre was established within the project "Support for the implementation of the Istanbul Convention in Romania" funded through the Norwegian Financial Mechanism 2014-2021, a project aimed at establishing 10 integrated service centres for victims of sexual violence, at national level, which should be made operational without undue delay. Such centres are conceived as multidisciplinary services targeted at adult victims of sexual violence which provide emergency medical care, forensic examinations for collecting evidence, support to access legal advice and/or report to police, and information and counselling. A new and innovative working methodology was

77. NGO written submission, page 10.

78. WAVE report 2019.

79. According to the state report, in 53.73% of cases of child sexual abuse, the perpetrators were adults from the child's social environment; there was an alarming increase in the number of cases in comparison with 2016 (28%); most of the victims of sexual abuse were girls (65.68%); the age groups and the sex of child victims of sexual abuse were: boys aged 6 to 12 (20.89%); boys aged 13 to 16 (13.43%); girls aged 6 to 12 (32.83%); girls aged 13 to 16 (32.85%).

adopted which includes a standard kit for collecting biological samples to be used by emergency health staff and forensics.

216. For girls who have experienced sexual violence, some support services are available in all regions at the county level and are operated by the GDSAPC. However, they only provide limited support. Moreover, a co-operation protocol for intervention was reported at county level between the police, the GDSACP and the Forensic Medicine Institute. The GDSACP provides counselling and psychological evaluation by a specialist to the child victim and the Forensic Medicine Institute collects specific information and data to be included in the forensic report.

217. In addition, non-governmental organisations that are part of the network “Break the silence about sexual violence” provide information, psychological counselling and legal assistance in cases of sexual violence.

218. GREVIO emphasises the need to ensure support services for all victims of rape and sexual violence, including hard-to-reach groups who may not seek help immediately. At the same time, GREVIO recalls the importance of ensuring comprehensive support to victims of sexual violence, including long-term counselling services and services offering practical support such as accompaniment in court and victim support in legal proceedings. The initiative taken through the first pilot centre for victims of sexual violence funded by external donors is therefore promising but must not only be rolled out across the country but also evolve into a sustainable service with state funding earmarked for beyond the initial project phase.

219. GREVIO strongly encourages the Romanian authorities to pursue their efforts to set up sexual violence referral centres and/or rape crisis centres and ensure their sustainable state funding beyond the initial project phase, recalling that one such centre should be available for every 200 000 inhabitants and that their geographical spread should make them accessible to victims in rural areas as much as in cities.⁸⁰ The gathering of forensic evidence and issuing of forensic certificates must not be subject to a charge.

H. Protection and support for child witnesses (Article 26)

220. The obligation set out in this article is to ensure that whenever children have witnessed domestic violence, rape, sexual harassment or other forms of violence covered by the convention, the services provided to direct victims are also equipped to address the needs and rights of any children who were present. While this is most relevant to domestic violence cases, it is important to bear in mind that other forms of violence may also be witnessed by children.

221. Research has shown that children who witness one of the parents assaulting the other one in the home often develop emotional problems, cognitive functioning disorders and accept attitudes around violence that need to be addressed in the long term.⁸¹ It is thus of crucial importance to ensure their access to psychological counselling and therapy as soon as they come to the attention of the authorities.

222. GREVIO welcomes the recognition afforded to the harmful effect on children who witness domestic violence in the legislation and policy documents in Romania. Government Decision No. 49/2011 and the Domestic Violence Law (Article 5, paragraph 2) expressly place witnessing domestic violence on an equal footing with experiencing it directly in terms of the action it requires from statutory agencies. According to the authorities, some of the measures and services included in the 2018-2021 National equality and domestic violence strategy for the Promotion of Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence for the Period are dedicated to children witnesses of domestic violence.

⁸⁰. Explanatory Report to the Convention, paragraph 142.

⁸¹. “Problems associated with children’s witnessing of domestic violence”, Jeffrey L. Edleson, VAW Net, available at http://vawnet.org/sites/default/files/materials/files/2016-09/AR_Witness.pdf.

223. However, difficulties seem to persist in how statutory agencies assess the level of risk to a child who has witnessed violence by his or her father. Many judges consider, in actual practice, child witnesses of domestic violence to be in less danger compared to children who experience violence directly and frequently recommend contact with the father (see Chapter V, section on Article 31). Awareness among the judiciary is low as to the harmful effect that witnessing violence by one parent against the other can have on the child.

224. There is no information available about whether the services provided to child witnesses are appropriate to the age and stage of development and tailored to the needs of children, having in mind the best interests of the child. However, there is more information about the support services for children who have experienced violence or abuse. According to the authorities, a child witnessing violence is treated in the same way as a child victim.

225. When a violent crime is committed against children or there is an immediate threat to their safety, child protection services notify judicial authorities and take measures to host the child in a shelter (where they can be accompanied by a parent, if both are victims of domestic violence), to place them in foster care, in a foster home or a specialised residential centre, and to provide them with free psychological counselling and medical assistance. These services are mostly provided by the GDSACP – one in each of the 41 counties and six such institutions in Bucharest, in each of its districts.

226. **GREVIO strongly encourages the Romanian authorities to step up measures to give more practical meaning to the recognition afforded by law of the harmful effects of witnessing domestic violence on children and to provide appropriate support services for these children tailored to their specific needs.**

I. Reporting by professionals (Article 28)

227. Romanian legislation envisages reporting obligations for professionals who may, in the course of their work, come into contact with victims of violence against women.

228. The Code of Criminal Procedure (Article 291) requires officials occupying management positions within a public administration authority or within other public authorities, public institutions or other legal persons under public law to immediately report any offence for which the criminal action is initiated *ex officio*, and to take measures so that the traces of the offence or any other piece of evidence do not disappear. Moreover, the Criminal Code (Article 267) sanctions the failure of the civil servants to report to the judicial bodies any criminal offence which they learn of by virtue of their profession. The definition of civil servant provided for by the Criminal Code is broad (Article 175) and appears to include medical doctors, midwives or other health professionals.⁸²

229. Reporting by professionals is mandatory when it comes to violence against children. Law No. 272/2004 on the protection and promotion of the rights of the child lays down the obligation on the part of public or private professionals working with children to immediately notify the competent authorities, the GDSACP, when they suspect child abuse, neglect or ill-treatment (Article 89, paragraph 3, and Article 96, paragraph 1). Any other person, as well as the victim, can report to the GDSACP (Article 89, paragraph 2).

230. Annex 1 of Government Decision No. 49/2011 on a framework methodology for the prevention and multidisciplinary intervention and networking in situations of violence against children and domestic violence details the reporting procedures to the GDSACP, to the other competent authorities (police or prosecution service) and also to other entities (the PSAS, the Child Helpline Association and other specific helplines and hotlines). Emergency situations (such as the life of a child in danger; a child severely wounded; a child victim of sexual abuse; a child under eight years old left alone at home; a child requesting immediate help; a child who refuses to go home; a severely

82. The decision of the High Court of Cassation and Justice No. 26 of 3 December 2014 stated that “a doctor employed in a hospital unit of the public health system may be qualified as a civil servant within the meaning of the provisions of Article 175, paragraph 1b, of the Criminal Code”.

neglected child; cases of child labour) are to be reported immediately to child telephone lines run by the GDSACP.

231. From the available information, it appears that in practice police officers do indeed contact Social Services and that doctors notify the police in cases of child abuse, but that teachers rarely do the same, mostly because they are unaware of existing legislation and how to prevent abuse.⁸³

232. GREVIO notes the recent amendment to Article 266, paragraph 1, of the Criminal Code (in July 2021) which sanctions with imprisonment from six months to two years the act of the person who, taking note of the commission of a criminal act of trafficking or exploitation of vulnerable persons or crimes against sexual freedom and integrity, committed against a minor, does not immediately notify the authorities.

83. VIITORIA – National report Romania – drafted by the Center for Legal Resources, Romania, Bucharest, April 2019.

V. Substantive law

233. Chapter V of the Istanbul Convention covers a range of provisions related to substantive law, in the area of both civil and criminal law. Their aim is to help create, in all parties to the convention, the necessary legislative framework to prevent violence against women, protect them from further victimisation and to ensure robust intervention and prosecution by law-enforcement agencies. In the interest of prioritisation, this section of the report addresses several but not all provisions of Chapter V of the convention.

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

234. A core aim of the convention is to end impunity for acts of violence against women. This not only requires that individual perpetrators be held accountable through criminal law and other measures, but also that legal avenues be available to challenge and address any failure of state actors to comply with their due diligence obligation to prevent, investigate and punish acts of violence (Article 5, paragraph 2, of the convention).

235. The principle of civil responsibility of public officials, especially of prosecutors and judges, is enshrined under Article 52 of the Constitution of Romania and Article 96 of Law No. 303/2004 on the statute of judges and prosecutors. Public officials, especially prosecutors and judges, may be held responsible for a failure to prevent and protect victims of violence against women as part of the general rules on civil responsibility of public officials. This, however, seems possible under specific circumstances and claims can be made only by the state. Under Article 52, paragraph 3, of the constitution, the state is liable for damages caused by miscarriages of justice, independent of the fault of the judges or prosecutors, but it can recover the compensation paid to the victims by bringing an action against the judges or prosecutors who performed their duties in bad faith or with serious negligence (Article 96 of Law No. 303/2004 on the statute of judges and prosecutors). Therefore, it is only the state that is held responsible for serious misconduct by public officials like judges and prosecutors. Moreover, while civil claims can be made against the state itself (through the Ministry of Public Finance), no data on the number of such claims and their outcomes were made available to GREVIO, making it difficult to assess whether this is a tool used in the context of a failure to prevent violence against women and protect woman victims.

236. Disciplinary measures may also be taken against public officials who have failed to take the necessary preventive or protective measures, in accordance with Articles 98-101 of Law No. 303/2004 (with regard to judges and prosecutors) or Articles 55-65 of Law No. 360/2002 on the statute of the police officer. Again, data on the number of cases in which disciplinary measures have been taken against public officials who have failed to prevent, investigate and prosecute acts of violence covered by the Istanbul Convention are unavailable.

237. Moreover, there is no evidence that victims of domestic violence or other forms of violence against women are informed of the civil responsibility of public officials who have failed to prevent, investigate and prosecute acts of violence covered by the convention and that legal action can be taken.

238. **GREVIO strongly encourages the Romanian authorities to:**

- a. take practical measures to ensure that women victims of violence receive adequate information regarding the civil liability of public officials in order to be able to make practical use of the existing legal remedies;**
- b. ensure that appropriate data on the use of the available remedies are collected and regularly updated.**

2. Compensation (Article 30)

239. According to the Romanian Code of Criminal Procedure, primary compensation from the offender is available to women victims of violence in criminal proceedings (Articles 19-26) or by bringing a separate civil lawsuit (Articles 27-28). The police, the prosecutor and other judicial authorities are under the obligation to inform victims of this right. Victims of crime can participate in criminal proceedings as civil parties and claim compensation for material and/or moral damages from the perpetrator. If the victim is a child or has limited legal competence, the prosecutor shall, according to the CCP, make the claim for damages on behalf of the victim. Both the prosecutor and the judge are obliged to inform victims of their right to claim damages from the perpetrators. Pursuant to Article 19, paragraph 4, of the CCP, a civil action is to be settled within the criminal proceedings, unless this would lead to exceeding the reasonable duration of the trial. Compensation can be claimed for physical and psychological damage, including where such damage is long-term or permanent, in which case there might be a lump sum paid as compensation and/or a monthly payment.⁸⁴

240. Although access to compensation from perpetrators is, in principle, ensured by the existing legal provisions, in practice women victims of violence do not seem to be systematically informed of their right to claim compensation in the context of criminal proceedings and that court fees do not apply to such claims.

241. If no civil action for compensation is filed in the criminal proceedings, or the criminal court does not settle the civil action, or alternatively if the losses are not entirely covered, the victim or his/her successors may file a compensation claim in a civil court.⁸⁵ The evidence produced during the criminal proceedings may be used before the civil court.

242. There are no data to indicate how many victims of violence against women have benefited from compensation either in civil or criminal proceedings and what amounts were awarded.

243. As regards secondary state compensation for victims of crime, Romania reserved the right not to apply Article 30, paragraph 2 of the Istanbul Convention. The reasons provided by the Romanian authorities indicate that this was a measure taken to avoid possible non-compliance with the convention. GREVIO notes, however, that Romanian legislation, in particular Law No. 211/2004 on certain measures to ensure the information, support and protection of victims of crime, which implements the EU Directive 2004/80/EC, establishes a state compensation scheme for victims of certain serious crimes (Articles 21 to 34), which is in compliance with the requirements of Article 30, paragraph 2.

244. As regards the length of proceedings for compensation, this seems to vary according to the procedural path followed. For cases in which the victims have sought compensation for damages by joining a civil action to the criminal proceedings, the criminal court has ruled on both actions – civil and criminal – with the same judgment. According to the statistical data collected by the Ministry of Justice in 2020, the duration, on average, for the resolution of cases of rape (Article 218 of the Criminal Code) was 230 days (458 cases) and for cases of domestic violence (Article 199 of the Criminal Code) it was of 288 days (472 cases).

245. GREVIO notes that a guide to financial compensation for women as victims of criminal offences was issued in 2019⁸⁶ as part of the EU financed project “JUSTICE FOR WOMEN – Towards a more effective rights protection and access to judicial procedures for victims of crimes”, with the main purpose of helping judges to deal with issues related to the financial compensation of women victims of crimes. Offering more guidance on this issue may enhance the effectiveness of the national legal framework.

246. **GREVIO strongly encourages the Romanian authorities to take further measures to:**

84. Article 1386 of the Civil Code provides that “If the injury is of a [continuous] nature, the compensation shall be granted in the form of periodic benefits”.

85. Article 19 of the Code of Criminal Procedure.

86. Guide available in Romanian at: <http://prorefugiu.org/wp-content/uploads/2019/08/Financial-Compensation-Guide.pdf>.

- a. **facilitate victims' access to compensation in civil and criminal proceedings and ensure that such reparation is promptly attributed and proportionate to the gravity of the harm suffered;**
- b. **collect data on the number of cases in which women victims of violence have claimed and have obtained compensation from the perpetrator for offences covered by the Istanbul Convention.**

247. **GREVIO further invites the Romanian authorities to lift their reservation to Article 30, paragraph 2, of the Istanbul Convention.**

3. Custody, visitation rights and safety (Article 31)

248. Custody and visitation decisions in relation to families with a history of abuse require a careful balancing of the different interests at stake. Article 31 of the Istanbul Convention seeks to ensure that incidents of violence covered by the convention, in particular domestic violence, are taken into account in decisions on custody and visitation rights to ensure that the exercise of these rights does not harm the rights and safety of the victim or children.

249. Romanian family law contains provisions which allow for the revocation from the parents, or limitation of, parental responsibility, including custody and visitation rights.

250. Although in cases of divorce the rule is shared parental responsibility, Article 398 of the Romanian Civil Code provides that for "serious reasons", given the interests of the child, the court may decide that parental authority is exercised exclusively by one parent. Article 36, paragraph 7, of Law No. 272/2004 regarding the protection and promotion of the rights of the child exemplifies in a non-exhaustive list the subjective reasons mentioned by the Civil Code in a general manner, and specifically includes "violence against children or against the other parent". Moreover, the history of the parents' violence against children or other persons is one of the criteria under which the court decides which parent the child shall reside with as prescribed by Article 21 of Law No. 272/2004.

251. The law prescribes the specific circumstances in which such measures are to be considered by the court, which generally revolve around protecting the child's safety and development from risk or the inability of the parent to exercise parental care. For example, according to Article 263 of the Civil Code and to Article 2 of Law No. 272/2004, any measure regarding a child shall take into consideration the child's best interests.

252. Experts in the field have, however, drawn GREVIO's attention to the fact that in most cases of domestic violence, unless serious violence against children is proven, judges rarely take incidents of violence against mothers into account in the determination of custody and visitation rights.⁸⁷ Shared custody is the general rule and exclusive custody is extremely difficult to obtain, even if psychological expertise proves the negative effects of domestic violence on the children in question.⁸⁸

253. Recent research also shows that shared parental responsibility and unsupervised visits with the abusive parent are granted even in cases of domestic violence. Incidents of domestic violence are largely overlooked since social services and courts frequently operate on the assumption that abusive behaviour towards the other parent impacts on the abuser's parenting skills, and awareness of the negative impact of witnessing such abuse on the child is low. The father's right to see a child is largely superior to the right to safety of women and children. Sometimes, mothers are even held responsible if they are not able to protect the child from the father's violence against herself or the child.⁸⁹

87. Information provided during the evaluation visit.

88. NGO written submission, page 13.

89. "Improving justice in contact with the children" – Research project funded by the European Union's Rights, Equality and Citizenship Programme (2014-2020), whose aim is to involve children and young people in decisions around child contact for families affected by domestic violence.

254. Shortcomings in the implementation the Hague Convention on the Civil Aspects of International Child Abduction by the Romanian courts as regards their obligation to ensure the safety of victims and their children in the decision on and exercise of custody and visitation rights have also been identified by the European Court of Human Rights in a recent judgment, *O.C.I. and Others v. Romania*.⁹⁰

255. While GREVIO welcomes the legislative measures taken to allow for limitations of custody and visitation where this may jeopardise the safety of women victims of domestic violence and their children, GREVIO is concerned by the lack of understanding among judges and other professionals of the harm borne by children witnessing domestic violence. GREVIO recalls that incidents of violence by one parent against another have a severe impact on children. Exposure to such violence breeds fear, causes trauma, adversely affects children's development⁹¹ and is recognised as a form of mental violence.⁹² GREVIO thus points to the need for appropriate training of judges and professionals concerned with a view to raising their awareness of the harmful effects of exposure to violence on children.

