



**Convention on the Elimination
of All Forms of Discrimination
against Women**

Distr.: General
31 October 2019

Original: English
English, French and Spanish only

**Committee on the Elimination of Discrimination
against Women**

**Concluding observations on the combined seventh and
eighth periodic reports of Romania**

Addendum

**Information provided by Romania in follow-up to the
concluding observations***

[Date received: 17 October 2019]

* The present document is being issued without formal editing.



Follow-up information relating to paragraph 48 of the concluding observations (CEDAW/C/ROU/CO/7-8)

1. The present Information Note gives a presentation on the measures taken to implement the recommendations listed in para. 48 of the Concluding observations on the combined seventh and eighth periodic reports of Romania adopted by the Committee on the Elimination of All Forms of Discrimination against Women, as well as the progress made in the relevant lapse of time.

Follow-up information relating to paragraph 15 (d) of the concluding observations

2. The Romanian Ministry of National Defence has assumed the coordinating role for drafting the National Action Plan for the implementation of the Resolution 1325 (2000) of the Security Council on “Women, Peace and Security”. To this end, a Bureau for the management of gender issues was created within the ministry in 2017; the Bureau also serves as the National Focal Point on gender issues. The Bureau has held, so far, five interinstitutional meetings, at expert level, for the drafting of the National Action Plan; a sixth meeting is to take place in September 2019. Alongside the Ministry of National Defence, the Ministries of Foreign Affairs, of Interior, of Justice, the National Agency for Equal Opportunities for Women and Men, the Equality Committee of the Romanian Senate, the Mediation Council are also represented in these working meetings. Representatives from the academic field (The National School of Political and Administrative Sciences) as well as from civil society (Front Association¹) also participate.

3. This demarche follows the measures already taken at the Ministry of National Defence level, and materialised in 2014 with the adoption of the Implementation Plan of the 1325 Security Council Resolution at the sectorial level of defence.²

4. The assumed deadline for the completion and approval of the plan is the end of 2019.

5. The draft action plan is building the implementation on three pillars, namely: participation (by integrating the gender perspective in the security and defence policies, increasing the number of women deployed in operation theatres, awareness raising campaigns), prevention (of all types of sexual abuse and exploitation by Romanian personnel deployed in international missions, monitoring of harassment complaints), protection (through an adequate identification of gender violence or sexual violence acts occurring in the mission theatres). The implementation of the National Plan will be monitored by a dedicated group composed of gender champions from all institutions signatories of the National Plan, both annually through reporting and also at midterm, through an analysis of the results of the implementation, in order to design concrete proposals for the following action plan.

Follow-up information relating to paragraph 19 (a) of the concluding observations

6. The systematic collection of disaggregated data regarding cases of gender-based violence and discrimination against women, the number of Protection Orders (POs), as well as the number of Provisional Protection Orders (PPOs) is managed by different specialized institutions, in accordance with their competencies, namely: the Romanian Police through the General Inspectorate of Police (GIRP), the Prosecutor’s

¹ <https://www.feminism-romania.ro/despre-noi/asociaia-front>.

² <https://www.peacewomen.org/sites/default/files/Plan-final.pdf>.

Office attached to the High Court of Cassation and Justice (POHCCJ) and the National Agency for Equal Opportunities for Women and Men (NAEO).

7. Thus, it should be noted that:

- The data collected by the GIRP reflect the record of registered cases on allegedly committed criminal offences, the number of pos and ppos issued and offences of non-compliance with pos and ppos;
- The data collected by POHCCJ reflect the number of criminal cases sent to trial;
- The data collected by NAEO reflect cases of domestic violence that received specialized social services on request. The statistical data available this far are presented under point 2.2. below.

8. In order to ensure the collection of disaggregated data on cases brought before the courts, referring to gender-based violence and discrimination against women, the authorities have taken measures to align the different collecting systems, including through detailing the sub-attributes listed by the Criminal Code under the generic denomination of “hate crime”³ and the completion of the amendment of electronic application that registers and keeps track of the cases on the docket of the domestic courts at all levels.

