ROMANIAN INSTITUTE FOR HUMAN RIGHTS

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**1. On the existence, or progress in the creation, of a national femicide watch and/or femicide observatory and/or observatory on violence against women with a femicide watch role; observatories at Ombudspersons’ office or Equality Bodies; academic institutions and/or NGOs, or any plans to create one:**

In Romania, femicide is not regulated as an independent crime in domestic law. But in view of the cross-cutting nature of other serious offenses, it may constitute an aggravating circumstance under Article 199[[1]](#footnote-1) of the Criminal Code. [[2]](#footnote-2)

The national institutions, Academia, human rights equality bodies and NGOs dealing with women rights protection and combating violence are the following:

**The National Agency for Equal Opportunities between Women and Men (ANES)** coordinates the implementation of the Council of Europe Convention on preventing and combating violence against women and domestic violence.

**The Romanian Police** monitors the observance of the protection orders and the provisional protection orders by aggressors. The police officer undertakes permanent checks[[3]](#footnote-3) on the victim.

**The Romanian Observatory for the Analysis and Prevention of Murder (ORAPO**)[[4]](#footnote-4) **monitors** and **analyzes** the phenomena of violence and femicide. ORAPO studies the etiology and effects of violence with lethal risk, aiming to reflect a correct perspective on the profile of the victim and the aggressor. The research consists in data analysis on the evolution of various types of murder in Romania[[5]](#footnote-5) .

**People’s Advocate institution – Office of the Ombudsman** analyzes relevant legislative aspects, national and international trends, drawing conclusions from statistics and information gathered from national authorities with competences in combating violence and hate speech.

**Romanian Institute for Human Rights (RIHR)**

In accordance with its mandate, RIHR promotes the observance and protection of women's rights through research, training, information and advocacy. Since 2017, the Institute has set up a working group in the field of women's rights and the fight against all forms of violence against women, including against the most serious of these manifestations (femicide). One of the results of the working group activity is the recent study *Women's Rights, A life without violence is the right of every woman*[[6]](#footnote-6).

**The network for preventing and combating violence against women** is an informal structure without legal personality, bringing together a number of 19 non-governmental organizations[[7]](#footnote-7) active in the field of promoting women's rights, protecting victims of gender-based violence and combating gender discrimination. The network has drawn the attention of the authorities and the general public to femicide cases.

**2**. **On other measures including research and studies undertaken to analyze femicide or gender related killings of women and girls, or homicides of women by intimate partners or family members and other femicides. If available, please share a copy of such studies.**

Two recent **ORAPO** research studies on femicide were undertaken by researcher Ecaterina Balica[[8]](#footnote-8) - (1) *Femicide in the Romanian immigrant communities*[[9]](#footnote-9) and (2) *Young intimate femicide in Romania. Incidence and risk factors*[[10]](#footnote-10).

During the lockdown measures, doctors at emergency hospitals noted an alarming increase in domestic violence, according to the study “*Polytraumas during the COVID-19 pandemic: an increase in domestic violence*. [[11]](#footnote-11) The research was conducted by a team of doctors from the **University of Medicine and Pharmacy “Carol Davila”** and four other emergency clinical hospitals in Bucharest[[12]](#footnote-12).

The authors analyzed the cases of all polytrauma patients who were hospitalized at emergency units between March 16 and June 15, 2020. It was found that cases of domestic violence were on average with 4.3 more numerous than in the non-pandemic period.

**Sensiblu Foundation (Adpharma)** has conducted research on the level of awareness of digital risks and knowledge of protection measures, both among professionals in services for survivors of sexual and gender violence, and in those affected. The research was conducted between November and December 2020, within the TECH-WISE, RISK-FREE[[13]](#footnote-13) project. The respondents to this study were: 103 specialists and 70 survivors of some acts of violence.