256. This is particularly acute in light of the persistent assumption among judges and some professionals that children who express fear or reluctance to meet their father because of their violent behaviour towards them or their mother have been manipulated by their mothers. In this context, GREVIO notes with grave concern that the so-called parental alienation syndrome has been recognised in Romania as a form of severe psychological child abuse by the College of Psychologists' Order No. 2/2016. GREVIO notes that this runs counter to the position expressed by the European Association for Psychotherapy⁹³ and the World Health Organization, which has recently decided against including the notion of "parental alienation" from its international classification of disease.⁹⁴ GREVIO stresses that defensive arguments based on or akin to "parental alienation" allow intimate partner violence and the resulting safety risks for women and children to remain unaddressed, leading to harmful consequences, including death. Instead, it is of utmost importance to raise awareness among the relevant professionals that the obligation set out in Article 31, paragraph 2, of the Istanbul Convention stems from the realisation that for many victims and their children, complying with contact orders can present a serious safety risk because it often means meeting the perpetrator face to face⁹⁵ and it can act as a contributing factor to serious instances of violence, including the killing of the woman and/or children.⁹⁶ Proper risk assessments must therefore be an integral part of these processes, so as to ensure that decisions taken are in the best interests of the child and in particular that the safety of the parent and the child are protected. While GREVIO fully supports the right of the child to maintain its ties with both parents as enshrined in Article 9, paragraph 3, of the UN Convention on the Rights of the Child, exposure to domestic violence – as a victim or witness – requires exceptions to be made in the best interests of the child.⁹⁷

257. GREVIO highlights the importance of the child's right to be heard when examining custody cases. Moreover, it points out that in cases where intimate partnership violence is suspected, such

90. *O.C.I. and Others v. Romania* (Application No. 49450/17), judgment of 21 May 2019. The European Court of Human Rights found that the rights of the mother and children had been breached by the Romanian courts ordering a return of the children to Italy notwithstanding that it had been found that the father had been violent towards them.

91. Explanatory Report to the Istanbul Convention, paragraph 143.

92. UN Committee on the Rights for the Child, General Comment No. 13, adopted on 18 April 2011, paragraph 21e, CRC/C/GC/13, which lists exposure to domestic violence as a form of mental violence as prohibited by Article 19, paragraph 1, of the United Nations Convention on the Rights of the Child.

93. See the statement dated December 2017 from the European Association for Psychotherapy (EAP) warning that the concepts of "parent alienation syndrome" (PAS) and "parental alienation" (PA) are unsuitable for use in any psychotherapeutic practice. This statement from the EAP, which consists of 128 organisations of psychotherapists from 41 European countries, serves as a guideline for psychotherapists across Europe.

94. See European Parliament resolution of 6 October 2021 on the impact of intimate partner violence and custody rights on women and children.

95. Explanatory Report to the Istanbul Convention, paragraph 176.

96. At the time of the GREVIO evaluation, a case was pending before the European Court of Human Rights (*Penati v. Italy*, Application No. 44166/15) concerning the death of Federico Shady Barakat, the applicant's son, aged eight at the time of the events, at the hands of his father, during an encounter between the father and child in the framework of a protected visitation at the premises of a local health agency (ASL).

97. The UN Committee on the Rights of the Child emphasises, in paragraph 61 of its General Comment No. 13, that the "interpretation of a child's best interests must be consistent with the whole Convention, including the obligation to protect children from all forms of violence".

hearings should be conducted in a child-friendly environment, by trained professionals, including those qualified in child neuropsychiatry, to avoid deepening the trauma and victimisation.

258. According to Article 29, paragraph 2, of Law No. 272/2004, republished, and Article 264(1) of the Civil Code, in judicial proceedings concerning the child, it is compulsory for a child who has reached the age of 10 to be heard. A child who has not reached the age of 10 may also be heard if the court considers this necessary for the resolution of the case. According to Article 226 of the Code of Civil Procedure, the hearing is held in a separate chamber in the presence of the parents, a guardian or other persons, depending on the specificities and the needs of the child. GREVIO was informed by the Romanian authorities that they have been setting up child-friendly hearing rooms with audio-video recording equipment since 2014. However, at present there are not enough special interview rooms for children to suit their specific needs and to avoid revictimisation. According to information received from the authorities, at present at the GDASCP level there are seven rooms with one-way mirrors, video-audio recording systems and other child-friendly facilities and five similar rooms but without the recording system. While GREVIO welcomes that, in 2020, a working group was set up at the level of the Ministry of Justice with the aim of improving the protection of all victims of crime at national level, and one of the specific targets discussed was the establishment of such rooms in each county, it stresses the need to speed up the process of setting up additional special rooms for children.

259. GREVIO is also concerned that according to the available information, in some cases, court hearings with minors are superficial and short. Children are not prepared for the hearings, and the traumas they suffered because of emotional and physical abuse are not properly addressed. Two reasons suggested by judges for such a situation is the incredible overload of family cases during a single day allocated to a judge ("so he does not have sufficient time to learn more about the case and have an appropriate attitude and compassion when interviewing children attending the hearings") and the lack of specialisation of judges.

260. According to the Articles 396 and 486 of the Civil Code of Romania, in cases concerning divorce where there are children the courts are obliged to request specific psychosocial investigation reports. Such reports are different from the specialist opinions prepared by psychologists who perform their activities on the basis of Law No. 213/2004. They are issued by the GDASCP and contain information concerning, among other things, the stages of psychological and intellectual development of the child and parents and the family environment in which the child is/could be developing. The report on the psychosocial investigation may contain conclusions and administrative recommendations of a legal/judicial nature, which in general are taken into account by the courts when deciding on the custody and/or the place of residence of the children after divorce.

261. GREVIO urges the Romanian authorities to take the necessary measures to:

- a. ensure that family courts observe their duty to consider all issues related to violence against women when determining custody and visitation rights and to assess whether such violence would warrant restricting custody and visitation rights;**
- b. incorporate a systematic process for screening cases related to the determination of custody and visitation rights to determine whether violence has been an issue in the relationship and whether it has been reported.**

Such measures should be accompanied by the provision of mandatory and targeted training for judicial and law-enforcement officers, as well as all professionals dealing with cases of gender-based violence and child abuse, including legal practitioners dealing with separation and custody cases. This training should cover all forms of domestic violence and its mechanisms, including coercion, manipulation and psychological violence, and the harmful effects of witnessing domestic violence on children's well-being.

4. Civil consequences of forced marriages (Article 32)

262. Article 32 of the Istanbul Convention requires that parties shall take the necessary legislative or other measures to ensure that marriages concluded under force may be voidable, annulled or dissolved without undue financial or administrative burden placed on the victim.

263. Under Romanian law, the minimum age required for marriage is 18. For reasoned grounds, an authorisation to marry may be granted by the judge to persons of at least 16 years of age. The authorisation shall be based on the maturity of the person (attested to by a physician) and the approval of the parents or the legal tutor (Article 272 of the Civil Code).

264. State officials entitled to perform civil marriages are obliged to verify the existence of all conditions required by law for the valid conclusion of a marriage, among which are consent, expressly mentioned in Article 258 and Article 271 of the Romanian Civil Code as an essential condition for the validity of a marriage, and the age of the future spouses. The future spouses are obliged to file in a declaration of marriage together with civil status documents, attesting to the fulfilment of all legal conditions for marriage. Reliable birth registration systems are in place and may be used to circumvent any attempt to conceal the age of the persons to be married. Moreover, there is a legal requirement to register all marriages, as provided for by Article 290 and Article 99 of the Civil Code.

265. Specific provisions dealing with the voiding, annulment or dissolution of marriages concluded under force do not exist, but the annulment of a forced marriage might be sought under the provisions covering a marriage vitiated by error, a marriage concluded with a child under the age of 16⁹⁸ or a fictive marriage.⁹⁹ GREVIO has found no information that courts have ever resorted to these provisions to annul a forced marriage.

266. The action for declaration of absolute nullity of marriage is not subject to any limitation period. However, the marriage is voidable at the request of the spouse whose consent was vitiated by error (in relation to physical identity of the future spouse), fraud or violence. In such cases the annulment of the marriage is subject to a six-month limitation period, which as appropriate, starts running from the date when the consent was obtained by violence or the concerned party became aware of the fraud, error or of any other cause for annulment, but no later than 18 months from the conclusion of the marriage. GREVIO is concerned that the time limit of six months of marriage after which annulment is no longer possible unduly restricts the ability of women victims of forced marriage to seek annulment.

267. Moreover, victims who apply for the annulment of their marriage are not exempted from legal fees and there is no simplified procedure for forced marriages.

268. GREVIO further notes that authorities should consider addressing through policy the economic and social consequences of the annulment of forced marriages. Assuming that women are fearful of claiming the dissolution of forced marriage, owing to the fear of economic hardship, the existing policy measures might include programmes aimed at economic and social empowerment of child/forced marriage victims which go beyond legal assistance during judicial proceedings.

269. **GREVIO invites the Romanian authorities to take measures to strengthen the legal remedies for women in situations of forced marriage in order to regain their unmarried civil status, in particular by removing the time limit on annulments and by offering the legal entitlement to void or dissolve a marriage. GREVIO also invites the authorities to remove any undue financial or administrative burdens placed on women and girls seeking to regain their unmarried status.**

98. Article 294 of the Civil Code.

99. Article 295, paragraph 2, of the Civil Code.

B. Criminal law

270. The Romanian Criminal Code covers some of the forms of intentional conduct that states parties are required to criminalise under Articles 33-40 of the Istanbul Convention, in particular various forms of physical assault and sexual violence, sexual harassment, forced abortion, murder, threatening behaviour and trespassing.

1. Psychological violence and stalking (Articles 33 and 34)

Pursuant to Article 78, paragraph 3, of the convention, Romania has reserved the right to provide for non-criminal sanctions for psychological violence and stalking referred to in Articles 33 and 34 of the convention for the period between 2016 to 2021. The reasons provided by the Romanian authorities suggest that more time is needed to find sustainable solutions within the existing legal framework to ensure their compliance with Articles 33 and 34 of the convention. Accordingly, GREVIO was not able to examine the implementation of these two articles.

271. GREVIO invites the Romanian authorities to lift the reservations on Articles 33 and 34 of the Istanbul Convention.

2. Physical violence (Article 35)

272. The Criminal Code of Romania contains a wide range of offences encompassing different forms of physical violence, from battery or other violence (Article 193) to bodily harm (Article 194) the delimitation between them being made according to the severity of the consequences.

273. Of particular relevance to domestic violence is, however, the specific offence of domestic or family violence contained in Article 199 of the Criminal Code. This offence covers abuse within the family that ranges from bodily harm (Article 194), including by negligence (Article 196), to murder (Article 188). It does not, however, include emotional or economic abuse, nor may it be used to prosecute sexual violence. Most cases of sexual violence and rape in the context of domestic violence lead to charges under Article 218 (rape) or other articles of the Criminal Code related to sexual violence, which qualify the acts of sexual violence against a family member as an aggravating circumstance and accordingly entail harsher sanctions.

274. GREVIO is concerned that the provisions of Article 199 of the Criminal Code do not apply to former spouses and partners and family members who do not share the same residence with the victim, since the Criminal Code contains a restrictive definition of “family members” which only includes current spouses and partners and family members who share the same residence.

275. Physical violence against a family member is punished by harsher sanctions (the special maximum term of the penalty set by law is increased by a quarter) than in cases where the victim is a stranger to the perpetrator. Such enhanced protection, however, does not extend to former spouses or partners nor to current partners who do not cohabit, who are not included in the definition of family member.

276. The nature and origin of the injuries as well as the number of days of medical care, whose determination is essential in the legal classification of the offence, is determined by a forensic doctor and mentioned in a forensic certificate. The forensic certificate, which is not free of charge, can be used as a means of proof for physical evidence in criminal cases and in civil cases, such as those concerning protection orders.

277. GREVIO encourages the Romanian authorities to ensure the effective application of the full range of criminal offences relevant to physical violence employed by one intimate partner against the other.

3. Sexual violence, including rape (Article 36)

278. In Romania, sexual offences are criminalised in several provisions of the Criminal Code, which include rape (Article 218), sexual assault (Article 219), a sexual act with a minor (Article 220), sexual corruption of minors (Article 221) and recruitment of minors for sexual purposes (Article 222).

279. Recalling that according to Article 36 of the Istanbul Convention, rape and sexual violence provisions must be based on the notion that consent must be given voluntarily as the result of a woman's free will and assessed in the context of the surrounding circumstances, GREVIO notes that in Romania, the definitions of rape and sexual assault require as constituent elements the use of constraint or a state or situation of the victim which makes her incapable of resisting, and are thus not aligned with the requirements of the Istanbul Convention.

280. Such definitions place the emphasis on the elements of proof evidencing the lack of consent and do not fully capture the realities of women experiencing sexual violence and their coping mechanisms to such violence, which includes reactions such as flight, fight, freeze, flop or befriend. Research on the neurobiology of sexual trauma, conducted on victims of rape, shows that "freezing" (also known as "tonic immobility") is a common reaction by victims associated with subsequent post-traumatic stress disorder (PTSD) and severe depression.¹⁰⁰

281. According to available information, in practice, many rape cases are dismissed as unfounded because the law requires proof of constraint or evidence that the victim was unable to express her free will. GREVIO stresses, therefore, that in cases of sexual violence against women and girls, the investigating authorities and judges should focus their attention on the alleged perpetrator or accused, in order to objectively determine whether consent was actually attained from a victim as opposed to placing the burden of proof on her to prove that she was threatened or subjected to violence.

282. As regards sexual offences against minors, in Romanian law the age at which a person is considered to be legally capable of consent to sexual acts is 16. According to the relevant legal provisions, sexual intercourse with a minor under 16 without her consent qualifies as rape under Article 218 of the Criminal Code and is punishable with imprisonment for between seven and 12 years. A sexual act with a minor under 16 with her consent qualifies as sexual act with a minor under Article 219 of the Criminal Code, sanctioned by imprisonment of between two and nine years when the child is under 14 years old and between one and five years when the minor is aged between 14 and 16 years.

283. Representatives of civil society and women's NGOs alerted GREVIO to the fact that in most cases the national courts classify a sexual act with a minor under 16 years as rape only if there is evidence of physical coercion; only in a few cases are other factors, such as psychological coercion or the victim's inability to fully understand the consequences of her decisions, taken into account. This is supported by an analysis of the relevant case law.¹⁰¹ GREVIO is greatly concerned that by setting at 16 the age of consent for sexual intercourse and at the same time limiting the prosecution of rape to cases where victims offer resistance irrespective of the age of the victim, the authorities had left children insufficiently protected against rape.

284. The existence of legislation – open to interpretation – regarding the age under which children cannot be considered able to give valid consent for sexual intercourse with an adult has led to situations in which national prosecutors and judges have concluded that very young female victims had given their consent for sexual intercourse with adults, conclusions which have led the European

100. In various studies, significant immobility was reported by 37% to 52% of sexual assault victims. See Moller A., Sondergaard H. P. and Helstrom L. (2017) "Tonic immobility during sexual assault – a common reaction predicting post-traumatic stress disorder and severe depression", *Acta Obstetrica et Gynecologica Scandinavica*, 2017; 96: pp. 932-938.

101. The report of the Judicial Inspection of the Superior Council of Magistrates – "The practice of the courts and prosecutors in the investigation and examination of the cases concerning sexual offences against minors", approved on 27 July 2021.

Court of Human Rights to rule that there had been violations of the European Convention on Human Rights.¹⁰²

285. A law enacted on 1 July 2021 amended the Criminal Code by adding provisions aimed at increasing the protection of minors against sexual violence. The amendment removed the statute of limitation for rape and sexual abuse of minors and increased the sentences for the same offences. Despite these legal developments, the core problem, that is national courts' failure to develop a consistent practice when addressing issues related to victims' consent, still remains unaddressed. Whether child victims of sex crimes, as young as 11, 12, 13 or 14 years old, have consented to sexual intercourse with an adult is still for the Romanian courts to decide upon on a case-by-case basis. In the absence of a position on the matter in the Istanbul Convention, GREVIO is not entitled to rule on the question of a minimum age below which sexual intercourse with a child would automatically give rise to an offence. However, GREVIO notes that the current situation is unsatisfactory in that it falls within the remit of the general provisions on rape and sexual assault, the limits of which have been discussed above, and that it provides no solution to the need to protect children from sexual relations to which they cannot give their free and informed consent.¹⁰³

286. Similar concerns have been expressed in relation to the approach taken by the Romanian authorities in cases of non-consensual sexual intercourse with girls and women with disabilities, which are sometimes considered as consensual in the absence of evidence of physical resistance.¹⁰⁴

287. The principle established by the Istanbul Convention is that all sexual acts without the consent of the victim shall give rise to dissuasive sanctions. The fact that the act is carried out without the consent of the victim is the point upon which punishment shall hinge, whether this is committed by someone who employs violence or abuses their position of power over the victim, including their position of power resulting from a substantial difference in age. GREVIO warns against the creation of a hierarchy of victims on the basis of their characteristics such as young age, helplessness or disability and calls for appropriate legislative measure to send the message that rape is rape. Where the circumstances are particularly violent, abusive and traumatising, aggravating circumstances should be applied to ensure a sanction commensurate with the gravity of the act.

288. As regards marital rape, GREVIO welcomes an explicit provision in the Criminal Code criminalising marital rape. It is rarely reported to the authorities and not many cases of marital rape have been prosecuted as a result.

289. GREVIO urges the Romanian authorities to amend the provisions of the Criminal Code covering rape and sexual assault and to fully incorporate into the code the notion of the lack of freely given consent as required by Article 36 of the Istanbul Convention, and to ensure that such provisions are effectively applied in practice by law enforcement, prosecutors and the judiciary, including in the absence of proof of resistance by the victim and where the circumstances of the case preclude valid consent.

290. GREVIO also urges the Romanian authorities to ensure appropriate sanctions for all sexual acts without the consent of the victim, including where the circumstances of the case preclude valid consent.

291. GREVIO urges the Romanian authorities to take measures to eradicate harmful and discriminatory gender stereotypes around sexual violence, including within criminal justice systems, that have often resulted in impunity for perpetrators. To this end, training for all

102. For example, in *M.G.C. v. Romania*, Application No. 61485/11, 15 March 2016, a case which concerned an 11-year-old girl who had been sexually abused by multiple perpetrators, some of whom were significantly older (even five times older) than her, the national courts dismissed her complaint of rape and convicted some of the perpetrators on the charge of sexual act with a minor. The European Court of Human Rights found a violation of Romania's positive obligations under Articles 3 and 8 of the European Convention on Human Rights, as the investigations fell short of effectively applying domestic law punishing rape and sexual abuse against children (§ 74). In another case, *I.C. v. Romania*, Application No. 36934/08, 24 May 2016, the Court found a violation of Article 3 of the European Convention on Human Rights on account of the inadequacy of the investigation into allegations of rape against a 14-year-old girl with a slight intellectual disability.

103. See the baseline evaluation reports on France, page 56, and Finland, page 44.

104. See also the European Court of Human Rights case *E.B. v. Romania*, Application No. 49089/10, 19 March 2019.

relevant professionals, in particular the judiciary, should be conducted, and appropriate guidelines developed and implemented.