9. As such, in December 2016, the Ministry of Justice initiated the procedure for obtaining through OPAC (the Operational Programme Administrative Capacity within the European Union – n.n.), the necessary financing for implementing a project envisaging the performance of an analysis which will determine the technical characteristics and features, the hardware infrastructure and the costs required for the development, by means of a subsequent future project (also financed through OPAC), of the enhanced and extended ECRIS application, so as to correspond to the latest requirements of the judiciary system, both technologically (e.g., improving the architecture of the application) and functionally (e.g., data flow, including for judicial statistics). The partners in this project are the Superior Council of Magistracy, the Prosecutor’s Office attached to the High Court of Cassation and Justice, the National Anticorruption Directorate, the Directorate for Investigating Organised Crime and Terrorism, Bucharest Court of Appeal and Bucharest Tribunal, the Judicial Inspection and the National Probation Directorate. The financing contract for the analysis project was signed in November 2017 and its implementation was estimated to cover a period of 18 months.

10. Also, the Ministry of Justice announced the implementation of the necessary steps so as to make the attribute of “hate crime” more detailed, composed of distinct sub-attributes, corresponding to all circumstances regulated by Article 77 letter h of the NRCC, including sexual orientation, in the present ECRIS application.

11. Following internal consultation during 2017, the Prosecutor General’s Office attached to the High Court of Cassation and Justice (POHCCJ) agreed on modifying the collection of statistical data at the level of the Public Ministry; the amendments took into account the need for a breakdown of the attribute of *hate crime* into its sub-attributes. Thus, the collected data starting with 2018 include the following figures: the number of pending cases at the beginning of the reporting period, the number of new cases, the number of finalized cases during the reporting period (broken down by type of solution – indictment or guilty pleas, drop off, closing of a

³ The Criminal Code qualifies as an aggravating circumstance, in its article 77, let. h), the commission of an offence for reasons related to race, nationality, ethnicity, language, gender, sexual orientation, political opinion or allegiance, wealth, social origin, age, disability, chronic non-contagious disease or HIV/AIDS infection, or for other reasons of the same type, considered by the offender to cause the inferiority of an individual from other individuals.

case), number of indicted or accused persons (also pointing the discrimination ground), number of victims. It is to be underlined that the templates require the discriminatory motive to be indicated (race, nationality, ethnicity, language, religion, gender, sexual orientation, political opinion or membership, wealth, social origin, age, disability, noncontagious chronic illness or HIV/AIDS infection, or other circumstances of this kind) for each of the victims.

12. Also, in the PHCCJ's internal micro-statistical mechanism, data regarding the number of victims of female gender, including the number of minors of female gender victims of criminal acts are recorded.

13. Still on the matter of statistical data relating to the legal provisions enacted in the purpose of deterring and combating discrimination, the General Inspectorate of the Romanian Police communicated that inter-institutional consultations were finalized for the unitary mapping of offences and crimes, as enumerated in the Romanian criminal legislation, with the international classification of crimes for statistical purposes (namely ICCS); this unitary mapping was fundamental for restructuring the infrastructure for collecting statistical data by the Romanian Police, as it determines the disaggregation of statistical indicators. The sub-attributes of the attribute of hate crime", detailing the ground for discrimination, will be included when implementing the new ICCS classification in the national statistic system.

14. In the meantime, in a project financed through Norwegian Funds 2014–2021, the GIRP will develop a module within the National System for Reporting Incidents to allow for the introduction (and consequently, the extraction) of statistical data disaggregated on various grounds for discrimination (race, nationality, ethnicity, language, religion, gender or sexual orientation) in the commission of an offence.

15. Moreover, the crimes committed on discriminatory grounds enumerated hereinafter, are mentioned within a distinct heading of the police records, as follows:

- Torture motivated by discrimination (Article 282 § 1 letter d of the RCC);
- Abuse of office through creation of a situation of inferiority based on race, nationality, ethnic origin, language, religion, sex, sexual orientation, political membership, wealth, age, disability, noncontagious chronic illness or HIV/AIDS infection (Article 297 § 2 of RCC);
- Instigation to hatred or discrimination (Article 369 of RCC).