**3. On the results of analysis of femicide cases, including the review of previous *court cases* and recommendations and actions undertaken in this respect.**

The issue of violence against women in Romania is addressed in the case law of the European Court of Human Rights.

In the case of **E.M. v** **Romania** [[14]](#footnote-14) the Court found a violation of Article 3 of the Convention in the context of the passivity of national public authorities regarding investigation of acts of violence, stating that the appropriate steps were not taken in support of the applicant’s allegations.[[15]](#footnote-15)

Similarly, in the case of **Bălșan v Romania**[[16]](#footnote-16), the unresponsiveness of the national authorities in investigating the causes of domestic violence represented a corroborated violation of Articles 3 and 14 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

In the **Buturugă case v Romania**[[17]](#footnote-17), the authorities did not investigate a case of domestic violence, on the grounds that “the threat was not serious enough”. Among other things, this case recognized cyber-violence as part of domestic violence.

**4**. **On concrete measures taken to improve support to victims of violence and to prevent femicide, (risk assessment, efficiency of protection orders), in connection with the information gathered via femicide watches or observatories.**

The latest regulations in national legislation in support of the effective fight against violence against women:

**Law no. 35/2017 on supplementing. 23 of Law no. 217/2003 for the prevention and combating of domestic violence** [[18]](#footnote-18)provides the obligation of the aggressor to appear periodically at the time interval established by the court at the police station that supervises him.

**Law no. 174/2018**[[19]](#footnote-19)  **on amending and supplementing Law no. 217/2013 for the prevention of combating domestic violence** provides that the provisional protection order may be issued and signed by the police officer on duty.

**Law no. 212/2019**[[20]](#footnote-20) **amended art. 30 paragraph (1) of Law no. 217/2003 for preventing and combating violence**, granting the victim the right to appeal in court the judge’s rejection of the issuance of a protection order.

The Romanian Parliament approved on **November 5, Law no. 233/2020** whereby the criminal investigation may be initiated *ex officio* in cases of domestic violence even if the victim decides not to file a complaint. The Law amends Article 199 paragraph (2) of Law no. 286/2009 on the Criminal Code.[[21]](#footnote-21)

The increase in violence during the COVID-19 pandemic has led to a partial change in legislation and the adoption of **Law 183/2020[[22]](#footnote-22)**.The aggressor who violates the protection order can be sentenced to between 6 months and 5 years in prison. The provisional protection order can be issued on the spot by the Police for 5 days, while the judge can issue a protection order with 6 months validity.

On April 21, 2021, **the draft law on electronic monitoring in judicial and executive criminal proceedings was unanimously adopted**[[23]](#footnote-23). The project supports victims of domestic violence through the establishment and implementation of the Electronic Monitoring Information System. The electronic surveillance devices enable generating alerts, as well as data protection measures.[[24]](#footnote-24)

**5. On good practices and challenges in implementing an evidence-based response to the prevention of femicide.**

The Romanian Police in partnership with “Necuvinte” Association launched the campaign Broken Wings to prevent domestic violence and to inform the public about the consequences of the abuse in couple. [[25]](#footnote-25).

The National Agency for Equal Opportunities between Women and Men launched the project “VENUS - TOGETHER FOR A SAFE LIFE!” to combat domestic violence, improve and develop social measures and services for victims by creating and developing an innovative network of shelters and safe housing, support groups, counseling and vocational training.

**6. On data, if available, on femicides or intimate-partner and family-related homicides of women and men in the past 3 years, including during the Covid-19 pandemic (indicating the time e.g. since March 2020 to the end of December 2020) and its comparison with such data before the COVID-19 pandemic.**

According to the information available on the Romanian Police [[26]](#footnote-26) website, in the category of serious crimes committed with violence in 2018 262 murders were committed, 1320 cases of culpable homicide, 47 fatal blows. In the category of other violent crimes, there were 70,341 beatings or other forms of violence. In 2019, 244 homicides were registered, 1158 cases of culpable homicide, 44 fatal blows. In the category of other violent crimes, there were 75,809 cases of beatings or other forms of violence. During 2020, there were 251 crimes of murder, 1182 cases of culpable homicide, 53 fatal blows, and 66,716 beatings or other forms of violence. The increase in domestic violence, from one year to another, can also be noticed from the number of issued protection orders.