4. Forced marriage (Article 37)

292. In Romania, early and forced marriages, unregistered marriages¹⁰⁵ and illegal child marriages are reportedly common, in particular in some conservative, traditional Roma communities and in rural areas. According to a recent report, Romania has one of the highest rates of early marriages in Europe, primarily occurring in rural Roma communities as unregistered unions, a phenomenon that is linked to the high number of teenage pregnancies.¹⁰⁶ Another report on early and forced marriages in Roma communities, released in 2015, highlights that “early marriage is manifest in a number of Roma and non-Roma communities; adolescent girls aged 15-19 account for approximately 10% of the births annually in Romania; in the investigated communities, an estimated 25-30% of Roma women aged 15-19 are married”.¹⁰⁷

293. In many cases of arranged early marriages, part of Roma customary law, it is difficult to establish the actual use of force or threat, but the young age of most brides would point to a probable lack of consent to a marital union. Nonetheless, GREVIO wishes to distinguish clearly between arranged marriages and forced marriages. While the first category does not fall within the scope of Article 37 of the Istanbul Convention because of the existence of an “implicit” acceptance, the second one does.

294. The early and forced marriages among Roma in Romania are usually arranged by parents and the community and are concluded as unregistered and unofficial marriages. GREVIO notes that the unofficial character of such unions is not an impediment to their criminalisation in the sense of Article 37 of the Istanbul Convention. As *de facto* marriages concluded according to traditional principles, to which one of the parties has not voluntarily consented, they have the same negative consequences on young women and girls as any registered marriage would have (dropping out of school, early/unwanted pregnancies, etc). The damaging consequences of both forced marriages and child marriage have been amply illustrated by international human rights bodies.¹⁰⁸ Child, early and forced marriage is widely acknowledged as a harmful practice that violates, abuses or impairs human rights and is linked to and perpetuates other harmful practices and human rights violations. Such harmful practice has a disproportionately negative impact on women and girls and constitutes a serious threat to multiple aspects of their physical and psychological health.

295. GREVIO notes that the legal age for marriage in Romania for girls was increased to match the legal age of marriage for boys, which according to the Romanian Civil Code is 18, but for justified reasons, an authorisation to marry may be granted by the judge to persons of at least 16 years of age.¹⁰⁹ According to recent amendments to the Criminal Code, the age of sexual consent is 16, but there is no criminal responsibility for freely consented sexual activities among minors when the age difference is less than three years. However, when sexual activities are committed by a person of age with a minor aged 13 to 18, when the former abused their authority or influence over the victim, then such activities are criminalised (sexual abuse of a minor, Article 220, paragraph 3, of the Criminal Code).

296. Despite the significant prevalence of this phenomenon, the Romanian legal system does not seem to be well equipped to address it. Forced marriage is not listed as a crime in Romania but the authorities indicated that the offences of unlawful deprivation of liberty, rape, sexual intercourse with a minor, ill-treatment of minors and human trafficking are applied to the conduct that captures the offence of forced marriage. None of the three existing criminal provisions have been applied to date

105. See CEDAW/C/ROU/CO/7-8, which also refers to unregistered marriages in paragraph 38.

106. See also European Commission, Eurostat, Young and older mothers in the EU: <https://ec.europa.eu/eurostat/web/products-eurostat-news/-/DDN-20190801-1>.

107. Eugen Crai, “Early and Forced Marriages in Roma Communities Country Report: Romania”, 2015, 9th CAHROM Plenary meeting, page 5.

108. See Resolution 175 of the United Nations General Assembly and the Joint General Recommendation No. 31 by the CEDAW Committee and Committee on the Rights of the Child, and General Comment 18 of the Committee on the Rights of the Child.

109. See the section on civil consequences of forced marriage, Article 32.

to prosecute cases of forced marriage. GREVIO therefore points to the need to assess the reasons. This is all the more important in the context of the general reluctance of the authorities to intervene, as acts of violence committed against Roma girls are routinely ascribed to “cultural practices” specific to their communities and ignored on that ground.¹¹⁰

297. In addition, the lack of a specific offence of this form of violence against women is an obstacle to the collection of data and further obscures the true scale of forced marriages in Romania.

298. While the problem cannot be addressed through criminal sanctions only, further improvements are needed in prosecuting relevant cases; these include criminalising forced marriage and applying other relevant provisions such as those against trafficking or unlawful deprivation of liberty. Training of law-enforcement agents and other relevant officials also needs to be conducted. Moreover, educational, socio-economic and other measures should be taken to reach girls and communities where this practice persists, in collaboration with local leaders, including religious leaders, and NGOs.

299. **GREVIO strongly encourages the Romanian authorities to consider introducing a specific criminal offence of forced marriage, in order to cover the special nature of this offence and to make them operational for law-enforcement authorities, prosecution services and courts.**

300. **Moreover, GREVIO encourages the Romanian authorities to criminalise the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this person into marriage, as required by Article 37, paragraph 2, of the Istanbul Convention.**

301. **In light of the requirement to adopt a comprehensive approach, GREVIO strongly encourages the Romanian authorities to ensure that any criminal law measures be accompanied by a comprehensive strategy to ensure the prevention and identification of forced marriage, as well as the support for women and girls exposed to this form of violence.**

5. Female genital mutilation (Article 38)

302. In Romania, there is no specific offence or other legislation expressly criminalising female genital mutilation (FGM). According to the authorities, the conduct described in Article 38a of the Istanbul Convention can be prosecuted under those provisions of the Criminal Code which sanction battery and other violence or bodily injury and, if the victim is an underage person, ill-treatment of minors (Articles 193, 194 and 197 of the Criminal Code).

303. However, the conduct of coercing, procuring or inciting someone to undergo female genital mutilation described in Article 38b and c remains outside the scope of such provisions and does not appear to be criminalised under any other existing offence. According to the authorities, the above-mentioned conduct is sanctioned in domestic law as instigation of or complicity in the offences under Articles 193, 194 and 197 of the Criminal Code. GREVIO notes, however, that these provisions would not cover the act of inciting, coercing and procuring as required by Article 38b and c of the Istanbul Convention. These two sub-paragraphs require the criminalisation of behaviour that involves the intentional exertion of influence or coercion on a girl who herself does not harbour the intention of undergoing FGM. They seek to ensure that criminal liability incurs, for example, where relatives or community members incite, coerce or procure a girl to undergo FGM but do not take an active part in ensuring the procedure is carried out. This conduct differs from that of aiding and abetting both in terms of the constituent elements of the crime and the scope of intent to criminalise the act of aiding and abetting FGM is set out in Article 41 of the Istanbul Convention and establishes criminal responsibility for someone who aids or abets another person in the commission of any of the acts set out in Article 38a (the excision, infibulation or any other mutilation of a woman’s labia majora, labia minora or clitoris). It would require the actual commission of FGM, whereas the act of coercing or procuring an adult woman (Article 38b) or inciting, coercing or procuring a girl (Article

110. Statement of the UN OHCHR Working Group on discrimination against women and girls reflecting its preliminary findings at the end of its official visit to Romania 24 February to 6 March 2020.

38b) involves behaviour that is below the threshold of aiding and abetting and irrespective of the final commission of the act of excision, infibulation or any other mutilation.¹¹¹

304. While female genital mutilation appears largely alien to Romania's practices and traditions, the influx of asylum seekers into the country, including from parts of the world where this practice is prevalent, might lead to women in Romania being exposed to this particular form of violence.

305. **GREVIO encourages the Romanian authorities to:**

- a. **consider introducing into their criminal legislation an offence specifically targeting all forms of female genital mutilation as defined in Article 38 of the Istanbul Convention;**
- b. **raise awareness and knowledge among the professionals concerned and society at large regarding this specific form of violence against women.**

6. Forced abortion and forced sterilisation (Article 39)

306. In Romania, performing an abortion without the prior and full informed consent of the pregnant girl or woman is a criminal offence. Forced abortion is prosecuted and sanctioned in accordance with Article 201(2) of the Criminal Code.

307. Forced sterilisation has not been made a specific criminal offence but performing surgery without the consent of the woman, which has the effect of ending her capacity to reproduce naturally, shall be punished as bodily harm (Article 194 of the Criminal Code) or severe bodily harm (Article 195).

308. In the absence of judicial statistics GREVIO cannot assess the effectiveness of Romania's response to these forms of violence against women.

7. Sexual harassment (Article 40)

309. Sexual harassment was criminalised in Romania in 2003. The Criminal Code, which entered into force in 2014, contains an offence of sexual harassment under Article 223, which consists of acts of repeatedly demanding sexual favours in the context of employment which intimidate the victim or place her in a humiliating situation. GREVIO notes that the conduct described in Article 223 limits its scope to the requesting of favours of a sexual nature, while that of the Istanbul Convention refers to any unwanted verbal, non-verbal or physical behaviour of a sexual nature. Moreover, the definition of sexual harassment provided for under Article 223 of the Criminal Code limits sexual harassment to the workplace. A prior complaint from the victim is necessary to initiate a criminal investigation. Penalties range from fines to imprisonment for between three months and one year.

310. While Article 223 criminalises what is called "horizontal harassment", between persons who are in principle at the same level of the professional hierarchy or belonging to other departments or sections, the Criminal Code contains another offence of sexual harassment, what is termed "vertical harassment" (Article 299). This offence is committed by a perpetrator who demands or obtains favours of a sexual nature by taking advantage of a situation of authority over the victim. Moreover, the scope of the relationships covered by sexual harassment has been broadened and the offence provided for in Article 299, paragraph 2, of the new Criminal Code can be committed not only by public officials of any kind but also by dignitaries, teachers, doctors, magistrates, etc. The acts criminalised under Article 299 do not need to have a repetitive nature, a single act being sufficient to commit the offence.

311. Article 4(d) of the Gender Equality Law also sanctions as sexual harassment any unwanted behaviour of a sexual nature, manifested physically, verbally or non-verbally, with the purpose or effect of undermining the dignity of the person and, especially, creating an intimidating, hostile, degrading, humiliating or offensive environment. Moreover, GREVIO notes with satisfaction a recent

111. See also the report on Spain, paragraph 231.

amendment brought into law in 2018, which expressly forbids any behaviour of harassment, sexual harassment or psychological harassment, manifested either in public or private. Prior to this, there had been no provision to sanction harassment in public spaces in Romania. It allows the effective sanctioning of harassment, in all its forms, manifested especially in public spaces, by imposing civil fines of between RON 3 000 and 10 000 by the Romanian police or the gendarmerie.

312. A survey-based study on street harassment in Bucharest revealed that about 80% of women have been victims of street harassment, which is very high.¹¹² Most of the women victims ignore their harasser, while only 2.9% call the police. Reasons for not taking harassment complaints to the police range from a lack of trust in the authorities, exacerbated by victim blaming, to the lack of awareness on what kind of conduct constitutes harassment. According to trauma experts, there is a widespread social tendency to minimise the impact of sexual harassment in public because it is not necessarily perceived as abusive behaviour, unlike rape or physical violence. However, street harassment can be traumatic, and for those who have already experienced sexual violence or an abusive relationship it can be a trigger that strengthens the feeling of not being safe anywhere – not at home, not in the street. Robust data on the prevalence of street sexual harassment in Romania are almost non-existent, this phenomenon only recently having come to the attention of sociologists, psychologists and researchers.¹¹³ Moreover, a study conducted in 2015 on levels of sexual harassment in universities¹¹⁴ showed that one in two women have been sexually harassed at university.

313. In Romania, sexual harassment is still under-reported and the number of cases examined by the courts is very low.¹¹⁵ An inspection ordered by the General Prosecutor attached to the High Court of Cassation and Justice in March 2021 concerning the way in which cases of sexual harassment were prosecuted in 2020 revealed difficulties arising from the interpretation of the definition of the offence of sexual harassment under Article 223 of the Criminal Code, in particular in relation to the expression “sexual favours” and the consequences of such behaviour consisting in “intimidation or putting the victim in a humiliating position”.

314. In the absence of meaningful data on the fines imposed by the Romanian police for the minor offence of sexual harassment under the Gender Equality Law, it would appear that the relevant provisions of this law are rarely applied.

315. GREVIO strongly encourages the Romanian authorities to take appropriate measures to investigate, prosecute and punish all acts of sexual harassment and to ensure the practical application of the Criminal Code and the Gender Equality Law by raising awareness of this offence among all relevant professionals and the general public.

8. Sanctions and measures (Article 45)

316. While GREVIO welcomes the provision in Romanian criminal legislation for adequate sanctions for acts of violence against women, it notes with concern that there is a wide discrepancy between available sanctions and those that are imposed in practice, particularly in terms of the leniency of the imposed sanctions and the use of conditional sentences. In many cases fines¹¹⁶ and

112. Chirciu, S. (2014), “Street harassment in Bucharest. Case studies”, National School of Political and Administrative Studies (“Hărțuirea stradală în București. Studii de caz”, Școala Națională de Studii Politice și Administrative).

113. Cristian I. C., (2018), “The phenomenon of sexual harassment: a comparative gender and age analysis of street harassment and the #metoo phenomenon”, *Journal of Applied Anthropology*, vol. 2, no. 1, pp. 1-36. [“Fenomenul hărțuirii sexuale: analiză comparativă din perspectiva genului și a vârstei asupra hărțuirii stradale și a fenomenului #metoo”, *Revista de antropologie aplicată*].

114. The study was conducted in 2015, by the FILIA centre (NGO). More information about this study can be found at <http://centrulfilia.ro/hartuirea-sexuala-in-universitati/>.

115. According to information provided by the Ministry of Justice, no cases of sexual harassment were examined by the courts in 2019 and 2020. In one case the proceedings were pending. Moreover, between 2014 and 2020 there were only nine complaints filed of sexual harassment at the Ministry of National Defence. Only four of them have been forwarded to the Office of the Military Prosecutor and all of them were dismissed (see https://economie.hotnews.ro/stiri-finante_banci-24860677-business-report-armata-vorbeste-premiera-despre-plangerile-hartuire-sexuala-din-randurile-armatei).

116. See, for example, Sentence 900/2021 delivered by the Braila District Court – a fine of RON 1 350 was imposed for physical violence against a spouse (Article 199 in corroboration with Article 193, paragraph 2, of the Criminal Code). No reasons were provided for applying such a lenient sentence.

suspended sentences¹¹⁷ are preferred to imprisonment; and when fines are imposed¹¹⁸ they are not combined with monitoring and supervision of the perpetrator through probation or other means. Besides the fact that the imposition of a fine as a sentence can have the potential effect of burdening the victim, it is not a sufficient form of punishment to change the behaviour of the perpetrator and hence is not sufficiently dissuasive.

317. According to available data provided by the Ministry of Justice, in 2017, out of the total number of cases of sexual acts with a minor dealt with by the courts, only 42.17% ended in final convictions. Of these, 50% were suspended sentences and only 25.77% of the cases ended in detention. Of those sentenced to serve prison terms, about 78% received sentences of less than five years. Moreover, another set of data provided by the Probation Directorate of the Ministry of Justice shows that since 2014, there have been more than 4 500 cases where persons convicted of sexual offences against minors have been sentenced to community service, mostly in schools, educational centres or other places where they could interact with vulnerable persons.

318. In this context, GREVIO emphasises that decisions about suspending a sentence, the conditions of imprisonment and conditional release should not be made without considering the results of an assessment of the risk of future violence to the victim or to others. In domestic violence cases, albeit that a risk assessment might have been conducted by police at an early stage in the proceedings, it is vital that the judicial authorities undertake risk assessments to determine the level of risk of escalated violence and accordingly impose effective and dissuasive sanctions which take into account the level of danger the perpetrator presents for the victim. This, however, seems to be rarely done in practice.

319. GREVIO also welcomes the fact that the Criminal Code provides for protection measures for victims which could be applied as supplementary punishments for offenders.¹¹⁹ Judges may pronounce a contact ban in favour of the victim for a period of one to five years, thus prohibiting the perpetrator from communicating with the victim and his or her family members and from approaching the victim's home, workplace, school or other places where he/she may carry out social activities. Judges may also withdraw the perpetrator's parental rights. A sentence of between three months and two years in prison or a criminal fine¹²⁰ may be imposed in cases of violations by offenders of the obligations ordered by the judge. However, according to available information, judicial authorities rarely institute these protection measures in practice.

320. GREVIO has been alerted to the fact that even though sanctions for violating protection orders have been tightened and since 2020 imprisonment of between one and five years can be ordered in such cases, judges tend to apply fines or suspended sentences on the grounds that the perpetrator is a first-time offender or the social danger of the criminal acts are not great enough to impose a prison sentence. When deciding on the sanction to apply, judges should be aware that in particular in the context of domestic violence, many first-time offenders have used violence in the past but may never have been charged. Moreover, consulting the perpetrator's history of abuse from other sources is crucial. GREVIO notes that in 2020, 30% of the protection orders issued by the courts have been breached; it is therefore concerned that changing the law without applying the sentences provided by it does not have the expected dissuasive effect on perpetrators.

321. In this context GREVIO notes with interest the introduction of a national registry of people who have committed sexual offences or who have exploited persons or minors, which the Romanian

117. According to data provided by the Ministry of Justice for 2020, 96 out of 227 convictions for the offence of domestic violence were suspended and in 26 cases the execution of the sentence was delayed. See, for example, Sentence 598/2020 delivered by the Bucharest District Court (Judecatoria sectorului 6) – a suspended sentence was imposed for physical violence which led to 9-10 days of sick leave for the victim.

118. According to data provided during the visit, in 2019 and 2020, almost a quarter of the sanctions for offences of domestic violence (47 out of 219 convictions in 2019 and 46 out of 227 in 2020) consisted of fines.

119. Article 66 of the Criminal Code.

120. Article 288 of the Criminal Code – Non-execution of criminal sanctions: "(1) The removal from execution or the non-execution according to the law of a complementary punishment or the safety measure provided in [Article 108b and c] by the natural person against whom these sanctions have been ordered, shall be punished by imprisonment from 3 months to 2 years or by a fine, if the act does not constitute a more serious crime".

authorities consider supports their efforts to prevent and combat sexual violence and exploitation as sanctioned by criminal law and to avoid recidivism. According to information provided to GREVIO, the registry became operational at the end of June 2021.

322. Moreover, a law enacted on 1 July 2021 amended the Criminal Code by adding provisions aimed at increasing the protection of minors against sexual violence. The amendment removed the statute of limitation for rape and sexual abuse of minors and increased the sentences for several offences, including child pornography.