Statistical data

16. According to the data provided by GIRP in relation to domestic violence, the situation in 2017, 2018 and the first five months of 2019 is as follows:

<i>Year</i>	<i>No. of registered on allegedly committed criminal offences</i>	<i>No. of POs issued</i>	<i>No. of PPOs issued</i>	<i>No. of offences of non-compliance with POs*</i>	<i>No. of offences of non-compliance with PPOs*</i>
2017	36 245	2 894	–	1 011	–
2018	38 445	3 775	–	1 424	–
2019	16 585	3 016	3 034	766	236

* Statistical data are available for PPOs only starting with 2019, as the instrument was only introduced in the Romanian legislation in 2018, following the amendments brought to the legal framework on combatting gender-based violence.

17. The total number of cases of domestic violence that requested and benefited from assistance by the social services, centralized during the 2017–2018 period at the level of NAE0, is highlighted as follows:

- In 2017, there were 13,102 cases of domestic violence, of which 1,927 adult female victims and 141 male victims, as well as 11,034 victims who were minors aged 1 to 17 years old;
- In 2018, there were 13,182 cases of domestic violence, out of which 2,149 adult female victims and 172 male victims, as well as 10,861 victims who were children aged 1 to 17 years old.

18. According to the data on the activity carried out by POHCCJ, the number of defendants committed for trial in cases that had as their object facts circumscribed to the domestic violence casuistry is as follows:

- In 2017, there were 1,491 indicted defendants, namely 2,5% of the total number of arraigned persons, as well as 1,766 victims of domestic violence, out of which 794 were under 18 years old;
- In 2018, there were 1,360 indicted defendants, as well as 1,647 victims of domestic violence.

Follow-up information relating to paragraph 19 (b) of the concluding observations

19. Addressing the recommendations formulated by the CEDAW Committee, in response to the requirements imposed by the harmonization of the national legislation with the provisions of the Istanbul Convention, during 2018 and in the first months of 2019, the legislative package containing primary, secondary and tertiary normative acts in the field of preventing and combating domestic violence and violence against women was adopted as follows.

Primary Legislation

20. Law no. 217/2003 on preventing and combating domestic violence was amended and supplemented through Law no. 174/2018; this important normative act was a prerequisite for the implementation of measures under the Public Policies chapter in the Labour and Social Justice, Section 8: “Respect and dignity for women”, of the Government Program for 2017–2020, as well as a necessary basis for supporting the complex attempt at reforming the legislation on domestic violence, essential for the harmonization of national legislation with the provisions of the Istanbul Convention.

21. Beginning with December 2018, pursuant to Art. 22¹⁰ of the republished Law no. 217/2003 on preventing and combating domestic violence, victims of domestic violence can apply for a Provisional Protection Order (in accordance with Art. 52 of the Istanbul Convention).

22. The Provisional Protection Order (PPO) is the central pillar in the new legislative body of provisions that have ensured the harmonization of Romanian national legislation with the Istanbul Convention, as a measure of immediate protection, of administrative nature, which allows law enforcement bodies to quickly intervene in order to protect victims of domestic violence and to remove their aggressors from the home immediately.

23. This protective measure will be applied in cases of imminent danger to the health and safety of victims of domestic violence, a measure different from the traditional Protection Order (PO), which has been regulated at a national level since 2012.

24. Under the current regulation, the law enforcement officer has the right and the obligation to go to the victim's home, to enter it and to issue a PPO immediately, thus removing the aggressor from the home as soon as possible, even if the aggressor happens to be the owner of said property.

25. The following measures targeting the aggressor can also be implemented through a PPO: eviction from home accompanied by the prohibition to return for the entire duration of the PPO, the enforcement of a minimum distance away from the victim (from their home, workplace, school, as the case may be), seizure of keys, weapons. The PPO is a tool which complements the PO, and is issued by the police immediately, with a validity of five days; the PPO is subject to confirmation from the prosecutor's office and, in case the prosecutor confirms the provisional order, it also forward it, accompanied by all the documents having justified its issuance and by a request for a provisional order, to the competent court. In this case, the PPO is automatically prolonged until the issuance of a PO. As such, another benefit for the victim is the automatic transmission of a request for a PO in case of PPO confirmation.