No gender-disaggregated data are available.

1. Offenses committed against a family member – as provided in paragraph 1: “If the acts referred to in Article 188 - murder, Article 189 - aggravated murder and articles 193-195 - hitting or other violence - beatings or injuries causing death are committed on a family member, the special maximum of the punishment provided by law is increased by a quarter”. [↑](#footnote-ref-1)
2. Law no. 286/2009 on Criminal Code of 17 July 2009, published in the Official Journal no. 510 of 24 July 2009, art. 199 (1) –Domestic Violence. [↑](#footnote-ref-2)
3. Such as: home visits, gathering information from neighbors and from the victim's service, or from the school of the victim's child, depending on the respective case. [↑](#footnote-ref-3)
4. Romanian Observatory for the Analysis and Prevention of Murder is a research entity that operates within the Institute of Sociology of the Romanian Academy. [↑](#footnote-ref-4)
5. These include characteristics of victims and aggressors, modus operandi, geographical distribution of murders. [↑](#footnote-ref-5)
6. Institutul Român pentru Drepturile Omului, Drepturile Femeilor, “O viață fără violență este dreptul fiecărei femei” editura IRDO, București, 2019, <http://irdo.ro/irdo/pdf/Drepturile%20Femeilor.pdf> [↑](#footnote-ref-6)
7. Asociaţia TRANSCENA, Bucureşti Asociaţia Femeilor Împotriva Violenţei ARTEMIS, Cluj-Napoca, Fundaţia SENSIBLU, București, Asociaţia GRADO - Grupul Român pentru Apărarea Drepturilor Omului, Bucureşti, Fundaţia Centrul Parteneriat pentru Egalitate, Bucureşti, Asociatia pentru Libertate şi Egalitate de Gen, A.L.EG., Sibiu, Asociaţia Centrul de Dezvoltare Curriculară şi Studii de Gen: FILIA, Bucureşti Asociaţia FRONT, Bucureşti, Asociaţia ANAIS, București, E-ROMNJA - Asociatia pentru Promovarea Drepturilor Femeilor Rome, București, Institutul Est European pentru Sănătatea Reproducerii – IEESR, Tg Mureş Fundaţia Centrul de Mediere şi Securitate Comunitară - CMSC, Iasi PAS ALTERNATIV, Braşov Asociaţia pentru Promovarea Femeilor din România, Timişoara Societatea Doamnelor Bucovinene, Suceava Asociația ATENA DELPHI, Cluj-Napoca Asociaţia „Victorie Împotriva Violenţei, Abuzului şi Discriminării – V.I.V.A.D.” Cluj-Napoca Asociația SEVA - Șanse egale – Valoare – Autoritate, Suceava Asociația SPICC - Solidaritate, Participare, Incluziune, Comunicare, Cooperare, Timișoara Asociatia Quantic, București Asociația Femeilor universitare, București Asociația de psihologie și terapie „All for Family” – Constanța Asociația Viitor Integritate Succes (VIS) – Constanța Asociația Psihosfera – Brașov. [↑](#footnote-ref-7)
8. Principal investigator at the Institute of Sociology of the Romanian Academy, Laboratory of violence and crime. Mediation and prevention: [↑](#footnote-ref-8)
9. Ecaterina Balica, *Femicidul în comunităţile de imigranţi români*, “Revista română de sociologie”, serie nouă, anul XXIX, no. 1–2, Bucureşti, 2018, pp. 83–99. [↑](#footnote-ref-9)
10. Ecaterina Balica, *Young intimate femicide in Romania. Incidence and risk factors*, Anthropological researches and studies no. 8, 2018, București, pp. 15-24. [↑](#footnote-ref-10)
11. Romanian Journal of Emergency Surgery, Vol.2, No. 1, 2020 “Politrauma during Covid-19: An Increasing Incidence of Domestic Violence” <http://www.rojes.org/index.php/rojes/article/view/20/11> [↑](#footnote-ref-11)
12. St. Pantelimon Hospital, surgery department, “Floreasca” Hospital, Prof. Dr. “Agrippa Ionescu” and the “Bagdasar Arseni” hospital). [↑](#footnote-ref-12)
13. Research on cyber violence (which can lead to serious forms of violence) 22 March 2021 https://issuu.com/fundatia\_sensiblu/docs/rezultate\_survey\_tech-wise. [↑](#footnote-ref-13)
14. *E.M.vs. Romania* (complaint no.43994/05), decision Strasbourg 30 October 2012, final as of 30 January 2013. [↑](#footnote-ref-14)
15. Fișă tematică-Violența în familie, January 2018,