323. **While respecting the principle of the independence of the judiciary, GREVIO strongly encourages the Romanian authorities to take measures to ensure that judicial sanctions in cases of violence against women and domestic violence are effective, proportionate and dissuasive. In determining judicial sanctions, measures should be taken to avoid revictimisation of victims by the imposition of fines on their current or former husbands or partners on whom they may depend financially.**

324. **Furthermore, GREVIO strongly encourages the Romanian authorities to:**

- a. **ensure that sentencing in cases of violence against women and domestic violence is commensurate with the gravity of the offence and preserves the dissuasive function of penalties;**
- b. **improve data collection regarding the sanctions imposed for the different forms of violence against women covered by the Istanbul Convention, in particular by disaggregating such data based on the sex of the perpetrator and the victim as well as their relationship.**

9. Aggravating circumstances (Article 46)

325. Some of the aggravating circumstances required by Article 46 of the Istanbul Convention form part of the elements of the crime in the Romanian Criminal Code, thus qualifying them as more serious offences punishable by harsher sentences. In addition, Article 77 of the Criminal Code contains a list of generic aggravating circumstances which might be considered by judges when imposing a criminal sentence. This list contains most of the circumstances envisaged by Article 46 of the convention except from circumstances such as “the offence was committed against a former or current spouse or partner” or “against or in the presence of a child”, or “the crime was committed with the use or threat of a weapon”.¹²¹

326. The aggravating circumstances of an offence committed “against a former or current spouse or partner as recognised by internal law, by a member of the family, a person cohabiting with the victim or a person having abused her or his authority” has not been fully implemented so as to cover all the categories of victims listed in Article 46 and all the forms of violence covered by the Istanbul Convention. The offences of murder, qualified murder, battery and other acts of violence, bodily harm, battery or other harm causing death and bodily harm by negligence only entail an aggravated sanction where they are committed against a family member. However, the definition of family member in the Romanian Criminal Code does not include former spouses or partners or current partners who do not cohabit. Moreover, this aggravating circumstance is not applicable to other offences covered by the convention.

327. **GREVIO strongly encourages the Romanian authorities to take appropriate measures to ensure, through training and appropriate guidelines, that all circumstances listed in Article 46 of the Istanbul Convention are, in practice, considered as aggravating circumstances by the judiciary, and to adopt legislative measures with the aim of filling the remaining gaps in their criminal legislation so as to fully comply with the requirements of Article 46 of the Istanbul Convention on aggravating circumstances.**

121. The Romanian Criminal Code criminalises as a specific offence the unauthorised use of a weapon under Article 343.

10. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

328. Romanian law does not provide for mandatory alternative dispute resolution (ADR) processes. Law No. 192/2006 on mediation expressly provides that ADR procedures (mediation) are optional and are to be carried out “in conditions of neutrality, confidentiality and on the basis of the free consent of the parties”.¹²²

329. As regards conciliation in divorce proceedings, Article 66 of Law No. 192/2006 on mediation, which outlines the ADR procedures related to family issues, requires the screening for a possible history of violence between the spouses and advises against referring cases to mediation if abuse or violence is known.

330. Based on the available information it is not clear whether the systematic detection of domestic violence by professionals involved in mediation is ensured. It is therefore important for family judges to refer cases involving domestic violence to mediation only when certain safeguards and criteria are in place to ensure dignity and protection for the victims, including for example, assessment of whether the victims entered the procedure under direct or indirect pressure. In this context, GREVIO also stresses the importance of specifically trained mediators, able to understand and adequately intervene in cases of domestic violence, ensuring an intervention with no stereotyping or revictimisation of women.

331. According to Articles 67-70 of Law No. 192/2006, the parties to the mediation must be informed of their rights in the procedure. The law also grants the parties the right to be assisted by an attorney or by a person of their choice, as well as to be represented by a person appointed by them, during mediation.¹²³ However, representatives of civil society indicated that, in practice, victims of crime are rarely accompanied by somebody other than their attorney and few measures are put in place to guarantee that victims of crime are not further victimised as a result of the mediation process.

332. In criminal matters, mediation is allowed but remains in any situation optional. Concerns have been expressed about the type of crimes that may be subjected to mediation. The Romanian Criminal Code allows mediation for 28 crimes, including for domestic violence, bodily injury, rape, sexual assault, battery, stalking and sexual harassment.¹²⁴ Moreover, a mediation agreement eliminates criminal liability for the above-mentioned crimes, as they are crimes for which the withdrawal of the complaint eliminates criminal liability. Given that these crimes involve violence and/or intimidation, using mediation raises many issues related to the victims’ safety and to power imbalances between the parties. It also conveys the message that violence can be mediated instead of sanctioned. However, GREVIO notes that Article 67, paragraph 2, of Law No. 211/2004 provides that mediation in criminal cases is possible on the condition that the perpetrator has expressly accepted his responsibility for the violent acts.

333. GREVIO welcomes the amendment to Law No. 217/2003¹²⁵ in 2018 which prohibits conciliation procedures/mediation in relation to the offence of non-compliance with a protection order.

334. GREVIO is not aware of any special measure taken by the state to ensure that ordering a perpetrator to pay a fine does not indirectly result in financial hardship for the victim, but it notes that, according to Article 61(3) of the Criminal Code, the level of the criminal fine shall be established by taking into consideration, among other things, the perpetrator’s legal obligations to provide for persons under his care.

122. Article 1 of Law No. 192/2006 regarding mediation and the organisation of the mediator profession.

123. Article 52 of Law No. 192/2006.

124. Vărgan V. (2016), “Infraacțiunile pretabile la mediere și avantajele medierii în materie penală” [“Crimes which may be subjected to mediation and the advantages of mediation in criminal matters”].

125. By Law No. 174/2018.

335. GREVIO encourages the Romanian authorities to:

- a. take measures to ensure that in cases of family mediation in the context of divorce based on Law No. 192/2006 on mediation, effective screening processes and safeguards are established to enable judges and mediators to identify and address power imbalances among the two parties resulting from a history of domestic violence by one spouse against the other with a view to ensuring the free and full consent to the mediation process of both parties;**
- b. ensure that all women victims of the forms of violence covered by the Istanbul Convention are informed about the non-mandatory nature of mediation in criminal proceedings;**
- c. train judges, mediators and legal professionals on the need to ensure that victims freely consent to mediation and are not exposed to further revictimisation.**

VI. Investigation, prosecution, procedural law and protective measures

336. Full accountability for all acts of violence against women requires an adequate response from law-enforcement agencies and the criminal justice sector. Chapter VI of the Istanbul Convention establishes a set of measures to ensure criminal investigations, prosecutions and convictions of the various forms of violence covered therein.

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

337. A key principle of an adequate response to violence against women is that of swift and effective investigations and judicial proceedings that are based on a gendered understanding of these types of offences and that take into consideration the rights of the victim during all stages.

1. Reporting to, immediate response and investigations by law-enforcement agencies

338. Following the ratification of the convention in 2016, the Romanian authorities made important efforts to reinforce the existing legislative and institutional framework for the investigation and prosecution of domestic violence. GREVIO welcomes in particular the fact that specific guidelines have been adopted which outline the procedure of police intervention in cases of domestic violence, co-operation with other institutions with responsibilities in preventing and combating domestic violence, and the procedure for issuing and enforcing provisional protection orders.¹²⁶ They allow police officers to enter in any home or residence without any prior approval and even use force or their equipment, in an adequate and proportional manner, to enter premises in case of complaints of domestic violence. The guidelines also refer to audio or video recordings, photos, regardless of their origin and any documents, including messages and online and/or mobile phone posts as evidence that could be gathered in such situations.

339. Another set of recently adopted guidelines concerns the procedure for emergency intervention in cases of domestic violence, with particular focus on violence against children.¹²⁷ These guidelines complemented the framework methodology for the prevention and multidisciplinary intervention and networking in situations of violence against children and domestic violence, which provides for an effective and comprehensive response and for an adequate co-ordination of the authorities' intervention in a case of violence against a child, comprised in an appendix to Government Decision No. 49/20211.

340. GREVIO notes however, that no similar efforts have been made to standardise police procedures in relation to other forms of violence against women and emphasises the need for similar guidelines in particular for sexual violence, stalking and forced marriage, because of their high prevalence in Romania.

341. Despite the recent efforts made, GREVIO notes with concern that violence against women and domestic violence continues to be under-reported. A particular low level of reporting was noted in relation to sexual violence offences, including rape. Besides the shame and fear of social stigma that make women reluctant to report violence, another reason for not seeking help, particularly when the perpetrator is an intimate partner, is the mistrust of the criminal justice system, in particular of law-enforcement agencies.¹²⁸ In this context, GREVIO stresses that police officers are frequently the first ones who come into contact with a victim and their attitude and actions are crucial in determining whether a victim decides to report and chooses to participate in further legal action or abandons it.

126. Joint Order MAI/MMJS No.146 /2578/2018 regarding the management of domestic violence situations by police officers.

127. Order No. 2525/2018 regarding the approval of the procedure for emergency intervention in domestic violence situations.

128. Between July 2018 and May 2019, the FILIA centre organised several meetings in 27 cities and villages in Romania about violence against women and other women's rights issues with over 2 000 women and girls. Most victims of violence expressed mistrust of the authorities, in particular the law-enforcement agencies.

342. Concerns have been expressed that as a result of prejudice and discriminatory attitudes deriving from a patriarchal culture, victims who are treated insensitively or unsympathetically often decide not to continue with the process. Representatives of civil society brought to GREVIO's attention concerns regarding the pervasiveness of myths and negative stereotyping of women victims among law-enforcement officials which sometimes could go as far as showing reluctance or refusing to register or process their complaint.¹²⁹ In this context GREVIO welcomes the amendment to Law No 211/2004 by Law No. 97/2018 which sets out the obligation to provide a victim who files a complaint with a written confirmation, its registration number and information related to the reported offence (Article 4, paragraph 7). While the law and procedures are generally respected in the case of written complaints, GREVIO notes that there are still cases in which oral complaints are not officially recorded and, thus, the victim has no guarantee that an investigation will ensue. Moreover, according to indications by women's NGOs, in some cases, local police officers discourage women from calling the national emergency phone number (112) because the calls are recorded, and the investigation must proceed.¹³⁰

343. In addition, concerns have been raised about revictimising investigative practices such as lengthy questioning, demeaning comments and assumptions and even pressure to reconcile with the perpetrator of violence. Such attitudes minimise victims' accounts of violence, hinder recognition of the seriousness and specificity of the violence and prevent the full application of the provisions and measures intended to protect victims and offer them remedial action.

344. Victims of domestic or sexual violence often face victim-blaming attitudes. Information provided to GREVIO during the evaluation visit suggests that police officers often disregard victims of domestic violence who come to a police stations to report an abuse, telling them to return when the situation has deteriorated; considering the victims to be partially responsible for the situation they are in; discouraging the victims from pressing charges with the justification that they are only likely to withdraw their complaint, or treating the case superficially if victims seem less educated or come from a lower socio-economic background, in particular from Roma communities. Sometimes, victims of rape face similar victim-blaming attitudes, which seems to reflect commonly held beliefs in society.¹³¹

345. Moreover, reports from civil society reveal situations in which victims are not informed that they have the right to request a protection order even if they are not married to their abusive partner, do not receive explanations about what follows after they file a criminal complaint or that they are sometimes called in to make a statement about the crime, despite the fact that this information has already been recorded in their initial complaint.

346. GREVIO welcomes the indication in the state report that more and more women are joining the police, thus increasing the possibility of women victims being heard by female police officers. GREVIO recalls in this respect that according to the Explanatory Report to the Istanbul Convention, compliance with the obligation laid down in Article 50 of the convention requires, *inter alia*, providing for an adequate number of female law-enforcement officers, including at high levels of responsibility.¹³² GREVIO also welcomes the adoption in 2016 of legal provisions which stipulate that victims of domestic violence, sexual violence, harassment and sexual harassment may be interviewed by a person of the same sex, on demand (Article 111, paragraph 7, of the Code of Criminal Procedure). This also applies to victims in other types of cases where, on account of the circumstances of the offence, this is deemed as necessary. However, in practice, it appears that few victims are aware of this right, even though the judicial bodies have an obligation to inform them, and therefore many do not request to be interviewed by a person of the same sex.

129. NGO written submission, page 2.

130. NGO written submission, page 9.

131. For instance, 55% of Romanians – the highest percentage in the EU (the average being 27%) – believe that rape is sometimes justifiable; in other words, that there is at least one situation, such as the victim being drunk, having multiple sexual partners or wearing revealing clothes, which may make sexual intercourse without consent acceptable. European Commission (2016), Special Eurobarometer 449 Report: Gender-based Violence, p. 65.

132. See the Explanatory Report to the Istanbul Convention, paragraph 258.

347. In relation to the requirement of prompt and effective investigations, GREVIO was alerted to concerns over the ability of the law-enforcement agencies and prosecutors to undertake to respond promptly to reported incidents of domestic violence and rape. The response of the state authorities to several cases in which victims reported life-threatening acts of violence was late, ineffective and inappropriate.¹³³ Such attitudes were illustrated by cases in which women filed complaints or asked for help, but no protection measures were taken.¹³⁴

348. Delayed or insufficient police responses have been attributed, *inter alia*, to the under-staffing of the police¹³⁵ and the lack of training of law-enforcement officers on violence against women and domestic violence, which allows the persistence of entrenched stereotypes and patriarchal attitudes.

349. From the above, GREVIO notes with concern that more must be done to ensure a prompt and appropriate response from the responsible law-enforcement agencies in relation to all forms of violence covered by the Istanbul Convention. This would require a variety of measures, including targeted training and greater specialisation within the police, as well as an increase in the number of police officers and setting up mixed police teams to handle such cases.

350. **GREVIO urges the Romanian authorities to:**

- a. **step up efforts to ensure prompt and appropriate responses from law-enforcement agencies in relation to all forms of violence against women covered by the Istanbul Convention by providing them with the necessary resources, knowledge and means;**
- b. **take measures to encourage reporting of all forms of violence against women, including intimate partner violence, sexual violence and rape, while ensuring parallel improvements in investigation and prosecution, including by reducing secondary victimisation during the legal process;**
- c. **develop standard operating procedures for law enforcement with regard to all forms of violence against women covered by the scope of the Istanbul Convention, on the basis of an evaluation of the implementation in practice of the already adopted guidelines on domestic violence.**

2. Effective investigation and prosecution

351. The pretrial investigation of offences in the area of domestic violence and sexual violence is usually performed by the police. Prosecutors supervise the investigation and may carry out any act of investigation relying on the general principles and rules of the CCP, as there are no special guidelines for the prosecutors on how to handle the different types of violence against women. They make their decisions to initiate or continue criminal proceedings in cases of violence against women and girls on the assessment of the evidence gathered by the law-enforcement officers. It is therefore important for prosecutors to have a full appreciation of the gendered nature of violence against women and how violence against women is an expression of power inequality and discrimination against women.

352. GREVIO was informed by the authorities that in Romania there are specific indicators to ensure the prosecution of cases of violence against women without delay – in principle, the criminal investigation must be completed within six months of the notification to police or the initiation of the

133. In 2019, there was widespread reporting on the killing of Alexandra Maceseanu, who called the National Emergency Line (112) to report being kidnapped and raped and who asked for help but was met with a lack of prompt intervention from the competent authorities.

134. In 2020, two other cases of violence against women were covered by the media in which police officers who were aware of infractions took no action. In Viseu de Sus, Maramures county, an 18-year-old girl, who had been in a relationship for five years with a man six years her senior, and with whom she already had two children, was killed by him. Bianca Ticala, the victim, filed a complaint before the murder stating that she was threatened by him. In Darvari, Mehedinti county, a 17-year-old girl was set on fire and suffered burns to 90% of her body by a man against whom she filed a complaint for rape and sexual assault. The man had recently been released from prison for killing five people.

135. According to information provided by the authorities during the visit, only 80% of the positions within the Romanian police force are currently filled.

investigation in any other way. The hearing of the victim and witnesses without delay is among the priorities of the investigation.

353. According to the authorities, efforts are made to secure systematic collection of evidence from the crime scene (photographic evidence of injuries or other signs of violence, statements from neighbours, etc.) in addition to the victim's testimony. According to Article 111, paragraph 9, of the CCP, the judicial body that records the complaint must proceed immediately to hearing the victim who filed the complaint. The first statement from the victim taken even before the start of the criminal investigation under these conditions is considered a means of evidence. According to the Romanian authorities, the victim's refusal to give a statement does not result in dropping the case, but the court can take into account as evidence only the statements from the criminal investigation that are impossible to be re-administered during the trial. When the investigation is initiated *ex officio*, if a victim does not wish to participate to the criminal proceedings as an injured person, she could be heard as a witness. Under Article 308 of the CCP, witness statements may be recorded audio-visually during the criminal investigation phase upon the witness's request or if the criminal investigation body deems it necessary. The statement recorded during the criminal investigation is taken into account by the court if the witness cannot be heard again.

354. It was brought to GREVIO's attention that even though Article 113 of the CCP clearly states that repeat hearings of victims should be conducted only if it is strictly necessary for the course of the criminal proceedings, and if possible by the same person (Article 111 of the CCP), the Romanian legal system does not give particular attention to mitigating the trauma of victims of crime by reducing the number of times they are interviewed; in practice, victims have to recount the experience on several occasions, at least two or three times: once at the police station or the prosecutor's office, and once or twice in court, depending on whether the offender appeals against the sentence. GREVIO is concerned that this may negatively impact on the victim, especially in cases of rape and sexual violence.

355. GREVIO welcomes, however, other special legal provisions enacted by the Romanian authorities to ensure gender and child-sensitive procedures. Amendments made to the CCP in 2016 reinforced the safeguards in respect of the hearing, representation and protection of vulnerable victims of crime, in particular, children, persons with disabilities and victims of sexual offences. Vulnerable victims may be interviewed in premises designed or adapted for this purpose, through or in the presence of a psychologist or of another specialist in victim counselling and by the same person in cases where there is a second hearing. Victims of sexual abuse, especially children, must be interviewed by a person of the same sex, unless the relevant authorities consider this would be prejudicial to the proper conduct of the proceedings or to the rights and interests of other parties. If the victim is a child, interviews must be recorded when possible. Children under 14 can only be interviewed in the presence of a parent, guardian or primary carer. Special measures can be taken to protect the identity and safety of vulnerable victims. However, it is unclear from the available information whether the practice has evolved across the country and the approach of the prosecution and judicial authorities is now fully settled and aligned with the convention requirements. Moreover, since the investigative and prosecutorial authorities have discretion as regards many of these measures, it is crucial to ensure that all officials are suitably trained to assess the needs of children, vulnerable adults and victims of sexual offences.