26. Other relevant provisions of Law no. 217/2003, republished as amended through Law no. 174/2018, cover the following:

- Measures to monitor compliance with pos, which can be enforced by the police according to Art. 53 of the Istanbul Convention;
- Measures to prevent the infringement of court-ordered pos according to Art. 53 of the Istanbul Convention;
- Measures to assess risk in cases of domestic violence according to Art. 51 of the Istanbul Convention;
- Measures to ensure appropriate and immediate protection for victims according to Art. 50 para. (1) of the Istanbul Convention.

27. The legislation is also expanding its scope of application by:

- A broader definition of the "family member" concept for the purposes of this law: ascendants and descendants, brothers and sisters, their children, and people who become, by adoption law, such relatives; husband/wife and/or ex-husband/ex-wife; persons who established relationships similar to those between spouses or between parents and children, if they live together; guardian or other person who in fact or in law has rights to the child's person, the legal representative or the individual who is caring for persons with mental illness, intellectual disability or physical disability, except those fulfilling these responsibilities in the exercise of professional duties;
- Regulating the fact that in no way and under no circumstances, custom, culture, religion, tradition or so-called "honour" can be considered as justifying any act of violence against women and men according to art. 42 and art. 121 par. (5) of the Istanbul convention;
- Defining/redefining the concepts of "domestic violence", "violence against women", "victim" and completing the list of definitions of related forms of domestic violence: verbal violence, psychological violence, physical violence, sexual violence (which includes marital rape), economic violence, social violence, spiritual violence.

28. At the same time, the legislation is regulating:

- The obligation of local authorities to maintain databases containing information about services, centres or other forms of support for victims of domestic violence;
- The obligation of the central authorities, namely the ministry of labour and social justice, the ministry of internal affairs, the ministry of foreign affairs, the ministry of national education, the ministry of health, the ministry of regional development and public administration and the ministry of justice, to prepare

and make available documentary materials tackling the prevention of domestic violence and violence against women;

- The inclusion in the teaching material of issues such as the equality between women and men, non-stereotypical gender roles, mutual respect, non-violent conflict resolution in interpersonal relationships, tailored to the capacity and development of students, in the formal curriculum and in all levels of education according to the provisions under art. 14 para. (1) of the Istanbul convention;
- A broader sphere of social services available for victims and perpetrators of domestic violence and violence against women, such as hotline services, according to art. 24 of the Istanbul convention, directive 2012/29/eu, centres for victims of sexual violence, according to art. 25 of the Istanbul convention, directive 2012/29/eu, protected housing, according to art. 77 para. (2) c) of law no. 292/2011 and assistance centres for aggressors, according to art. 16 of the Istanbul convention;
- The obligation of local authorities to ensure the establishment and functioning of social services in an adequate geographical distribution to the needs identified, to ensure access to social services and assistance to all victims subjected to forms of violence under this law, according to art. 22 and 23 of the Istanbul convention and regulating the correlative offenses and sanctions associated to breaching this requirement;
- The responsibility of local authorities for an in-depth/genuine knowledge of the problem and for allocating an adequate budget to meet the needs of the beneficiaries.

29. Law no. 178/2018, amending and supplementing Law no. 202/2002 on equal opportunities and equal treatment between women and men, introduced the definition of gender violence, according to art. 3 (d) of the Istanbul Convention, and contains statutory provisions on the occupations of equal opportunities expert and of equal opportunities technician, including their main attributions.

Secondary legislation

30. Secondary legislation contains:

(a) Governmental Decision no. 365/2018 regarding the approval of the National Strategy on promoting equality between women and men and on preventing and combatting domestic violence for the 2018–2021 period and the approval of the Operational Plan regarding the implementation of the national strategy on promoting equality between women and men and preventing and combating domestic violence for 2018–2021;

(b) Governmental Decision no. 877/2018 concerning the adoption of the National Strategy for Sustainable Development of Romania in 2030;

(c) Governmental Decision no. 262/2019 approving the detailed implementing provisions for Law no. 202/2002 on equal opportunities and equal treatment between women and men;

(d) Governmental Decision no. 476/2019 amending and supplementing the detailed implementing provisions for Law no. 197/2012 aimed at ensuring the quality in the social services, enforced through Governmental Decision no. 118/2014 and Governmental Decision no. 867/2015 towards the approval of the nomenclature of social services, as well as that of the organizational and legal framework for the functioning of social services.

