

VOCIARE

ROMANIA

NATIONAL REPORT



**Victims of Crime
Implementation Analysis
of Rights in Europe**



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Victims of Crime
Implementation Analysis
of Rights in Europe

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AUTHOR

ALEXANDRA COLUMBAN

DISCLAIMER

All views expressed in the present report are those of the authors and not of the European Commission. Most findings of the report are based on the research conducted by national researchers, between June 2018 and March 2019, and any inaccuracies in the interpretation of national results lays with the authors of the present report only. Additional support research, in particular regarding international experiences, was conducted by the authors of the present report.

The findings compiled in the present report represent, to the best of authors' abilities, the current situation of the practical implementation of the EU Victims' Rights Directive. Given its scope and ambition, authors are aware that some elements may be inaccurate or out of date. However, it was still important to offer the first overall picture, even if incomplete, of the practical implementation of the Directive, to inform future work of Victim Support Europe, its members and the policy initiatives at the EU and national level. Future efforts will be plan to improve the findings and provide a more detailed analysis of key rights defined in the Directive.

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EXECUTIVE SUMMARY

Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (the Victims' Directive) is to date the most comprehensive binding legal tool to guarantee that all victims of crime in the European Union, regardless of their nationalities, are provided with the information, protection and support services they need. The Directive lays out concrete measures so that victims of crime and their relatives are treated in a non-discriminatory manner and based on an individual assessment of their needs, while also taking into account their wishes. The Directive radically changes the approach of many justice systems in Member States by placing victims and not offender at the centre of the criminal proceedings.

Nevertheless, the transposition and practical implementation of the Directive are challenging and involve coordinated state and private efforts. The present report analyses the transposition and practical implementation of the Victims' Directive in Romania, identifying gaps, challenges and good practices and issuing recommendations to competent authorities.

Although Romania has, to a large extent, transposed the Directive into national legislation, several of its articles are still in draft form and have not yet been transposed. In addition, there are significant issues with the Directive's practical implementation. This has led the European Commission to open an infringement case against Romania in January 2016¹.

As the present report demonstrates, Romania has only partially transposed Articles 3, 8, 9, 12, 13, 20, 21, 23 and 25, while Articles 19, 22 and 26 of the Victims Directive have not been transposed.

Nevertheless, quantitative and qualitative research has shown significant discrepancies between the legal framework and the actual exercise of victims' rights in Romania. Gaps remain concerning the access of victims to support services, the protection of victims with special needs and the training of professionals, which are due to insufficient resources, inexistent or poorly distributed support services across the country, and lack of a legal and procedural framework for protection measures for certain vulnerable groups.

More specifically, as detailed in the report, there is need for Romania to develop **generic support services** for victims of crime, as the country is among the 8 EU states that do not currently have such services. Although Romanian legislation clearly specifies that competent authorities are under the obligation to inform victims of crime of their rights from their first contact, in practice this rarely happens. In addition, there is a scarcity of cooperation and referral mechanisms between state institutions and victim support organisations, which severely limits victims' access

¹ European Commission, Infringement decisions: EU Directive 29/2012. Infringement no. 20160142

to such services. Specialised support services (such as shelter, psychological counselling, legal assistance) are offered either by the state-run Social Services (General Directions for Welfare and Child Protection and Public Services of Social Assistance) or by NGOs. However, they are insufficient, oftentimes inadequate and poorly distributed geographically². In addition, these services are usually limited to children victims of abuse and neglect, victims of domestic violence and of human trafficking.

Moreover, **psychological counselling** provided by the state, through the Probation Services, which is a right granted to victims of crime appears to be inexistent in reality. Free psychological counselling may also be accessed by victims through various NGOs and through Social Services, but their outreach is limited. Furthermore, while Romania has made progress on the **victims' right to protection** by introducing in 2012 the protection order, this instrument is still, to a considerable extent, inefficient, as sanctions are rarely applied if the offender violates the protection order. There is also a systematic failure of the police to intervene in cases of domestic violence and violation of protection orders, which perpetuates a culture of impunity for aggressors. In addition, this instrument may only be accessed by victims of domestic violence, although victims of gender-based violence, including sexual violence and trafficking, committed by a non-family member may be equally prone to abuse and retaliation.