356. Regarding the way in which prosecution present to court evidence relating to the sexual history and sexual conduct of a victim in cases of rape, GREVIO was informed by the Romanian authorities that according to an internal order of the General Prosecutor any evidence that concerns the victim's right to privacy is collected in a confidential volume of the file to which only the parties to the trial and the judicial bodies have access.

357. GREVIO was informed that there are no collaboration protocols between the prosecutors' offices and victim support organisations and state-provided social services. Moreover, referral procedures are not formalised and institutionalised.

358. GREVIO strongly encourages the Romanian authorities to ensure that prosecution services resort to all possible measures in order to provide criminal justice for victims of all forms of violence against women covered by the Istanbul Convention.

3. Conviction rates

359. GREVIO stresses that the lack of co-ordination and comparability of the data collected by the relevant authorities makes it impossible to track cases at all stages of the law-enforcement and judicial proceedings and, more specifically, impedes an assessment of conviction, attrition and recidivism rates, as well as the identification of gaps in the response of institutions. However, even though the data provided by the authorities do not include the rate of convictions as such, the available data clearly indicate low numbers of convictions.

360. In view of the above, GREVIO reiterates the urgent need for the Romanian authorities to set up a system for collecting appropriate judicial data, backed up by relevant assessments of case law and of the processing of criminal cases by the law-enforcement agencies, prosecution services and courts to measure the performance of the judicial system and to identify any gaps in the institutional response to violence against women.

361. GREVIO urges the Romanian authorities to, on the basis of data, research and assess legislation, swiftly identify and address any/all factors which may contribute to attrition in cases of rape, domestic violence and any other forms of violence against women.

B. Risk assessment and risk management (Article 51)

362. Concern for the victim's safety must lie at the heart of any intervention in cases of all forms of violence covered by the Istanbul Convention. Article 51 thus establishes the obligation to ensure that all relevant authorities, not just law-enforcement authorities, effectively assess and devise a plan to manage the safety risks a victim faces on a case-by-case basis, according to standardised procedures and in co-operation with each other.

363. Risk assessment for victims of violence is envisaged not only by Law No. 174/2018 which amended the Domestic Violence Law, but also by the 2018-2021 national equality and domestic violence strategy and the accompanying operational plan for 2018-2021.

364. In Romania risk assessment and management are mainly carried out by law-enforcement agencies, the PSAS and the probation services.

365. Law-enforcement agencies usually carry out an initial individual needs' assessment, given that they are usually the victims' first contact with the authorities. GREVIO welcomes recent amendments to the Domestic Violence Law¹³⁶ which introduce for police officers the obligation to carry out a risk assessment in cases of domestic violence when they evaluate if there is a need to issue a provisional protection order. To ensure the application of these provisions an order on the management of cases of domestic violence by the police, Order No. 146/2018 of the Ministry of Internal Affairs and Ministry of Labour,¹³⁷ was subsequently adopted.¹³⁸ The order provides for a standardised and mandatory procedure for handling such cases, including a form for risk assessment. The possession of firearms by the perpetrator is taken into account in the risk assessment. The level of risk is assessed by the police officer based on the victim's answers to 21 questions. Where the conclusions of the risk assessment indicate that there is an imminent risk of

136. Article 22, paragraph 3, of the Domestic Violence Law, as amended by Law No. 174/2018 on 21 July 2018, provides as follows: "The police officers shall assess the factual situation on the basis of the risk assessment form and according to the methodology of its use, established according to Article 22 paragraph 10".

137. Appendix 1: Risk Assessment Form, Order No. 146/2578/2018 of 11 December 2018, regarding the management of cases of domestic violence by police (Ordin 146/2578/2018 din 11 decembrie 2018 privind modalitatea de gestionare a cazurilor de violență domestică de către polițiști).

138. According to the European Institute for Gender Equality (EIGE), in Romania the standardised risk-assessment tools are in their infancy in Romania. The risk-assessment tools are specifically developed for national use – they are not internationally validated.

danger to the life, physical integrity or liberty of the victim, the police officer who has drawn up the risk-assessment form shall issue a provisional protection order.

366. According to information provided by the authorities, the prosecutor's office may conduct an individual evaluation for victims presumed to be vulnerable in order to establish special protection measures, if the court deems it necessary. However, it appears that the judicial authorities rarely make such assessments.¹³⁹ The prosecutor also examines the risk-assessment form forwarded by the police together with the request for the confirmation of the provisional protection order (see below under Article 52). There are no specific guidelines for the evaluation of risk by the prosecutors.

367. GREVIO notes that Order No. 2525/2018 for the approval of an emergency intervention procedure in cases of domestic violence includes another template for assessing risk as well as a methodology for intervention in such cases by a mobile team of staff mainly from the PSAS (Public Social Assistance Services) or the GDSACP. Similar to the template for police officers, this form results in a score reflecting the risk (low, medium or high) and carries an obligation on the part of social services to refer victims to support services and institutions that may offer them protection and/or inform the victims of their rights.

368. While noting with satisfaction that according to the newly adopted orders the assessment of the risk and of the victims' needs is based on formal models, such as templates, written guidelines and procedures, and takes into account the victim's wish for protection, given how new these legal instruments are, it is difficult for GREVIO to assess their efficiency in the assessment of the victims' needs. Moreover, the existence of several orders whose aim and methodology seem to overlap could make the assessment even more difficult.

369. An individual assessment of risk is also carried out by the operators of the national helplines for victims of domestic violence (0800 500 333), as well as of the helpline for children at risk of violence, abuse and neglect (116 111). The operators, who are trained social workers, notify authorities and/or refer victims of violence or abuse to specialised support services based on a risk-evaluation template, which also considers the victim's needs.

370. GREVIO reiterates that the obligation to ensure risk assessment extends to all forms of violence against women. However, it notes that there is no information as to whether risk assessments are duly taken into account in all stages of the investigation and in the application of protective measures. It is not clear whether all competent authorities that come into contact with victims effectively assess the risk to the victim's safety on a case-by-case basis. In this context, GREVIO underlines that risk assessment should be approached as a dynamic process, in which the risks are re-evaluated on an ongoing basis.¹⁴⁰

371. No information was provided by the Romanian authorities as to how and in what detail risk assessment is carried out for women or girls exposed to other forms of violence beyond domestic violence. Moreover, GREVIO notes that there are no guidelines for the assessment of forms of violence other than domestic violence. GREVIO also queries to what extent the implementation of individual protection plans is being monitored to ensure their effectiveness, as little to no information was made available to this extent.

372. GREVIO strongly encourages the Romanian authorities to ensure that risk assessments are repeated at all the relevant stages of criminal proceedings with the involvement of specialist women's services and that systematic and gender-sensitive risk assessments and safety management become standard procedures in all cases of violence against women covered by the Istanbul Convention.

139. Report on the Best Practices in Victims' Support: Referrals, Information, Individual Assessment (VICToRIIA), page 19.

140. Explanatory Report to the Istanbul Convention, paragraph 260.

C. Emergency barring orders (Article 52)

373. Following the entry into force of the Istanbul Convention in Romania, a provisional protection order (PPO) was introduced into Romanian legislation in 2018, serving as an emergency barring order as required by the convention. Under Article 28 of the Domestic Violence Law as amended by Law No. 174/2018, in situations of imminent risk to the life, physical integrity or freedom of a person by an act of domestic violence, law-enforcement officials are granted the power to order the perpetrator to leave the residence of the victim or person at risk, regardless of whether he/she is the owner of the property, for a specific period of time and to prohibit the perpetrator from entering the residence. The PPO may also prohibit the perpetrator from contacting the victim or person at risk and oblige them to maintain a minimum prescribed distance from the victim, the members of his/her family or the residence, workplace or educational establishment of the protected person.

374. The existence of an imminent risk is established based on an on-site assessment of the evidence and a risk-assessment form. If the requirements for the issuance of a temporary protection order are not met, police agents have the obligation to inform the persons at risk that they have the possibility to file with the court an application for a protection order.

375. GREVIO notes that the PPO takes effect immediately, even though it must be confirmed by a prosecutor within 48 hours based on the risk-assessment form and evidence collected by the police officer. The PPOs confirmed by a prosecutor together with all the evidence in the case must be then filed to the judge, who will decide upon the issuance of a protection order (PO) through an urgent procedure.

376. GREVIO welcomes the consistent approach of the Romanian authorities which ensures continuity between PPOs and POs in the protection of the victims. Pursuant to Article 34, paragraph 7, of Law No. 217/2003– the initial duration of the PPO can be extended until the judicial procedure for a protection order is completed to ensure that there is no gap in the protection of the persons at risk.

377. The PPO can be challenged, but the appeal does not prevent its enforcement and has a validity of five days (calculated on hours – 120 hours), with the possibility of extension until the issuance of the PO.

378. Based on the information and data provided by the authorities, GREVIO notes with satisfaction that although recently adopted the PPOs are frequently used in practice. The first PPOs were issued in January 2019, and the number of orders confirmed by prosecution services and the courts is steadily growing. While in 2019, the number of confirmed orders was 2 958 – of 7 986 PPOs issued by the police – the percentage of confirmed orders was much higher in 2020. Of 8 456 PPOs, a total of 7 191 were confirmed by the prosecutors and subsequently sent to the courts, which subsequently granted extended, longer-term protection orders for 4 659 of the 7 191 provisional protection orders.

379. GREVIO welcomes the issuance to police and prosecutors of guidelines to ensure the application of the new provisions concerning the PPOs. A joint order adopted by the Ministry of Internal Affairs and the Ministry of Labour and Social Justice, Order No. 146/2578/2018, set forth the procedure for issuing the PPOs and contains a form for the assessment of the risk and instructions on how to fill it in.

380. Compliance with the PPO and the PO is monitored by police officers; non-observance of the measures ordered by the two instruments did constitute an offence punishable by imprisonment from one month to one year, but this was increased in 2020 to a prison sentence ranging from six months to five years. According to available information, 479 PPOs were breached in 2020.

381. Moreover, according to recently adopted legal provisions,¹⁴¹ an alleged perpetrator of domestic violence served with a PPO or PO may be required to permanently carry an electronic surveillance system, with implementation of this new measure starting in March 2022.

382. GREVIO notes that the General Prosecutor's Office ensures the regular collection of statistical data with regard to the number of PPOs issued.

D. Restraining or protection orders (Article 53)

383. Protection orders (PO) were first introduced in Romania in 2012. Under Article 23 of the Domestic Violence Law as amended by Law No. 25/2012, the protection order is a protection measure granted at the request of a person whose life, physical or mental integrity or freedom are endangered by an act of domestic violence (including not only physical and verbal violence, but also cyberviolence, psychological violence and sexual, economic, social or spiritual violence).

384. The request for a protection order can be made not only by the victim (personally or by a representative), but also by the prosecutor or the representative of the competent authority or structure, at the level of the administrative-territorial unit, with responsibilities in the field of protection of victims of domestic violence or by the representative of any provider of social services in the field of preventing and combating domestic violence, accredited according to the law, with the consent of the victim.

385. In accordance with the provisions of Article 28 of the Domestic Violence Law, a victim of domestic violence may waive the examination of the application for the protection order in cases where the application was filed on their behalf by a prosecutor or other lawful persons.¹⁴² GREVIO notes with concern that in cases in which the person protected by the protection order violates the provisions of the order, they will be obliged to cover the expenses incurred in issuing and enforcing the order, which may have a deterrent effect for victims. Also, one of the protection measures regulated by the law, namely to oblige the alleged perpetrator to keep a minimum distance from the victim and, if applicable, from family members, can be put into practice only if the protected persons express their consent for an electronic surveillance system which allows verification of whether the perpetrator is respecting his obligations.

386. Article 27 of the Domestic Violence Law provides for an accelerated procedure for the issuance of protection orders. Protection orders are issued by judges within 72 hours of the registration of the applicant's request, for a maximum of six months. The protection order is enforceable immediately by the police force to whom the order is communicated and within a maximum of five hours. After the expiry of the PO, a new application may be submitted in this respect if the legal conditions for issuing the PO are still met.

387. By way of the protection order, one or more of the following measures may be taken (at the victim's request): temporary eviction of the perpetrator from the family's home, regardless of whether he/she is the owner of the property; limiting the perpetrator's right to use only a part of the common dwelling when it can be shared in such a way that the perpetrator does not come into contact with the victim; accommodation/placement of the victim, with his/her consent, and, where appropriate, of the children, in a care centre; ordering the perpetrator to maintain a minimum prescribed distance from the victim, the members of his/her family or the residence, workplace or educational establishment of the protected person; the prohibition for the perpetrator to enter certain places or designated areas that the protected person attends or visits regularly; requiring the perpetrator to wear an electronic surveillance system; prohibiting any contact, including by telephone, by mail or in any other way, with the victim; requiring the perpetrator to surrender any weapons to the police; custody of minor-age children or establishment of their residence. The court may also order that the perpetrator bears the rent and/or maintenance costs for the temporary dwelling where the victim, the

141. Law No. 146/2021 regarding electronic surveillance within judicial and executorial criminal proceedings was published in the Official Gazette no. 515 of 18 May 2021.

142. In 2020, 1 758 victims did not continue the procedure initiated by the prosecutors.

minor-age children or other members of the family live or shall live because of the inability to remain in the family home.

388. There is no mention in the law of the evidentiary threshold for the provision of a protection order with the exception that evidence whose administration would require a long time is not admissible.

389. Compliance with the PO is monitored by police officers; non-observance of the measures ordered by the PO constitutes an offence, which is punishable by imprisonment of between six months and five years.¹⁴³ According to submissions by NGOs, violation of the protection order before the amendment of the law in 2020 was rarely sanctioned or the sanctions were minor, resulting in administrative fines or suspended sentences.¹⁴⁴ GREVIO notes that despite the legal measures taken in 2020, 30% of the protection orders issued were still breached. By contrast, no information was provided on the number and type of sanctions imposed as a result of violations, including imprisonment.

390. GREVIO welcomes the fact that an application for a protection order is free of charge. It also notes with satisfaction that amendments in August 2020 to the Domestic Violence Law introduced mandatory legal assistance for victims seeking protection orders, to be provided for free by court-appointed counsels if victims are not assisted by a chosen one.

391. It also notes that under Romanian law, POs are issued only in cases of domestic violence; accordingly, victims of forms of violence such as sexual violence or forced marriage may not obtain a protection order.

392. **GREVIO encourages the Romanian authorities to:**

- a. **ensure that protection orders are available for victims of all forms of violence against women covered by the Istanbul Convention;**
- b. **identify the causes of the high number of violations of the protection orders by perpetrators and regularly provide data on violations and sanctions imposed as a result of violations;**
- c. **ensure the effective and prompt implementation of the system of electronic monitoring of compliance with provisional protection orders and protection orders.**

E. *Ex parte* and *ex officio* proceedings (Article 55)

1. *Ex parte* and *ex officio* proceedings

393. Article 55, paragraph 1, of the Istanbul Convention places on parties the obligation to ensure that investigations into a number of categories of offences shall not be wholly dependent upon the report or complaint filed by a victim and that any proceedings underway may continue even after the victim has withdrawn her statement of complaint.

394. Romania has reserved the right not to apply Article 55, paragraph 1, in respect of Article 35 of the Istanbul Convention regarding minor offences, exempting it from the obligation to subject minor acts of physical violence against women to *ex officio* investigation and prosecution. The reasons provided by the Romanian authorities indicated that this reservation is rooted in the belief that the decision to file a complaint or not in such cases should lie with the victim. Accordingly, GREVIO was not able to examine the implementation of Article 55 of the Istanbul Convention in relation to minor acts of physical violence.

143. Law No. 183/2020, published on the Official Journal no. 758 on 19 August 2020, amending Law No. 217/2003.

144. Nemeş C. and Crişan G. (2017), "Domestic Violence. An Analysis of Judicial Practices" ("Violența în familie. Practică judiciară comentată"), *Universul Juridic*, Bucharest, p. 12.

395. GREVIO is concerned that for rape in non-aggravating forms (Article 218), sexual aggression in non-aggravating forms (Article 219) and sexual harassment (Article 223), the Romanian Criminal Code requires the victim's complaint for the initiation of a criminal investigation.

396. Although Romania entered under Article 78 a reservation to Article 55, paragraph 1, with respect to Article 35 of the Istanbul Convention on physical violence, for minor offences of physical violence, Article 199, paragraph 2, of the Criminal Code stipulates that for the offences of battery and other violence under Article 193 and bodily injury by negligence under Article 196 committed by a family member, the criminal prosecution can be set in motion not only based on the prior complaint lodged by the victim but also *ex officio*. Moreover, according to an amendment to Article 199 in November 2020, the criminal proceedings for the offences under Articles 193 and 196 when committed by a family member may be terminated only as a result of the withdrawal of the prior complaint, and not as a result of reconciliation.

397. GREVIO welcomes the fact that according to Article 157, paragraph 4, of the Criminal Code, in cases of offences for which the criminal action is initiated upon a prior complaint, such as in the case of minors or persons with limited legal capacity, the criminal action shall be put into motion *ex officio* if the victims of violence lack legal competence or have diminished legal competence.

398. Thus, for some forms of sexual violence, such as rape and sexual assault (Articles 218 and 219), if there are no aggravating circumstances and the attack did not lead to death, police and prosecutors may not pursue a case on their own, but require a victim's complaint, even if there is independent physical evidence.

399. GREVIO also notes with concern the short time span available within which victims are expected to make a decision. A prior complaint shall be submitted within three months of the day when the injured person suffered the violence. When the injured person is a minor or an incapacitated person, a term of three months shall start running from the date when their legal representative found out about the act of violence. If the perpetrator is the legal representative of the minor or the incapacitated person, a term of three months runs from the date of appointment of a new legal representative.

400. **GREVIO urges the relevant authorities to amend their national legislation to conform with the rules regarding *ex parte* and *ex officio* prosecution as regards the offences of rape and sexual assault.**

401. **GREVIO invites the Romanian authorities to lift their reservation to Article 55, paragraph 1, of the Istanbul Convention.**

2. Victim support in legal proceedings

402. With respect to accompanying a person during hearings, Romanian legislation grants victims the right to be accompanied by their legal guardian in the case of minors and a person of their choice (Article 113, paragraph 5, of the Criminal Procedural Code). Moreover, in May 2018, the Romanian Parliament passed Law No. 98/2018 amending Law No. 211/2004 regarding some protection measures for victims of crime, whose purpose is to transpose the Directive 2012/29/EU on the rights of victims of crime (the EU Victims' Directive). One of the newly introduced articles refers to the victim's right to be accompanied by a person of their choice, from the first contact with a competent authority, in order to facilitate communication.¹⁴⁵

F. Measures of protection (Article 56)

403. Law No. 211/2004 on measures to ensure the provision of information to, support for and protection of victims of crime and the Code of Criminal Procedure (CCP), both recently amended and supplemented, provide for a wide range of protection measures for victims of crime.