Tertiary Legislation

31. Tertiary Legislation contains:

(a) Order no. 146/2578/2018 of the Ministry of Internal Affairs and the Ministry of Labour, Family and Social Justice regarding the management of domestic violence by law enforcement officers, also regulating the issuance of protection orders, as a matter of urgency;

(b) Order no. 28/2019 of the Ministry of Labour, Family and Social Justice, approving the minimal quality standards for the accreditation of social services for the prevention of domestic violence;

(c) Order no. 2525/2018 by the Ministry of Labour, Family and Social Justice approving the procedure for emergency response in cases of domestic violence;

(d) Order no. 2524/2018 by the Ministry of Labour, Family and Social Justice approving the methodology created for the participation in special counselling programs organized by public or private specialist services.

32. For the period 2019–2022, the National Agency for Equal Opportunities for Women and Men (NAEO) is implementing the project “Support for the Implementation of the Istanbul Convention in Romania”; the project is financed through the Norwegian Financial Mechanism 2014–2021, within the “Justice” programme managed by the Ministry of Justice of Romania, at a total value of 2,500,000 euros.

33. The project represents a strategic approach aimed at supporting the Romanian public authorities to take coordinated action in addressing the challenges posed by the Istanbul Convention’s implementation, the main objective of the project being to reduce domestic violence and violence against women. The project is focused on: the development of at least 10 crisis centres for cases of rape and 8 support centres for aggressors at regional level, the improvement of interinstitutional intervention tools, the elaboration of standardized tools and uniform methodologies for social service providers dealing with victims of domestic violence, as well as the development of campaigns to prevent domestic violence and violence against women.

34. The project’s major objectives include elements of women’s protection within ethnic minorities such as Roma women and propose measures aimed at changing social attitudes against women from the Roma minority, such as:

(a) Improving the methods of institutional intervention in the judiciary, including within the law enforcement bodies. Several multidisciplinary training sessions will be organized for a total of 250 judges, prosecutors, police officers and forensic experts on the key elements of approaching cases of domestic violence and violence against women, taking into account the particularities of ethnic minorities such as the Roma women;

(b) Supporting social services specializing in the prevention and combating of domestic violence and gender-based violence, thus developing standardized toolkits and uniform methodologies for social service providers dealing with victims of domestic violence and violence against women. Training sessions will be organized locally for social services providers.

35. The training will also contain a module aimed at teaching methods of non-discrimination of Roma women.

36. The project also aims at carrying out campaigns to prevent domestic violence and violence against women, including campaigns at regional and local levels to inform and raise awareness on the issue of gender violence, particularly to combat gender stereotypes and change attitudes regarding Roma women.

Follow-up information relating to paragraph 21 (a) of the concluding observations

37. In 2018 the Governmental Decision no. 861 approved the National Strategy against human trafficking for the 2018–2022 period and the National Action Plan for implementing the National Strategy for a two year period.

38. The existing statistics on the situation of victims of trafficking in Romania, highlighting the existence of certain vulnerabilities, and including data on gender, were taken into account in determining the specific measures and actions. The activities that were planned and the involvement of institutions with expertise and know-how in providing specialized services or assistance to certain vulnerable groups sought to consolidate an effective cooperation mechanism when working directly with the victims of violence, respectively to identify specific needs for support and to implement appropriate measures, as well as to monitor and to continuously adapt the approach to interventions by following the evolution of the phenomenon and the particular cases highlighted in practice.

39. Benefitting from a legislative framework that incorporates the European and international standards, the Strategy is developing the preventive pillar, not only by raising awareness within the general public and the identified groups of vulnerable persons, but also by concrete socio-economic measures to reduce the vulnerability to trafficking. As such, the Implementation Plan proposes informal training sessions for pupils and students, training courses for persons pertaining to vulnerable groups and incentives for economic agents hiring trafficking victims but also stricter monitoring of the economic activities where the workforce is highly fluctuating (e.g.: constructions, agriculture, wood industry, tourism). At the same time, the Implementation Plan stipulates between the measures to be taken the timely identification, at the local community level, of children at risk of being trafficked to whom the support forms as listed in the legal acts should be given. The coherent and qualitative assistance for victims of human trafficking is another goal of the Strategy, and guidelines for an integrative and uniform application of legal provisions on victims' assistance and protection will be developed.