Although it is essential for the protection of victims, **the individual assessment of victims to identify specific protection needs** is not carried out by judicial authorities. The Code of Criminal Procedure (hereinafter, CCP) states that certain categories of victims are presumed to be vulnerable, including victims of violence, children, victims of hate crime and human trafficking, but does not specify an obligation to tailor protection measures, which leaves victims vulnerable to abuse and intimidation from the offender.

With regard to **victims' right to information** from the first contact with a competent authority, as well as about their case throughout the criminal proceedings, there is a lack of regulations and measures to ensure that victims are indeed informed about their rights and role in the proceedings and that they understand the information.

As for **the protection of privacy** of victims of crimes during criminal proceedings, although court trials for crimes involving violence are usually not public and the press or mass media is not granted permission to film inside courtrooms, less attention is paid to protecting the identity of victims, unless they are extremely vulnerable (are under 14 years old or are victims of network of human trafficking). Many times, the names of victims of crime are published on court portals and

² For instance, 71% of shelter places for victims of domestic violence were missing in Romania in 2014 and there are currently only 5 functional centres for victims of human trafficking, of which several are not hosting any victim. Women Against Violence Europe (WAVE), (2015), WAVE Report 2014. Specialised Women Support Services and New Tools for Combatting Gender-Based Violence in Europe, p. 71.; Grădinaru, C. (2015), Analiza serviciilor de asistență a victimelor traficului de persoane. Studiu Social Calitativ [The Analysis of Support Services for Victims of Trafficking in Human Beings. Social Qualitative Study], Bucharest, pp. 18-23.

on the doors of courtrooms, with little regard to their privacy.

Nevertheless, there are **good practices** with regard to the practical implementation of the Victims' Directive in Romania. There is, for example, compliance with Article 7 regarding the right to interpretation and translation, which is generally ensured to victims who do not speak or understand Romanian. Interviews with victims and the drafting of statements is done with the help of certified interpreters and translators, registered with the Ministry of Justice, and, in urgent situations when delays would pose a threat to the proceedings, with the help of other individuals who speak the victim's language, sometimes staff of Embassies or Consulates. Another identified good practice is a special interview room in Cluj-Napoca for children victims of crime, which aims to reduce the risk of secondary victimisation by only interviewing the child once and recording his/ her statement to be used as proof during the criminal proceedings. The third good practice refers to an efficient cooperation and referral mechanism between public and private entities in Târgu Mureș regarding domestic violence victims³. Last but not least, a good practice related to Article 13 of the Directive, the right to legal aid, is a pro bono legal aid programme run by a human rights NGO, Equality and Human Rights Action Centre (ACTEDO)⁴, whose aim is to facilitate the access to justice of vulnerable groups, including victims of crime.

Importantly, the author of the report, on behalf of ACTEDO, issues certain **recommendations** to Romanian stakeholders that could support positive change at a national level regarding victims' rights. Apart from specific amendments to Romanian legislation, concrete measures are proposed to bring victims to the centre of the judicial system. These include more interdisciplinary **training programmes** for professionals that come in contact with victims of crime – police officers, prosecutors, judges, attorneys, as well as representatives of victim support organisations, psychologists and social workers – who should come together to ensure an efficient, multifaceted intervention. In addition, in order for Romania to be compliant with the provisions of the Victims' Directive, more efforts need to be channelled into improving **cross-sectorial cooperation and referral**, which would not only encourage the exchange of good practices between public and private actors, but also ensure a more efficient response to victims' needs. Last but not least, the present report makes recommendations on the **allocation of funding** in order to ensure that victims of crime receive the information, protection and support they need. This includes actively supporting victim support organisations, increasing the annual budget for public legal aid, regulating and removing restrictions to the practice of pro bono lawyering, supporting capacity building activities, as well as financing national programmes aimed at reducing violence and supporting victims.