145. Article 1(2), Law No. 97/2018 modifying Law No. 211/2004 regarding some protection measures for victims of crime.

404. Ensuring the transposition of Directive 2012/29/EU on the rights of victims of crime into Romanian legislation, Law No. 211/2004 sets forth a number of measures for the provision of information on their rights to victims of crime, from the first contact with authorities, and the procedures of how to practically access the tools to exercise those rights. The victims must be informed, *inter alia*, about their right to psychological counselling, free legal assistance and financial compensation by the state (Article 4, paragraph 1) as well as their right to be notified if the offender is sentenced, is released or escapes. GREVIO welcomes the stipulation by the new legal provisions that the victims need to be informed in an accessible language so that they are able to understand the conveyed information (Article 4, paragraph 2, of Law No. 211/2004). Research has revealed that communication barriers usually arise, especially during the first contact between victims and law-enforcement agencies, when the victims' rights and procedural aspects related to their case are presented in technical legal language.

405. The CCP complements the victims' rights to be informed, obliging judicial authorities to inform the victim about the place and time of the trial, the nature of the accusations against the offender, the final court decision and about any decision not to prosecute.¹⁴⁶ Where perpetrators have been sentenced to a prison term, victims must be notified of the perpetrator's release or escape (Article 111 of the CCP). Despite most victims' vulnerability and fear, in practice however, they are not always afforded this protection. Although in cases where the offender escapes prison and the National Administration of Penitentiaries is under an obligation to notify the gendarmerie, who are responsible for seizing the individual, there is no protocol or regulation to allow such a notification. Moreover, GREVIO notes with concern that victims without a lawyer to assist them encounter even more difficulties in accessing information, in particular during the criminal investigation, which is not public.

406. Under Article 113 of the CCP certain categories of victims, including victims of violence and children, are presumed to be vulnerable – on the basis of an individual evaluation by law-enforcement agencies and prosecution services if the court deems it necessary. They may benefit from special measures such as identity protection, police protection and questioning in the company of a psychologist (for child victims) (Article 111 and Articles 125-130 of the Code of Criminal Procedure). However, according to the available information, in practice, these measures are rarely applied, or handled unevenly across the country.¹⁴⁷ According to a report on the access to justice of victims of domestic violence, protection measures for victims are insufficient.¹⁴⁸

407. GREVIO welcomes the amendment to the CCP in 2016 that introduced specific provisions in relation to the hearing of victims. The hearing of victims who need special protection can take place in venues specially designed or adapted for this purpose; and, if possible, with the help of a trained psychologist or counsellor whose purpose is to ensure the emotional well-being of the victims by interviewing them themselves or by mediating communication with the judicial authorities (Article 111 of the CCP). In addition, the hearing of the person can be recorded by technical audio or audiovisual means when the criminal investigation body deems it necessary, or when the person has expressly requested it and making the recording is possible. However, the use of these protection measures is left to the discretion of the judicial bodies since they can only be taken when possible and "when the judicial body considers that this does not affect the proper handling of the trial or the rights and interests of the parties". In addition, difficulties arising from the lack of specially designed rooms and insufficient means for audiovisual recording, as well as victims' lack of trust in the effectiveness of these measures, seem to present barriers to their use.¹⁴⁹

408. GREVIO notes with satisfaction the existing measures to ensure protection of a victim's privacy during and after criminal proceedings, which include the in camera nature of court trials for

146. Under Article 81 of the CCP, the victim has the right to be informed, within a reasonable term, on the status of the criminal investigation, upon explicit request, provided that they indicate an address in the territory of Romania, an e-mail address or an electronic messaging address, to which such information can be communicated.

147. VICTORIA report, page 20.

148. Center for Legal Resources, VICATIS: "Victim-centered approach to improving support services. National research report – Romania", February 2019, pp. 24-25.

149. National report "The rights of crime victims in Romania", May 2020, written by lawyer Berbec Silvia Antoaneta, President of the Pro Refugiu Association, page 8.

crimes involving violence and the exclusion of the press or media from courtrooms.¹⁵⁰ Measures are also taken to anonymise victim data included in court summons or judgments when the information is replicated on the courts' portal so that they cannot be identified as victims of human trafficking or rape. However, these measures are not applicable to victims of other forms of violence (such as domestic violence). Additional measures to ensure the privacy of the victims are set forth in the Rules of Procedure of the Courts¹⁵¹ which provides that medical and forensic documents, evidence obtained as a result of technical supervision methods, transcripts of conversations of any kind, photos and evidence containing images provided in criminal cases, and photos and evidence provided in civil cases must be kept in separate volumes, marked with "confidential data", if they concern privacy-related information.

409. GREVIO also notes that the right to interpretation and translation during criminal proceedings is guaranteed by the CCP¹⁵² and Law No. 211/2004.¹⁵³ At all stages of the criminal proceedings, including hearings, communication with lawyers in preparation for a case and consultation of their files, victims may be provided with an interpreter, free of charge. Moreover, since an amendment to Law No. 211/2004 in 2018, newly built courts must be equipped with separate waiting rooms for victims and offenders and that similar spaces ought to be arranged in existing courts, as of January 2019. To date though, most courts have not implemented this measure and subsequently do not have the required separate entrances or waiting rooms for victims and perpetrators, meaning they usually wait together with their lawyers and the prosecutors in the lobby before the court session begins. In court, victims testify in front of the offender and their legal team, frequently only a few metres away.

410. GREVIO welcomes the special measures available to offer protection to child victims and child witnesses of violence. Article 111, paragraph 8, of the CCP, as amended in 2016, stipulates that the recording of interviews by video and/or audio means is mandatory, except when this is not possible. However, judicial authorities must include in the victim's statement the reasons for not recording the interview.

411. GREVIO notes with interest that in the context of the project "Multidisciplinary and intersectoral model of intervention for a co-ordinated and effective response to the needs of child victims of domestic violence",¹⁵⁴ initiatives have led to the establishment of specifically designed interview rooms for minors which aim to reduce the risk of secondary victimisation by only interviewing the child once and recording his/her statement to be used as proof during criminal proceedings. At present, there are only six especially designed, child-friendly interview rooms for children who have been victims of violence in prosecutor's offices and in the GDSACP and 25 spaces in different Romanian courts. There is, nevertheless, a need to create rooms like these in all institutions dealing with vulnerable victims.

412. GREVIO strongly encourages the Romanian authorities to ensure the systematic use of all available measures of protection for victims of violence against women and domestic violence, including child victims and witnesses, as envisaged by Romanian legislation, in particular during investigations and judicial proceedings, including ensuring hearings via audiovisual means, using safe rooms, informing victims about the release of perpetrators and installing separate entry and waiting areas in courts for victims and perpetrators.

150. Under Article 322 of the CCP, at the request of the victim or *ex officio*, the hearing can be declared as non-public if it is considered that a public hearing could affect state interests or the morals, dignity or intimate life of a person, the interests of minors or justice.

151. The Rules of Procedure of the Courts are approved by the Superior Council of Magistracy Decision No. 1375/2015.

152. Articles 12 and 81 of the CCP.

153. Article 1, paragraph 2, of Law No. 211/2004 as amended by Law No. 97/2018.

154. Co-financed through a grant offered by Switzerland, as part of Switzerland's contribution to the enlarged EU, in partnership with the National Authority for the Protection of Children Rights and Adoption, the General Directorate of Social Assistance and Child Protection Cluj, the General Directorate of Social Assistance and Child Protection Dolj, the Terre des hommes Foundation, the International Foundation for the Child and Family Dr Alexandra Zugravescu and the Women Against Violence Association – Artemis. The project was later supported by the Prosecutor's Office attached to the Bucharest Court, the General Directorate of the Police of Bucharest and, financially, by the Embassy of France in Romania and the Embassy of Canada in Romania.

G. Legal aid (Article 57)

413. In Romania, free legal aid is available under Law No. 211/2004 but is limited to victims of serious crimes (Article 14). However, under the same law, victims of less severe offences may access free legal aid based on a financial means test. Thus, free legal aid can be granted upon request also to victims of other crimes, if the monthly income per victim's family member is at most equal to the country's gross minimum basic salary for the year in which the victim filed the request for free legal aid (Article 15).

414. The CCP also sets forth special cases in which free legal assistance for victims of different offences is mandatory. Article 93, paragraph 5, of the CCP provides, as a general rule, that whenever the judiciary considers that the injured person cannot defend himself/herself, if she/he has not chosen a lawyer, the court will have to appoint a lawyer *ex officio*. Moreover, according to Article 93, paragraph 4, of the CCP, legal assistance is compulsory when the injured person or the civil party is a person lacking in exercise capacity or with limited exercise capacity. In such cases legal aid is free.

415. State-sponsored legal assistance in civil proceedings is available to victims of domestic violence under the Domestic Violence Law, as further amended.¹⁵⁵ The law provides that law-enforcement officers and prosecutors are obliged to inform victims of domestic violence of their right to access legal aid. However, GREVIO was alerted to the fact that a significant number of potential applicants are unaware of the existence of a legal aid system.

416. GREVIO welcomes an amendment to the Domestic Violence Law in 2020 whereby legal assistance for requests for protection orders is now mandatory (Article 27, paragraph 2).¹⁵⁶

417. In 2008, Emergency Ordinance No. 51/2008 on judicial public help with respect to civil matters, as subsequently amended, added a general mechanism for providing state-sponsored legal aid for all civil matters, thus expanding the eligibility criteria. According to the ordinance, legal aid is provided upon request by an applicant for any civil, commercial, administrative, labour or social security matter or proceeding, as well as certain other matters and proceedings, upon request, if the applicant: (a) is a natural person; (b) resides in Romania or in a member state of the European Union; (c) has had a net monthly income per household member below a certain threshold during the two months preceding the request (subject to certain exceptions); and (d) the costs related to legal proceedings or to obtaining legal advice in order to defend a legitimate right are sufficiently high to jeopardise the applicant's financial ability to provide for his or her family. As an exception, if an applicant proves a lack of financial means and that his or her rights would be prejudiced by delay, then that applicant's legal aid request may also be approved by the dean of the local bar under Articles 71-75 of Law No. 51/1995 and Articles 156, 157 and 161 of the Legal Aid Framework Regulations.

418. Article 14 of Ordinance No. 51/2008 provides that the legal aid request must include in an appendix evidence of the applicant's income and financial obligations towards his or her family and should be filed with the Legal Aid Bureau (Serviciu de Asistentă Judiciară, or SAJ) of the local bar in order to be approved by the dean of the respective local bar. If the request is granted, the bar then designates a lawyer to provide the requested legal services and such a designation is mandatory for the lawyer in question.

419. Although Romanian state-sponsored legal aid seems to address an increasing number of legal aid requests, GREVIO is concerned that access to legal aid remains limited. The administrative and procedural barriers to free legal aid are manifold, in particular for groups of vulnerable women.

420. Among these is the main eligibility criterion for legal aid which relates to the level of income, which must be very low to obtain such aid, as well as the limited staff and financial resources available to process applications.

155. Article 6 and Article 27 paragraph 2 of the Domestic Violence Law.

156. See the section on restraining or protection orders, Article 53.

421. GREVIO is also concerned by the low monetary threshold imposed by Law No. 211/2004 for the allocation of free legal aid and representation. Free legal aid granted to each victim throughout the criminal proceedings shall not exceed the value of two minimum gross salaries. Murder cases, violent offences and sexual crimes are usually characterised by lengthy trials, where legal fees are likely to exceed the sum covered by the state. This places an unnecessary financial burden on the victim.

422. The funds for granting free legal aid are ensured by the state budget, namely the budget of the Ministry of Justice. The compensation is set forth in a protocol between the Ministry of Justice and the National Union of the Romanian Bar Associations (UNBR), as a flat fee for each type of legal aid service. The flat fee is not adjusted to take into account the time spent on the case or the outcome of the case, which does little to motivate committed representation. Moreover, the fees are relatively small, therefore discouraging many experienced lawyers from pursuing these opportunities. As a result, and because legal aid assignments provide an opportunity to gain experience, young lawyers typically volunteer to take them on. Legal aid in civil matters is primarily assigned to young lawyers.

423. All the above raises concerns about the quality of legal services provided by the officially appointed lawyers in cases of violence against women and domestic violence, since the legal aid system does not have enough specialist lawyers, trained in or with experience of interacting with women victims of violence covered by the Istanbul Convention. At the same time, the data made available to GREVIO on the use of legal aid by women victims of violence indicate a very low level of use, with the number of women victims of violence requesting and receiving legal aid being very low.

424. According to a report prepared by the Pro Refugiu Association concerning free legal aid applications in 20 courts (only 15 courts provided information) in the period January 2019 to December 2019, 12 courts did not register any applications for free legal assistance from victims of crime and three courts had registered eight applications; for six of them, the granting of free legal assistance for victims was approved, and these cases related to crimes against the person, attempted murder, trespass and domestic violence.

425. GREVIO strongly encourages the Romanian authorities to take the necessary legislative and other measures to:

- a. ensure that victims are properly informed of their right to access legal aid;**
- b. remove any administrative or procedural barriers to obtaining legal aid for victims who are deprived of financial means and unable to pay for legal representation.**

VII. Migration and asylum

426. In the area of migration and asylum, the main requirement of the Istanbul Convention is to ensure that residence status laws and asylum procedures do not turn a blind eye to the realities of women living in abusive relationships or subjected to sexual violence and exploitation and other forms of gender-based violence. Residence status laws shall provide for the possibility of obtaining autonomous residence permits for women in specific circumstances (Article 59). Asylum procedures, on the other hand, must be gender-sensitive and allow women to disclose their stories in full, and grounds for persecution shall be interpreted in a gender-sensitive manner. This can only be achieved if, in turn, reception procedures and support services for asylum seekers are sensitive to the needs of women victims or those at risk of violence (Article 60).

A. Residence status (Article 59)

427. In accordance with Article 78, paragraph 3, of the Istanbul Convention, Romania has reserved the right not to apply Article 59 of the convention. As the Romanian Government did not provide an explanation of the grounds justifying the continuation of the reservation as required by Article 79, paragraph 3, of the convention, GREVIO was not able to examine the implementation of the provisions of Article 59 of the Istanbul Convention by the Romanian authorities.

B. Gender-based asylum claims (Article 60)

1. Gender-sensitive asylum determination procedure

428. Because of its geographical position, Romania is at the confluence of the migration routes from southern areas and is mostly a transit country for migrants. The number of asylum applications lodged in Romania has varied over the past few years but has remained relatively small compared to several neighbouring countries in Central Europe. The year 2019 saw 2 586 first-time asylum applications submitted in Romania (out of which some 20% were women and girls), while 2017 was a peak for the number of international protection applications, with over 4 820 registered during the year. The main nationalities of asylum seekers arriving in the country are Syrian, Iraqi, Afghan, Iranian and Turkish.

429. Romania acceded to the 1951 UN Convention relating to the Status of Refugees (1951 Convention) and its 1967 Protocol in 1991. The asylum process in Romania is governed by Law No. 122/2006 on asylum (the “Law on Asylum”), and additionally by the Civil Procedure Code, and the applicable provisions of the Government Emergency Ordinance regarding the regime of foreigners in Romania of 2002, with modifications and amendments.

430. Persons in need of international protection have access to the asylum procedure. The first-instance asylum authority in Romania is the General Inspectorate for Immigration (GII). The Directorate for Asylum and Integration (DAI) of the GII is responsible for determining asylum applications, lodged with a competent state authority (one of the six DAI regional centres for asylum procedures, Border Police units, certain Romanian police units or facilities of the National Administration of Penitentiaries subordinated to the Ministry of Justice).

431. According to Article 5¹, paragraph 3, of the Law on Asylum, persons who have been subjected to torture, rape or other serious forms of psychological, mental or sexual violence or persons in other special similar situations fall under the category of vulnerable persons, alongside minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor-age children, persons with mental disorders and victims of trafficking. The list of vulnerable persons is non-exhaustive.

432. GII staff, with the participation of other competent stakeholders must identify persons with special needs, including women who are victims of gender-based or domestic violence, based on an individual assessment. According to Article 5, paragraph 4, of the Law on Asylum, the response

to their special needs is ensured based on co-operation between the GII and any relevant entities, including central and local authorities, NGOs and the UNHCR.¹⁵⁷

433. GII-DAI has a total of 23 case officers and 16 officers responsible for the preliminary interviews. According to GII-DAI, the case officers receive internal and external training.¹⁵⁸

434. In 2013, as part of the UNHCR-European Commission funded project “Response to Vulnerability in Asylum”,¹⁵⁹ the GII worked with UNHCR Romania on putting in place a mechanism at the level of the asylum authority, the DAI, for early identification of vulnerable asylum seekers – including women who are victims of gender-based/domestic violence. The mechanism was piloted in 2014 and is still in use. It is based on several forms that are filled in at different stages of the asylum procedure, based on the profile, situation and statements of each asylum seeker.

435. However, according to information provided to GREVIO during the visit, the effectiveness of this mechanism appears to be hindered by staff turnover and the constant need for training of staff within the asylum authorities, a limited focus on referral and case management and a limited understanding of violence against women and domestic violence and the importance of prevention, identification and response.

436. GREVIO notes that there is no database to record or keep track of identified cases of violence against women or domestic violence. However, according to available information,¹⁶⁰ between 1 January 2019 and 31 September 2019, GII-DAI identified 213 asylum seekers as vulnerable, of whom one pregnant woman and four others had experienced torture, rape or other serious forms of psychological, physical or sexual violence.

437. Depending on the specific needs of each asylum seeker identified as a vulnerable person, GII-DAI notifies and co-operates with authorities and specialist agencies in order to provide necessary assistance. Noting these efforts, GREVIO is concerned by the limited co-operation, in practice, between stakeholders involved in working with asylum seekers and other relevant stakeholders, such as the Equal Opportunities Agency or NGOs usually dealing with gender-based violence.

