

## Short report regarding CEDAW review

### Context 2006-2012:

On the 26th of November 2009, in the Romanian Official Gazette the Governmental Decision no. 1385/2009 was published, which abolished the National Agency for the Protection of the Child Rights (NAPCD) and the National Agency for the Protection of the Family (NAPF), presented as a measure of the Romanian Government for “the rationalization of public expenditures, supporting business environment and respecting the accords made with the European Commission and International Monetary Fund” (H.G. nr. 1385/2009). Also, the Pilot Centre for Counselling and Protection for the Victims of Domestic Violence from the subordination of NAPF was abolished and the National Authority for Family Protection and Children’s Rights (NAFPCR) was established and shouldered the responsibilities, objectives, functions and attributions of the former abolished institutions. Through the Governmental Decision no. 1385/2009, several important objectives were eliminated: supporting victims through health recovery and social reintegration programs; counselling aggressors through rehabilitation treatments; protecting victims –especially minors – through identity confidentiality and psychological protection measures taken during the juridical case (Art. 2. – lit. c, d) and e) din H.G. 1624/2003). Until it’s dissolution the NAPF had as main attributions to coordinate and control services (shelters, judicial psycho-social counselling, emergency medical services), to operat an emergency telephone number and to some extend to cover expenses with the forensic certificates for the victims of domestic violence (Art. 10 din H.G. 1624/2003), but these attributions were no longer available in the NAFPCR responsibilities. After the abolishment of NAPF, data regarding the number of adult victims of family violence disappeared and the activities of the new Governmental Agency where centered on child protection.

### Introduction of the protection order in the legislation – Key Issues

In May 2012, the **protection order** was introduced in the Law no 217/2003 and the [Informal Network for Preventing and Combating Violence against Women](#) started to monitor the requests for protection orders made by victims and also the implementation of the protection orders issued. The facts ascertained are:

- Only the juridical courts can issue a protection order, after the victim completed a standard request and provided evidence like forensic medical certificate, penal complaint registered to the police and two witnesses that are not related with the victim. Courts demands are not coherent all over the country.
- From 2453 requests for protection order made from May 2012 to September 2013, the courts accepted only 44% of them. Out of the total number of requests 91% were made by women victims, which is an important indicator that family violence is a feminized phenomenon.
- From January 2012 to September 2013, **139.365 cases of family violence** were registered and identified through the emergency number 112. There is an enormous difference between the cases registered through 112 and the requests for protection order, which highlights the fact that many victims don’t know their rights or they do not believe that the authorities will protect them.
- The national average duration of a trial for obtaining a protection order was of **33 days** (this count starts from the registration of the request at The Court, not from the moment of the aggression), but there where particular cases where the protection order was issued after **175 days from the registration of the request**, so the emergency principle stated in the legislation was not respected.
- The victim do not benefit of immediate protection against the aggressor after an abuse. If she cannot go to a shelter or a relative, she has to continue to live with the aggressor. In June 2013 there were **14 counties out of 42 administraitve units (41 counties and Bucharest) without any shelter for victims of family violence**. If a victim has the residence in one county where is no shelter, she cannot go to a public shelter from another county because the expenditures are allocated through local councils and they do not cover expenditures with victims across the limit of the respective county. In 2013 **only 590 women** could have been accommodated in all shelters from Romania.
- Some police officers discourage victims to make complaints by telling them that most of the victims withdraw their complaints, that the aggressor is the father of their children and maybe the women does not want to put the father in jail so, they should think very well if they want to press charges.
- If the victim withdraws her complaint from the police, the police investigation stops. Although in the Law no 217/2003 is stipulated that the prosecutor may initiate proceedings for investigating an aggressor of family violence even in cases when according to the criminal law the complaint of the victim is necessary, there were no investigations registered that we know of made by prosecutors *ex officio*.
- There were cases of protection order where judges established a minimum distance between the aggressor and the victim of 1,5 meters, 2 meters or 3 meters, distance that could not guarantee the protection of the victim, nor could it be monitored by police officers.

→ On the bases of the responses send by 24 County Police Inspectorates, there were 338 protection order registered in their institution, from which 81 where trespassed, but **only in 5 cases** the aggressors were investigated under the criminal code.

→ There is an extreme problem in regards to sanctioning aggressors because, although there are many aggressors that trespass the protection order and abuse again the victim, not all of them are investigated under the criminal law and most of them receive an alternative sentence which does not include an obligation to participate in some form of educational or counselling program. Also, although the aggressor attacked the victim under the protection order, he is not in preemptive custody during the criminal investigation.

→ In practice, the police officers do not monitor the protection orders due to the lack of procedures. The Ministry of Internal Affairs should have issued these procedures by December 2014. Until the present date the procedures do not exist. The only way to monitor the protection order is the victims to call the police station or 112 to announce when the aggressor is breaching the protection order.

→ Police Inspectorates do not collect data segregated by gender regarding family violence. The Police Inspectorates collect date regarding family violence between relatives up until the 4<sup>th</sup> grade. They do not collect data that would indicate all types of the relationship between the victim and the aggressor and we cannot understand how many cases of family violence take place between partners (intimate partner violence).

→ From October the 1<sup>st</sup> 2013 to September the 30<sup>th</sup> 2014, 3088 requests for protection orders were registered in the courts and 40% of them were admitted. Also, women made 91% of the requests.

→ The violence in the family is not a crime in Romania. In the new Criminal Code family violence is only an aggravating circumstance.

→ General Police procedures concerning public order are secret in Romania. While we can understand why a part of these procedures must be classified, the general public must have an easy accessible document to know what are the obligations and the rights of the citizen in relationship with the law enforcement officers.

→ There is little effort overall towards holding perpetrators accountable. From the social, community and family attitudes of blaming the victim and finding excuses for the aggressor, to the measures adopted by the Romanian authorities (Police, Prosecutors, Judges, Social Assistance, Medical Forensic Doctors), the aggressors understand that violence against women is something usual and permitted.

→ protection orders are limited to family violence and cannot be obtained by victims of other forms of violence against women

#### **Access of victims of violence to specialized services - Key issues**

→ Romania does not have any rape crisis centers for victims of sexual violence, nor public services for counselling victims of sexual violence with professionals trained in this area.

→ Access to the state-run shelters is limited to victims of family violence and requires identification papers and forensic proofs of the violence suffered.

→ Responsibility to fund specialized services is limited to family violence, is placed with the local authorities and although it is mandatory under the law the local authorities did not take the necessary measures .

#### **Questions for the Romanian Government**

→ Do Police Inspectorates have procedures for implementing and monitoring protection orders? Are they available to the public? How can a victim know that the police officer did his or her job in order to protect her if the procedures are not available?

→ What is the budget allocated by local councils specifically for services for *adult* victims of family violence? How many public shelters were closed or established from 2006 until 2016?

→ In the curricula of police officers, judges, prosecutors, social workers faculty courses is there a module on preventing and combating violence against women, gender stereotypes, victim blaming, culturalization of violence, deconstruct prejudices about violence, about ethnicity of victims or aggressors?

→ Do women from rural area, illiterate women, poor women, women with disabilities have access to justice? How? The request for protection order has 4 pages that have to be completed by the victim if the juridical counselling is not available. Also, a victim has to go to the Medical Forensic Institute from her or his county located in the capital city of the county in order to obtain a certificate, so the victim has to pay for transport and also for the certificate when they are also victim of economic violence.

→ How do Romanian authorities ensure immediate access to safety and protection to un-documented Romanian or migrant women victims of violence?