³ In Târgu Mureș, a victim support organisation (The East Europe Institute for Reproductive Health) runs a shelter for victims of domestic violence, while also closely cooperating with the county hospital, the police and the Social Welfare and Child Protection Services, who all refer victims to the NGO. In addition, the hospital has staff that is trained to work with victims of domestic violence and the NGO runs a cross-sectorial intervention group that analyses each domestic violence case from multiple perspectives, including legal, social and psychological, and creates personalised action plans.

⁴ ACTEDO is a human rights NGO based in Cluj-Napoca, Romania, whose mission is to promote fundamental rights and gender equality. The Pro Bono Network for Human Rights, coordinated by ACTEDO, is a clearinghouse which connects vulnerable individuals faced with human rights violations with pro bono attorneys throughout the country. For more information, go to www.actedo.org.

INTRODUCTION

The present report analyses the transposition and practical implementation of the Victims' Directive in Romania, while also identifying gaps, challenges and good practices and issuing recommendations to competent authorities. It is part of the project *VOCIARE - Victims of Crime Implementation Analysis of Rights in Europe*, co-funded by the European Commission under the Justice Programme of the EU, and it is one of the 26 national reports analysing the transposition of the Directive in all EU Member States, with the exception of Denmark and the United Kingdom.

The present report was created in three stages: desk research, the development and application of an online survey, and interviews with professionals. Firstly, during the desk research stage, the author conducted legislative research and analysis, and mapped the relevant stakeholders, both public authorities and private entities, identifying the key actors charged with implementing the Directive. National legislation, legal acts, public policies, as well as government and NGO reports related to the rights of victims of crime were analysed and systematised.

Desk research was aided by two practical tools. Firstly, a comprehensive online survey regarding the practical implementation of the Victims' Directive was translated into Romanian and disseminated among professionals from different backgrounds who come in contact with victims of crime: prosecutors, attorneys, judges, social workers, psychologists, representatives of victim support organisations, etc.

The second tool, the interviews, which also marked the third stage in the creation of the report, filled in gaps not covered by the desk research and the online survey, while also providing first-hand information on how the Directive is implemented in Romania. The interviewees were identified so as to guarantee a variety of opinions, and included court officials, academics and representatives of victim support organisations.

With regard to its structure, the report begins with a basic overview of the legal framework in Romania related to the transposition of the Victims' Directive, identifying to what extent Romania is compliant with this binding legal instrument. The report then analyses 25 of the Directive's Articles in terms of their transposition and practical implementation in Romania, while also providing background information on the situation of victims of crime in Romania. The final sections of the report include good practices that have been identified, as well as gaps, challenges and recommendations which are intended to promote a complete and adequate implementation of the Victims' Directive in Romania.

BASIC OVERVIEW OF THE LEGAL FRAMEWORK

This section offers an overview of the criminal proceedings in Romania, as well as the role of victims in criminal trials. In addition, it analyses the extent to which Romanian legislation has transposed the provisions of the Victims' Directive, outlining positive aspects, but also identifying gaps in legislation and its practical implementation which, if solved, may greatly improve the protection and support for victims in Romania.

To begin with, it is important to note that the Romanian criminal legislation does not clearly classify crimes according to their gravity, although some laws do attempt to do so, but this only results in uneven definitions of what constitutes a severe crime⁵. Additionally, although Romania does not formally differentiate between "public" and "private" crimes, there is a clear distinction between the types of crimes that are investigated *ex officio* – the vast majority, where there is a so-called public interest at stake – and crimes that require the victim to file a criminal complaint in order for authorities to initiate the investigation⁶. For the latter, withdrawing the complaint also removes the criminal liability⁷.

With regard to the role of the victim in criminal proceedings, for the crimes that require the existence of a formal complaint, the victim may have the status of an "injured person", when he/she is party to the proceedings, or that of a "civil party", when the victim participates in a civil trial, which in Romania may be included in the criminal trial. For trials where investigation is conducted *ex officio* the victim does not participate in the criminal proceedings⁸. Should the victim choose not to participate in the trial⁹, he or she may still be heard in court as a witness¹⁰.