438. In terms of gender-sensitive asylum procedures, GREVIO welcomes the fact that according to Article 45, paragraph 2, of the Law on Asylum, an applicant for international protection and women seeking asylum may request to be interviewed by female officials and interpreters. However, its implementation in practice is more difficult due to the limited number of female interpreters and female case officers. Moreover, it has been brought to GREVIO’s attention that interpreters for some languages are not available and that sometimes the quality of their interpretation does not meet the required standards.

439. Despite the existence of comprehensive legal provisions implementing the requirements of Article 60, paragraph 1, of the Istanbul Convention, GREVIO is concerned about the effectiveness of the identification and referrals mechanism in practice. According to available information, issues linked to gender-based violence are not systematically and adequately addressed. The identification of the applicant’s vulnerability is based on her statements during the interview and therefore largely dependent on the ability of the officials who conduct the interviews to detect the special needs of the applicant. Inappropriate questions or lack of sensitivity when discussing topics such as sexual violence or domestic violence and judgmental attitudes and tone during interviews, when issues linked to gender discrimination and domestic violence are being raised, have been noted by

157. Government Decision No. 1251/2006 on the methodological norms of the application of the asylum law [Hotărârea de Guvern nr. 1251/2006 pentru aprobarea normelor metodologice pentru aplicarea Legii nr. 122/2006 privind azilul în România], Article 5.

158. According to GII-DAI, some case officers attended the training module on interviewing vulnerable persons and also have access to UNHCR materials. These case officers are responsible for deciding on the applications submitted by vulnerable persons.

159. UN High Commissioner for Refugees (UNHCR), Response to Vulnerability in Asylum – Project Report, December 2013.

160. Asylum Information Database (AIDA), Romania country report – 2020 update, page 72.

representatives of civil society. Moreover, judges dealing with asylum cases do not receive specialised training on asylum procedures and on gender-based violence.

440. Furthermore, while the Law on Asylum specifically refers to asylum applications being decided based on an individual interview and analysis for each family member, GREVIO notes with concern the information provided by experts in this field which suggests that sometimes in the case of families, the husband is considered the principal applicant and the assessment of the woman's claim is often superficial and based almost exclusively on the husband's reasons.

2. Accommodation

441. The Directorate for Asylum and Integration manages the reception system, which encompasses six reception facilities – Regional Centres for Accommodation and Asylum Procedures (Centre Regionale de Cazare si Proceduri pentru Solicitanti de Azil). These have an open regime. Asylum detention, although possible by law, is not applied, with the exception of specific cases (for example, cases involving national security).

442. Asylum seekers in Romania have a right to stay in these facilities during the asylum determination procedure, unless they have the financial means to secure private accommodation (Article 17, paragraph, 1k of the Law on Asylum). The total capacity of the regional centres is 900 places and to date there has been no shortage of places.¹⁶¹ Moreover, AIDRom NGO runs two accommodation centres for vulnerable groups.

443. The Law on Asylum envisages a wide range of rights and obligations for asylum seekers, including the right to be assisted by the UNHCR and NGOs, the right to receive financial assistance (for those with limited means), social and psychological assistance and primary and emergency medical care. Persons who are identified as vulnerable (including women who may have been victims of torture, rape or other serious forms of psychological, mental or sexual violence) have the right to additional assistance that is “adapted to their needs” and to special procedural and reception safeguards.

444. According to available information, in practice, access to such services by asylum seekers and refugees is not systematically ensured. The main shortcomings concern the lack of co-operation between stakeholders, in particular between immigration authorities and social services and the reduced funding allocated for these services by the local authorities. Moreover, access of asylum seekers to these services is hindered by the limited available information in several languages and an insufficient number of interpreters.¹⁶² Specialist medical care and psychological assistance is often provided by NGOs.¹⁶³

445. When assigning asylum seekers to different rooms, GII-DAI takes into consideration their gender. However, the accommodation facilities are not adapted to the needs of vulnerable asylum seekers. The buildings are not equipped with ramps or washing facilities for disabled people and five out of six centres have mixed-sex toilets.¹⁶⁴ The conditions in the regional centres are also monitored by the Ombudsman who visits the centres on a regular basis and issues reports.

446. In light of the above, GREVIO considers that more must be done to ensure gender-sensitive reception procedures and support services for asylum-seeking and refugee women who experienced or may be at risk of gender-based violence, including sexual violence.

161. At the end of 2019, 575 people were staying in the reception centres.

162. Information provided during the visit by representatives of civil society.

163. Through grants financed by European funds.

164. “An overview of the Romanian asylum policies” by Oana Vasile and Armenia Androniceanu.

447. **GREVIO urges the Romanian authorities to take measures to:**

- a. **enhance co-operation and co-ordination between the stakeholders involved in asylum on identification, prevention and response to the needs of victims of gender-based violence and domestic violence in the reception facilities across Romania;**
- b. **ensure that gender-based violence, gender-sensitive interviewing techniques and specific gender-based persecution are included as mandatory topics in both the initial and ongoing training programmes for asylum officials and legal professionals, in particular judges dealing with asylum cases and interpreters.**

C. Non-refoulement (Article 61)

448. Safeguards against *refoulement* are included in asylum legislation, as well as in Government Ordinance No. 194/2002 on the regime of foreigners in Romania, which stipulates that no one shall be returned to an area where he/she may risk harm and ill-treatment.

449. According to information provided by GII-DAI, Romania has no list of safe country of origin, safe European third country or safe third country. No applications were rejected on the basis of the safe country of origin concept in 2020.

450. According to Article 35 of the Law on Asylum, the competent authorities for the asylum application must provide information on the possibility of submitting an application for persons in need of international protection. Leaflets in several languages of international circulation, as well as Arabic, Kurdish, Pashto and Farsi, which cover information on the rights and obligations of asylum seekers and information regarding the assistance provided by NGOs, are available at the main border crossing points and are being distributed to migrants and asylum seekers. Providing information orally is more difficult as a result of a lack of interpreters at the border crossing points.

451. Concerns were expressed about the absence of early identification systems for victims of violence against women who are or may be in need of protection, especially when they are in an irregular situation. Delayed access to legal representatives, NGOs and the UNHCR of people apprehended at the border,¹⁶⁵ coupled with the limited training on gender-based persecution and gender-based violence available to Border Police authorities, hinder access to the territory and to protection and may expose victims of gender-based violence to further risks. In this context, GREVIO highlights the importance of ensuring the effective provision of accessible, easy-to-understand and gender-sensitive information on protection measures, to persons apprehended at the borders, prior to their application for readmission/return procedures.

452. In spite of the legal safeguards against *refoulement*, GREVIO is concerned by reports about cases of pushbacks from Romania to Serbia.¹⁶⁶ The Border Violence Monitoring Network (BVMN), which also collects testimonies from foreigners, publishes monthly reports and has highlighted not only pushbacks from Romania to Serbia, but also an increased use of violence by Romanian officers towards migrants, men and women.¹⁶⁷

165. In some cases, NGOs, lawyers and the UNHCR have received information about people apprehended at the border who may need international protection, only after such people have been readmitted to neighbouring countries or denied access to Romanian territory.

166. UNHCR, "UNHCR Serbia Update", available at: <https://data2.unhcr.org/en/search>; see also: AIDA, Country Update Serbia for the year 2020, March 2021, available at: <https://bit.ly/3c7FB8n>. Some 13 459 people were reportedly collectively expelled from Romania to Serbia in 2020.

167. Balkan Region Report – April 2021, Border Violence Monitoring Network, Doors Wide Shut – Danish Refugee Council, 15 July 2021

453. With a view to reducing the risk of *refoulement* for women asylum seekers in Romania, GREVIO strongly encourages the Romanian authorities to:

- a. uphold their obligation to respect the principle of *non-refoulement* of victims of violence against women, in particular at border crossing points;
- b. ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

Concluding remarks

454. After the entry into force of the Istanbul Convention Romania has taken different legislative and policy measures to ensure compliance with the convention, which demonstrates the country's commitment to combating violence against women, in particular domestic violence. Such measures include several amendments to the Domestic Violence Law and Gender Equality Law and the adoption of the National Strategy for the Promotion of Equal Opportunities and Treatment for Women and Men and Preventing and Combating Violence for the Period 2018-2021, recently followed by the National Strategy for Preventing and Combating Sexual Violence "SYNERGY" for the period 2020-2030.

455. The amended Domestic Violence Law contains a wide definition of domestic violence, which includes cyberviolence, social and spiritual violence, and a broad category of protected persons in line with the Istanbul Convention. It sets up a robust system of support and integrated protection for victims of domestic violence, and introduces temporary protection orders, in addition to protection orders, which are an important tool for offering immediate protection to victims of violence and their children and which have been widely used since their introduction. Legislative amendments have been followed by the adoption of secondary and tertiary legislation which provides guidelines for the implementation of the amended laws; they provide, for instance, for the establishment of mobile integrated intervention teams which offer social services in emergency cases or the procedure for dealing with cases of domestic violence by police, in particular on how to fill in a risk-evaluation form or issue provisional protection orders.

456. Against this backdrop of promising change, this report identifies areas where progress is still needed and provides guidance and concrete solutions to overcome them. The information provided during the evaluation demonstrates a strong focus on policy responses and allocation of resources to domestic violence compared to other forms of violence covered by the Istanbul Convention. Thus, the criminal justice mechanisms for combating sexual violence, which is highly under-reported in Romania, face serious shortcomings. The definition of rape in the Criminal Code is not in line with the Istanbul Convention and the victims of rape have no access to fully established rape crisis and/or sexual violence referral centres adequately distributed geographically. The pilot integrated rape crisis centre within the Bucharest University Emergency Hospital, as well as the other similar nine centres within the project "Support for the implementation of the Istanbul Convention", should be made operational without undue delay. The evaluation also revealed the need to upscale the provision of specialist services to victims of all other forms of violence against women.

457. More effort must be made to implement existing legislation, including with regard to data collection and the systematic training of all professionals dealing with victims of violence. Challenges remain in relation to the response of the law-enforcement agencies and the judiciary to all forms of violence within the scope of the convention, in particular domestic and sexual violence. In this regard, there is a great need for more systematic and gender-sensitive training of the judiciary to ensure a wider understanding of the cycle of domestic violence and its power dynamics and to eliminate gender stereotyping in the determination of what constitutes sexual offences and ensure that all instances of non-consensual sex are prosecuted as rape. Improvements are also needed in prosecuting cases of forced marriage and sexual harassment and ensuring that incidents of domestic violence are taken into account when determining visitation rights. GREVIO is equally concerned by the light sentences that are imposed on perpetrators of acts of violence against women.

458. With the present report, GREVIO wishes to support the Romanian authorities in their endeavour to implement the Istanbul Convention and invites them to keep it regularly informed of developments in this regard. GREVIO looks forward to continuing its fruitful co-operation with the Romanian authorities.

459. With a view to facilitating the implementation of its suggestions and proposals, GREVIO requests the national authorities to translate this report into their official national language(s) and to ensure that it is widely disseminated, not only to the relevant state institutions at all levels (national, regional and local), in particular to the government, the ministries and the judiciary, but also to NGOs and other civil society organisations which work in the field of violence against women.

Appendix I

List of proposals and suggestions by GREVIO

I. Purposes, definitions, equality and non-discrimination, general obligations

B. Scope of application of the convention and definitions (Articles 2 and 3)

1. GREVIO urges the authorities to enhance the implementation of the Istanbul Convention in relation to all forms of violence against women, beyond domestic violence, which are currently less addressed by policies, programmes and services, such as sexual harassment, FGM, forced marriage, forced abortion, forced sterilisation and stalking. (paragraph 12)

2. GREVIO strongly encourages the Romanian authorities to take all legislative measures to harmonise its definition of “family members” in the Criminal Code with the definition of domestic violence contained in Article 3 of the Istanbul Convention and to ensure the effective application of such a harmonised definition in practice. (paragraph 13)

C. Fundamental rights, equality and non-discrimination (Article 4)

1. Gender equality and non-discrimination

3. GREVIO encourages the Romanian authorities to continue their efforts to implement legislation and public policies on equality between women and men by ensuring the practical realisation of the principle of gender equality. (paragraph 19)

2. Intersectional discrimination

4. GREVIO strongly encourages the Romanian authorities to continue to address the multiple forms of discrimination that in particular women and girls from Roma communities face and to take measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination on any of the other grounds listed in Article 4, paragraph 3. (paragraph 29)

5. GREVIO strongly encourages the Romanian authorities to integrate the perspective of such women into the design, implementation, monitoring and evaluation of policies for preventing and combating violence against women, by supporting, funding and closely co-operating with women’s NGOs representing them. (paragraph 30)

D. Gender-sensitive policies (Article 6)

6. GREVIO strongly encourages the Romanian authorities to introduce a gender perspective into the National Strategy for the Promotion of Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence for the Period 2021-2027 and into the Domestic Violence Law by clearly linking violence against women with gender inequality and taking into account the specific experiences of women and girls based on the recognition that domestic violence predominantly affects women and girls. (paragraph 35)

II. Integrated policies and data collection

A. Comprehensive and co-ordinated policies (Article 7)

7. GREVIO strongly encourages the Romanian authorities to ensure a state-wide effective, comprehensive and co-ordinated set of policies to prevent and combat all forms of violence covered by the Istanbul Convention, in particular by fostering increased co-ordination and greater consistency in the policies and measures at the various levels of authority. For this purpose, the authorities should plan to remedy the current fragmentation in multi-agency co-ordination and devise measures aimed at harmonising and monitoring the implementation of local plans to prevent and combat domestic violence and violence against women. Such efforts should be supported by the allocation of appropriate financial resources and the promotion of best practices. (paragraph 45)

B. Financial resources (Article 8)

8. GREVIO urges the Romanian authorities to pursue their efforts to (paragraph 55):

- a. increase the budget dedicated both at central and decentralised level to preventing and combating violence against women, while strengthening the assessment of the financial resources needed for this purpose;
- b. intensify efforts to monitor actual expenditure and assess progress, including through gender budgeting.

GREVIO furthermore invites the Romanian authorities to gradually reduce the dependency on external funding for activities to combat violence against women and ensure a wider share of funding from the Romanian state budget to demonstrate their financial responsibility for the implementation of the Istanbul Convention. (paragraph 56)

C. Non-governmental organisations and civil society (Article 9)

9. GREVIO strongly encourages the Romanian authorities to provide greater support for the work of women's organisations specialised in preventing and combating violence against women, by providing them with stable and sustainable funding opportunities commensurate with their estimated needs. To this end, the Romanian authorities should put in place a dedicated, transparent and accountable public procedure under which all NGOs providing specialist support services to victims of all forms of violence against women and their children can apply for funding. (paragraph 63)

D. Co-ordinating body (Article 10)

10. With a view to ensuring continuous policy setting and effective implementation, monitoring and evaluation of measures taken to prevent and combat all forms of violence against women, GREVIO strongly encourages the Romanian authorities to (paragraph 74):

- a. Ensure, on the one hand, that the mandate of the existing co-ordinating body comprises the power to ensure co-ordination and implementation of policies and measures to prevent and combat all forms of violence covered by the Istanbul Convention, and to ensure on the other hand that independent monitoring and evaluation of these policies and measures be carried out on the basis of pre-defined indicators established to measure success; and to
- b. ensure that the functions of the co-ordinating body are exercised in close consultation with relevant NGOs and civil society actors, including independent women's NGOs, and that they are supported by adequate and appropriate data.

E. Data collection and research (Article 11)**1. Administrative data collection****a. Law-enforcement agencies and the justice sector**

11. GREVIO urges the Romanian authorities to introduce a system for the collection of administrative data by law-enforcement agencies and judicial bodies based on harmonised categories which make it possible to trace the progress of cases throughout the criminal process, covering all the forms of violence against women covered by the Istanbul Convention and broken down by sex, age, type of offence and type of relationship of the perpetrator with the victim. (paragraph 85)

b. Healthcare sector

12. GREVIO strongly encourages the Romanian authorities to expand the collection of data on healthcare providers' contact with women patients for reasons related to experiences of gender-based violence. Such data should be disaggregated, at a minimum, by sex, age and relationship of the perpetrator to the victim. (paragraph 87)

c. Social services

13. GREVIO strongly encourages the Romanian authorities to expand the collection of data on reports made to and interventions proposed by social services in relation to all forms of violence covered by the Istanbul Convention. (paragraph 91)

d. Data on the asylum procedure

14. GREVIO encourages the Romanian authorities to introduce a data-collection system that allows the recording of the registration and outcomes of asylum claims made on the basis of gender-related persecution, including female genital mutilation and forced marriage. (paragraph 93)

2. Population-based surveys

15. GREVIO strongly encourages the Romanian authorities to carry out population-based surveys on the different forms of violence against women covered by the Istanbul Convention. GREVIO further encourages the Romanian authorities to ensure that the design of these surveys allows the survey results to show women's exposure to the different forms of violence covered by the Istanbul Convention, including domestic violence. (paragraph 97)

3. Research

16. GREVIO strongly encourages the Romanian authorities to (paragraph 101):

- a. address, through research, all forms of violence against women such as sexual violence, sexual harassment and forced marriage or other traditional practices harmful to women, as well as violence affecting vulnerable groups of women such as Roma women and girls, migrant women, LBTI women and women with disabilities.
- b. support research in order to study the effects on children of witnessing domestic violence and the access of women victims to support, protection and justice.

III. Prevention

A. Awareness raising (Article 13)

17. GREVIO strongly encourages the Romanian authorities to step up their efforts to conduct awareness-raising campaigns, on a regular basis and at all levels, with a view to addressing the various aspects of preventing and combating all the forms of violence against women covered by the Istanbul Convention, and to reaching specific groups of women and girls, in particular Roma women. Furthermore, GREVIO strongly encourages the Romanian authorities to ensure appropriate and sustainable state funding for awareness-raising campaigns and to involve all relevant stakeholders in such efforts, including civil society organisations. GREVIO also encourages the Romanian authorities to analyse the effectiveness of the conducted awareness-raising campaigns and, based on this analysis, to design further steps. (paragraph 112)

B. Education (Article 14)

18. GREVIO strongly encourages the Romanian authorities to step up its efforts to promote, adapted to the evolving capacity of learners, the principles of equality between women and men, non-stereotyped gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, and the right to personal integrity and to ensure information on the different forms of gender-based violence against women, in formal curricula and at all levels of education. This includes the need to address in particular forced marriage and sexual violence by focusing on the right to personal integrity and unequal power relations between women and men. (paragraph 122)

C. Training of professionals (Article 15)

19. GREVIO urges the Romanian authorities to ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women covered by the Istanbul Convention, on equality between women and men, on the needs and rights of victims and on the prevention of secondary victimisation for all professional groups, in particular law enforcement, the healthcare sector and the judiciary. All training must be supported and reinforced by clear protocols and guidelines that set the standards staff are expected to follow and by appropriate and sustainable funding for the training sessions. (paragraph 135)

D. Preventive intervention and treatment programmes (Article 16)

1. Programmes for perpetrators of domestic violence

20. GREVIO strongly encourages the Romanian authorities to (paragraph 141):

- a. develop perpetrators' programmes based on common minimum standards that (1) focus on achieving behavioural change of the perpetrator to adopt non-violent behaviour; (2) ensure that the safety of victims, their support and their human rights are of primary concern; (3) work in close co-ordination with specialist support services for victims, such as women's shelters and counselling centres, based on multi-agency co-operation;
- b. ensure that staff administering such programmes receive adequate training that incorporates a gendered understanding of violence and the need to deconstruct harmful gender stereotypes; and to
- c. take measures to monitor perpetrator programmes and evaluate their impact, based on a set of pre-defined indicators aimed at measuring the effectiveness of such programmes to prevent further acts of violence, considering, inter alia, feedback from the victim.