    <https://www.echr.coe.int/Documents/FS_Domestic_violence_RON.pdf>, accessed on 24 April 2021, 23:40 p.m. [↑](#footnote-ref-15)
16. *Bălșan vs. Romania* (complaint no. 49645/09), Strasbourg decision, 23 May 2017. [↑](#footnote-ref-16)
17. *Buturugă vs. Romania* (complaint no. [56867/15](https://hudoc.echr.coe.int/eng#{"appno":["56867/15"]})), Strasbourg decision, 11 February 2020, final as of 11 June 2020. [↑](#footnote-ref-17)
18. Law no. 35 of 27 March 2017on supplementing art. 23 of Law no. 217/2003 for preventing and combating domestic violence published in the Official Gazette no. 214 of 29 March 2017. [↑](#footnote-ref-18)
19. Law no. 174 of 13 July 2018 on amending and supplementing Law no. 217/2003 for prevention and combating domestic violence published in the Official Journal on 18 July 2018. [↑](#footnote-ref-19)
20. Law no. 212 of 11 November 2019 on amending para (1) of art. 30 of Law no. 217/2003 for preventing and combating domestic violence, published in the Official Journal no. 912 of 12 November 2019. [↑](#footnote-ref-20)
21. Article 199 of Law no. 286/2009 on Criminal Code, published in the Official Journal Part I, no. 510 of 24 July 2009 with amendments and further completions para (2) it is amended with the following content: “(2) in case of crimes provided in Art 193 and 196 committed against aa family member, the criminal prosecution can be initiated *ex officio*”. [↑](#footnote-ref-21)
22. Law no.183 of 19 August 2020 on amendment of Law no. 217/2003 for the prevention and combating of domestic violence, (article 32)*,* published in the Official Journal no. 758 of 19 august 2020. [↑](#footnote-ref-22)
23. <http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=18459>. For additional information see also <http://www.cdep.ro/pls/proiecte/upl_pck2015.proiect?cam=2&idp=18459>, [↑](#footnote-ref-23)
24. According to data presented on the site: <https://www.agerpres.ro/viata-parlamentara/2021/04/21/deputatii-au-adoptat-proiectul-privind-monitorizarea-cu-bratari-electronice-in-cadrul-procedurilor-judiciare-si-executional-penale--700683>, accessed on 26 April 2021, 12:36 p.m. [↑](#footnote-ref-24)
25. According to the data presented on the website <https://www.politiaromana.ro/ro/prevenire/campanii-proiecte/campania-de-prevenire-a-violentei-domestice-aripi-frante>, accessed on 25 April 2021, 9:11 a.m. [↑](#footnote-ref-25)
26. <https://www.politiaromana.ro/ro/utile/statistici-evaluari>, accessed on 25 April 2021, 10:15 a.m. [↑](#footnote-ref-26)