The Romanian criminal proceedings occur in four stages. The preliminary stage, the first one, consists in gathering evidence for the prosecution and may result either in the arraignment (or

⁵ For instance, Law 39/ 2003 related to organized crime (Art. 2) and Law 682/ 2002 regarding witness protection (Art. 2) equate "serious crime" with crimes for which the offender receives more than 4 years detention and 10 years detention, respectively.

⁶ According to the Romanian Criminal Code, the following 26 crimes require the victim's complaint for the criminal investigation to occur: battery and other forms of violence (Art. 193), bodily injury by negligence (Art. 196), threat (Art. 206), harassment (Art. 208), rape (Art. 218), sexual aggression (Art. 219), sexual harassment (Art. 223), trespassing (Art. 224 and 225), violation of privacy (Art. 226), disclosure of professional secrecy (Art. 227), theft between family members or persons in similar relationships (Art. 231), several crimes refers to property rights, such as breach of trust, misuse of entrusted goods, etc. (Art. 238, 239, 240, 241, 242), destruction of property (Art. 253), misuse of goods through intimidation (Art. 256), influencing statement (Art. 272), unfair assistance and representation (Art. 284), non-compliance with court orders (Art. 287), unlawful interference with correspondence (Art. 302), family abandonment (Art. 378), violation of child custody measures (Art. 379), hindering the exercise of religious freedom (Art. 381).

⁷ Art. 157, 158, Criminal Code.

⁸ Interviewee 4.

⁹ Art. 81, Code of Criminal Procedure.

¹⁰ Art. 33, 79, Code of Criminal Procedure.

formal accusation) of the defendant, or in the charges being dismissed. Secondly, the case is brought to the preliminary chamber, where a judge verifies the basis for the accusation, upholding the prosecutor's arraignment decision or dismissing it as inconclusive, in which case the file is sent back to the prosecutor for further investigation. The third stage is the actual criminal trial, conducted in the court of first instance and, if applicable, in the court of appeal, while the last stage consists in the application of the final decision of the court.

The Romanian national legislation for the transposition of the Council Framework Decision 2001/220/JHA, as well as the Victims' Directive is composed of the following:

- Law no. 211/2004 regarding some measures for the protection of victims of crime (updated several times, most recently in May 2018)
- The Criminal Code (updated in 2018)
- The Code of Criminal Procedure (updated in 2018)
- Law no. 678/2001 regarding the prevention and combatting of trafficking in human beings
- Law 302/2004 regarding the international judiciary cooperation in criminal matters
- Law no. 192/2006 regarding the functioning and organization of mediators

Although none of the aforementioned pieces of legislation makes direct reference to the Victims' Directive, three of them¹¹ have been updated to include some of the provisions of the Directive. Therefore, to a large extent, Romania has transposed this binding legal tool. Concretely, victims in Romania (regardless of their nationality) are granted the right to information and accessible language, including translation and interpretation, the right to be heard, to legal aid, to safeguards in the context of reparatory justice, i.e. mediation, to reimbursement of expenses, to compensation, as well as property and goods restitution. In addition, Romania has transposed the Directive's provisions regarding the rights of victims in the situation of a decision not to prosecute, together with the rights of victims who reside in another EU member state. Importantly, Romania does not distinguish between Romanian citizens and citizens of other countries or even stateless persons in granting rights to victims, as long as the crime has occurred on Romanian territory and these persons are parties to criminal proceedings¹².

However, there is an incomplete transposition or no transposition of some of the Directive's articles. For instance, there are issues with ensuring that victims, especially vulnerable ones, understand the information presented to them (Article 3) or that they can access support services (Articles 8 and 9), mostly because of their scarcity. In addition, the state grants legal aid (Article 13) only to victims of more serious crimes (sexual crimes and other crimes involving

violence), while other victims may receive legal aid after being subjected to a means test. There are also issues with the protection of victims (Articles 18, 20 and 23) and, in most cases, there are no measures to ensure that victims avoid contact with offenders during criminal proceedings (Article 19). Additionally, qualitative research shows that, with the exception of child victims of physical and/or sexual abuse, authorities do not conduct an individual assessment of their needs (Article 22). Lastly, although training programmes for practitioners exist (Article 25), they are insufficient and rarely focused on victims and their needs.