2. Programmes for sex offenders

21. GREVIO encourages the authorities to develop treatment programmes for sex offenders which take due account of best practices developed internationally, while guaranteeing a human rights-based approach. (paragraph 143)

E. Participation of the private sector and the media (Article 17)

22. GREVIO invites the Romanian authorities to seek the involvement of employers in the prevention of violence against women. To this end, employers should be encouraged to adopt measures and set self-regulatory standards to prevent and combat gender-based violence against women in the workplace. (paragraph 151)

IV. Protection and support

A. General obligations (Article 18)

23. GREVIO urges the Romanian authorities to set up institutionalised structures for co-ordination and co-operation among all of the different governmental and non-governmental agencies and service providers to ensure multi-agency co-operation tailored to the specific needs of victims of all forms of violence against women covered by the Istanbul Convention, in particular rape and sexual violence, forced marriage, stalking and sexual harassment. (paragraph 160)

B. Information (Article 19)

24. GREVIO strongly encourages the Romanian authorities to ensure that professionals of all relevant institutions take a more proactive approach towards informing victims and to secure a wider dissemination of information about existing support services and legal measures available to victims of domestic and other forms of violence against women in a language they understand. (paragraph 167)

C. General support services (Article 20)

1. Social services

25. GREVIO strongly encourages the Romanian authorities to ensure appropriate human and financial resources for social services, including those delivered by local authorities in support of victims of all forms of violence against women. (paragraph 179)

26. GREVIO also encourages the Romanian authorities to ensure the setting-up of dedicated programmes aiming at the empowerment of women victims of domestic violence, including their economic independence through financial assistance, education, training, assistance in finding employment and long-term housing solutions. (paragraph 180)

2. Health-care services

27. GREVIO strongly encourages the Romanian authorities to ensure women victims of violence covered by the Istanbul Convention access to adequately resourced health services trained to assist victims, in particular by (paragraph 183):

- a. being mindful of the forms of violence against women covered by the Istanbul Convention, responding to the medical needs of victims in a sensitive manner and ensuring referrals to relevant and preferably specialist support services.

- b. developing and effectively implementing protocols and guidelines which ensure that all healthcare professionals adequately respond to women victims of all forms of violence, including by acknowledging that women exposed to intersectional discrimination, in particular women with disabilities, migrant women and Roma women, may face significant barriers to help-seeking; and
- c. providing free-of-charge documentation of forensic evidence adequate for use by the criminal justice sector.

D. Specialist support services (Article 22)

28. GREVIO urges the Romanian authorities to provide for adequate specialist women's support services supported by sustainable and appropriate funding throughout the country for all forms of violence against women covered by the Istanbul Convention. (paragraph 192)

E. Shelters (Article 23)

29. GREVIO strongly encourages the Romanian authorities to (paragraph 205):

- a. expand the number and/or capacity of specialist shelter facilities dedicated to women and their children, throughout the country, while monitoring the quality and financial sustainability of service provision;
- b. ensure the equitable access to such specialist shelter services for all women victims of all the forms of violence covered by the Istanbul Convention, especially women with disabilities, women living in rural areas, older women, Roma women, and migrant women (including those with an irregular migration status), including by reviewing the current criteria for accessing GDSACP shelters, and ensuring that access procedures do not contribute to secondary victimisation.

F. Telephone helplines (Article 24)

30. GREVIO strongly encourages the Romanian authorities to widen the offer of telephone counselling currently available by ensuring counselling and referrals in relation to all forms of violence against women covered by the Istanbul Convention beyond domestic violence and in a wider variety of languages, including minority languages, by staff trained in all forms of violence, and to widely advertise the existing helpline. (paragraph 213)

G. Support for victims of sexual violence (Article 25)

31. GREVIO strongly encourages the Romanian authorities to pursue their efforts to set up sexual violence referral centres and/or rape crisis centres and ensure their sustainable state funding beyond the initial project phase, recalling that one such centre should be available for every 200 000 inhabitants and that their geographical spread should make them accessible to victims in rural areas as much as in cities. The gathering of forensic evidence and issuing of forensic certificates must not be subject to a charge. (paragraph 219)

H. Protection and support for child witnesses (Article 26)

32. GREVIO strongly encourages the Romanian authorities to step up measures to give more practical meaning to the recognition afforded by law of the harmful effects of witnessing domestic violence on children and to provide appropriate support services for these children tailored to their specific needs. (paragraph 226)

V. Substantive law

A. Civil law

1. Civil remedies against the state – ensuring due diligence (Article 29)

33. GREVIO strongly encourages the Romanian authorities to (paragraph 238):

- a. take practical measures to ensure that women victims of violence receive adequate information regarding the civil liability of public officials to be able to make practical use of the existing legal remedies; and to
- b. ensure that appropriate data on the use of the available remedies is collected and regularly updated

2. Compensation (Article 30)

34. GREVIO strongly encourages the Romanian authorities to take further measures to (paragraph 246):

- a. facilitate victims' access to compensation in civil and criminal proceedings and ensure that such reparation is promptly attributed and proportionate to the gravity of the harm suffered.
- b. collect data on the number of cases in which women victims of violence have claimed and have obtained compensation by the perpetrator for offences covered by the Istanbul Convention.

35. GREVIO further invites the Romanian authorities to lift their reservation to Article 30, paragraph 2 of the Istanbul Convention. (paragraph 247)

3. Custody, visitation rights and safety (Article 31)

36. GREVIO urges the Romanian authorities to take the necessary measures to (paragraph 261):

- a. ensure that family courts observe their duty to consider all issues related to violence against women when determining custody and visitation rights and to assess whether such violence would warrant restricting custody and visitation rights.
- b. incorporate a systematic process for screening cases related to the determination of custody and visitation rights to determine whether violence has been an issue in the relationship and whether it has been reported.

Such measures should be accompanied by the provision of mandatory and targeted training for judicial and law enforcement officers, as well as all professionals dealing with cases of gender-based violence and child abuse, including legal practitioners dealing with separation and custody cases. This training should cover all forms of domestic violence and its mechanisms, including coercion, manipulation and psychological violence, and about the harmful effects of witnessing domestic violence on children's wellbeing.

4. Civil consequences of forced marriages (Article 32)

37. GREVIO invites the Romanian authorities to take measures to strengthen the legal remedies for women in situations of forced marriage in order to regain their unmarried civil status, in particular by removing the time limit on annulments and by offering the legal entitlement to void or dissolve a marriage. GREVIO also invite the authorities to remove any undue financial or administrative burden placed on the women and girls seeking to regain their unmarried status. (paragraph 269):

B. Criminal law

1. Psychological violence and stalking (Articles 33 and 34)

38. GREVIO invites the Romanian authorities to lift the reservations with regard to Articles 33 and 34 of the Istanbul Convention. (paragraph 271)

2. Physical violence (Article 35)

39. GREVIO encourages the Romanian authorities to ensure the effective application of the full range of criminal offences relevant to physical violence employed by one intimate partner against the other. (paragraph 277)

3. Sexual violence, including rape (Article 36)

40. GREVIO urges the Romanian authorities to amend the provisions of the Criminal Code covering rape and sexual assault and to fully incorporate the notion of the lack of freely given consent as required by Article 36 of the Istanbul Convention and to ensure that such provisions are effectively applied in practice by law-enforcement, prosecution and judiciary, including in the absence of resistance by the victim and where the circumstances of the case preclude valid consent. (paragraph 289)

41. GREVIO also urges the Romanian authorities to ensure appropriate sanctions for all sexual acts without the consent of the victim, including where the circumstances of the case preclude valid consent. (paragraph 290):

42. GREVIO urges the Romanian authorities to take measures to eradicate harmful and discriminatory gender stereotypes around sexual violence, including within criminal justice systems, that have often resulted in impunity for perpetrators. To this end, trainings for all relevant professionals, in particular the judiciary, should be conducted, and appropriate guidelines developed and implemented. (paragraph 291)

4. Forced marriage (Article 37)

43. GREVIO strongly encourages the Romanian authorities to consider introducing a specific criminal offence of forced marriage, in order to cover the special nature of these offences and to make them operational for law-enforcement authorities, prosecution services and courts. (paragraph 299)

44. Moreover, GREVIO encourages the Romanian authorities to criminalise the intentional conduct of luring an adult or a child to the territory of another state with the purpose of forcing this person to a marriage as required by Article 37, paragraph 2 of the Istanbul Convention. (paragraph 300)

45. In light of the requirement to adopt a comprehensive approach, GREVIO strongly encourages the Romanian authorities to ensure that any criminal law measures be accompanied by a comprehensive strategy to ensure the prevention and identification of this form of violence, as well as the support for women and girls exposed to forced marriage. (paragraph 301)

5. Female genital mutilation (Article 38)

46. GREVIO encourages the Romanian authorities to (paragraph 305):

- a. consider introducing in their criminal legislation an offence specifically targeting all forms of female genital mutilation as defined in Article 38 of the Istanbul Convention;
- b. raise awareness and knowledge among the professionals concerned and society at large regarding this specific form of violence against women.

7. Sexual harassment (Article 40)

47. GREVIO strongly encourages the Romanian authorities to take appropriate measures to investigate, prosecute and punish all acts of sexual harassment and to ensure the practical application of the Criminal Code and the Gender Equality Law by raising awareness among all relevant professionals and the general public. (paragraph 315)

8. Sanctions and measures (Article 45)

48. While respecting the principle of the independence of the judiciary, GREVIO strongly encourages the Romanian authorities to take measures to ensure that judicial sanctions in cases of violence against women and domestic violence are effective, proportionate and dissuasive. In determining judicial sanctions, measures should be taken to avoid revictimisation of victims by the imposition of fines on their current or former husbands or partners on whom they may depend financially. (paragraph 323)

49. Furthermore, GREVIO strongly encourages the Romanian authorities to (paragraph 324):

- a. ensure that sentencing in cases of violence against women and domestic violence is commensurate with the gravity of the offence and preserves the dissuasive function of penalties;
- b. improve data collection regarding the sanctions imposed for the different forms of violence against women covered by the Istanbul Convention, in particular by disaggregating such data based on the sex of the perpetrator and the victim as well as their relationship. eloped sentencing guidelines to help judges decide on the

9. Aggravating circumstances (Article 46)

50. GREVIO strongly encourages the Romanian authorities to take appropriate measures to ensure, through training and appropriate guidelines, that all circumstances listed in Article 46 of the Istanbul Convention are, in practice, considered as aggravating circumstances by the judiciary, and to adopt legislative measures with the aim to fill the remaining gaps in their criminal legislation so as to fully comply with the requirements of Article 46 of the Istanbul Convention on aggravating circumstances. (paragraph 327)

10. Prohibition of mandatory alternative dispute resolution processes or sentencing (Article 48)

51. GREVIO encourages the Romanian authorities to (paragraph 335):

- a. take measures to ensure that in cases of family mediation in the context of divorce based on Law no. 192/2006 on mediation, effective screening processes and safeguards are established to enable judges and mediators to identify and address power imbalances among the two parties resulting from a history of domestic violence by one spouse against the other with a view to ensuring the free and full consent to the mediation process of both parties;
- b. ensure that all women victims of the forms of violence covered by the Istanbul Convention are informed about the non-mandatory nature of mediation in criminal proceedings;
- c. train judges, mediators and legal professionals on the need to ensure that victims freely consent to mediation and are not exposed to further revictimisation;

VI. Investigation, prosecution, procedural law and protective measures

A. General obligations, immediate response, prevention and protection (Articles 49 and 50)

1. Reporting to, immediate response and investigations by law-enforcement agencies

52. GREVIO urges the Romanian authorities to (paragraph 350):

- a. step up efforts to ensure prompt and appropriate responses from law enforcement agencies in relation to all forms of violence against women covered by the Istanbul Convention by providing them with the necessary resources, knowledge and means;
- b. take measures to encourage reporting of all forms of violence against women, including intimate partner violence, sexual violence and rape, while ensuring parallel improvements in investigation and prosecution, including by reducing secondary victimisation during the legal process;
- c. develop standard operating procedures for law enforcement with regard to all forms of violence against women covered by the scope of the Convention, on the basis of an evaluation of the implementation in practice of the already adopted guidelines on domestic violence.

2. Effective investigation and prosecution

53. GREVIO strongly encourages the Romanian authorities to ensure that prosecution services resort to all possible measures in order to provide criminal justice for victims of all forms of violence against women covered by the Istanbul Convention. (paragraph 358)

3. Conviction rates

54. GREVIO urges the Romanian authorities to, on the basis of data, research and assessment of legislation, swiftly identify and address any/all factors which may contribute to attrition in cases of rape, domestic violence and any other forms of violence against women. (paragraph 361)

B. Risk assessment and risk management (Article 51)

55. GREVIO strongly encourages the Romanian authorities to ensure that risk assessments are repeated at all the relevant stages of criminal proceedings with the involvement of specialist women's services and that systematic and gender-sensitive risk assessments and safety management become standard procedures in all cases of violence against women covered by the Istanbul Convention. (paragraph 372)

D. Restraining or protection orders (Article 53)

56. GREVIO encourages the Romanian authorities to (paragraph 392):

- a. ensure that protection orders may be available for victims of all forms of violence against women covered by the Istanbul Convention;
- b. identify the causes for the high number of violations of the protection orders by perpetrators and regularly provide data on violations and sanctions imposed as a result of violations;
- c. ensure the effective and prompt implementation of the system of electronic monitoring of compliance with provisional protection orders and protection orders.

E. Ex parte and ex officio proceedings (Article 55)**1. Ex parte and ex officio proceedings**

57. GREVIO urges the relevant authorities to amend their national legislation to conform with the rules regarding ex parte and ex officio prosecution as regards the offences of rape and sexual assault. (paragraph 400)

58. GREVIO invites the Romanian authorities to lift their reservation to Article 55, paragraph 1 of the Istanbul Convention. (paragraph 401)

F. Measures of protection (Article 56)

59. GREVIO strongly encourages the Romanian authorities to ensure the systematic use of all available measures of protection for victims of violence against women and domestic violence, including child victims and witnesses, as envisaged by Romanian legislation, in particular during investigations and judicial proceedings, the possibility to ensure hearings through audiovisual means, the use of safe rooms, informing the victim about the release of the perpetrators and the separate entry and waiting areas for victims and perpetrators. (paragraph 412)

G. Legal aid (Article 57)

60. GREVIO strongly encourage the authorities to take the necessary legislative and other measures to (paragraph 425):

- a. ensure that victims are properly informed of their right to access legal aid;
- b. remove any administrative or procedural barriers to obtaining legal aid for victims who are deprived of financial means and unable to pay for legal representation;

VII. Migration and asylum**B. Gender-based asylum claims (Article 60)****2. Accommodation**

61. GREVIO urges the Romanian authorities to take measures to (paragraph 447):

- a. enhance co-operation and co-ordination between the stakeholders involved in asylum on identification, prevention and response to the needs of victims of gender-based violence and domestic violence in the reception facilities across Romania;
- b. ensure that gender-based violence, gender-sensitive interviewing techniques and specific gender-based persecution are included as mandatory topics in both the initial and ongoing training programmes for asylum officials and legal professionals, in particular judges dealing with asylum cases and interpreters.

C. Non-refoulement (Article 61)

62. With a view to reducing the risk of refoulement for women asylum seekers in Romania, GREVIO strongly encourages the Romanian authorities to (paragraph 453):

- a. uphold their obligation to respect the principle of non-refoulement of victims of violence against women, in particular at the border crossing points;
- b. ensure that victims of violence against women who are in need of protection, regardless of their status or residence, shall not be returned under any circumstances

to any country where their life would be at risk or where they might be subjected to torture or inhuman or degrading treatment or punishment.

Appendix II

List of the national authorities, other public bodies, non-governmental organisations and civil society organisations with which GREVIO held consultations

National authorities

Ministry of Education
Ministry of Foreign Affairs
Ministry of Finance
Ministry of Health
Ministry of Internal Affairs
Ministry of Justice
Ministry of Labour and Social Protection
Public Ministry

National public bodies

National Agency on Equal Opportunities for Women and Men
National Authority for the Protection of the Rights of the Persons with Disabilities, Children and Adoption
National Agency for Roma
National Council for Combating Discrimination
National Institute of Magistracy
National Institute of Statistics
Forensic Medicine Institute

Regional public authorities

Bucharest Bar Association
Bucharest University Emergency Hospital
General Direction of Social Assistance and Child Protection - Slobozia
Police Headquarter in Slobozia

Non-governmental organisations

ALEG – Association for Liberty and Equality of Gender
Anais Association
Necuvinte Association
FILIA
E-ROMNJA
CMSC Iasi/Romanian Women's Lobby
JRS (Jesuit Refugee Society) Romania

GREVIO, the *Group of Experts on Action against Violence against Women and Domestic Violence*, is an independent human rights monitoring body mandated to monitor the implementation of the *Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence* (Istanbul Convention) by the Parties.

The Istanbul Convention is the most far-reaching international treaty to tackle violence against women and domestic violence. Its comprehensive set of provisions spans far-ranging preventive and protective measures as well as a number of obligations to ensure an adequate criminal justice response to such serious violations of human rights.

This report contains an overall analysis of the implementation of the provisions of the Istanbul Convention. It highlights positive initiatives in preventing and combating all forms of violence against women at national level and provides suggestions and proposals to improve the situation of women facing such violence.

www.coe.int/conventionviolence

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.