In conclusion, while for the most part Romanian legislation is in line with the Victims' Directive, some articles have not been (fully) transposed. Moreover, there are still significant issues with the Directive's practical application and with guaranteeing that victims' rights are enforced.

¹¹ Law no. 211/2004 regarding some measures for the protection of victims of crime, the Code of Criminal Procedure, and Law 302/2004 regarding the international judiciary cooperation in criminal matters.

¹² Interviewee 4.

EVALUATION OF PRACTICAL IMPLEMENTATION

ARTICLE 2 - DEFINITIONS

For the purposes of the Directive a 'victim' is a natural person who has suffered harm, including physical, mental or emotional harm or economic loss which was directly caused by a criminal offence or a family members (the spouse, the person who is living with the victim in a committed intimate relationship, in a joint household and on a stable and continuous basis, the relatives in direct line, the siblings and the dependants of the victim) of a person whose death was directly caused by a criminal offence and who have suffered harm as a result of that person's death.

Romanian legislation and victim support organisations operate with different definitions of what constitutes a victim. Victim support organisations and Social Services generally rely on the person's claim that they have been subjected to a crime, without requiring any proof, such as a criminal complaint, in order to provide them with support services (legal or psychological counselling or shelter). The Criminal Code (hereinafter, CC) and the CCP operate with the concept of "injured person", who is defined as "the person who has suffered a physical, material or moral damage through a criminal act"¹³. In contrast, Law 211/2004 regarding some protection measures for victims of crime makes use of the term "victim", although it does not define it. In practice, the two terms are synonymous and are used interchangeably in criminal proceedings.

The way in which "victim" is defined is rather broad: Romanian legislation does not differentiate between legal and natural persons, also allowing victims to take on the role of injured party and civil party during criminal proceedings, the two not being mutually exclusive. Additionally, victims that are foreign citizens (not limited to EU citizens and residents in other Member States) have

¹³ Art. 79, CCP.

equal treatment to Romanian citizens during criminal proceedings¹⁴. Undocumented migrants, however, although not excluded from the legal definition of victims may encounter difficulties in accessing their procedural rights, including protection measures or support services offered by the state, if they have not obtained asylum (or are in the process of obtaining it)¹⁵. Nevertheless, even if they face deportation, Romanian legislation (as regulated by Article 96 of CCP) grants them the right to be legally represented during the trial¹⁶.

With regard to victims who are family members of the offender, the definition includes blood relatives and relatives by affinity, up to the fourth degree¹⁷, the spouse or former spouse, as well as non-married people who have established relationships that are similar to those between spouses or between parents and their children, without the obligation for them to live together¹⁸. However, persons who are in a same-sex intimate relationship are excluded from the legal definition of family member, as the CC does not specifically recognize same-sex partners¹⁹. This, together with the fact that Romania offers no legal status to same-sex couples, as it does not have or recognize same-sex marriages and civil partnerships, results in the exclusion of victims of violence perpetuated by their same-sex partner from legal definitions.

Furthermore, the family members of a deceased victim as a result of a criminal offence are also recognized as victims, but are only granted the right to claim reparations during the criminal trial²⁰. Moreover, even though children witnessing violence are not recognized as victims per se, if they act as witnesses in the trial, the state attorney can grant them the status of vulnerable witnesses²¹.

According to Article 113 of the CCP the following categories of victims are presumed to be vulnerable, without explaining what this entails: children, victims that are dependent on the perpetrator, victims of terrorism and organised crime, victims of human trafficking, sexual violence and exploitation, victims of violence which occurred within a close relationship, victims of hate crimes, discrimination and prejudice, persons with disabilities and victims who have suffered great prejudice as a result of the crime.

In addition, legal definitions include victims of crimes where the perpetrator has not been identified, apprehended, prosecuted or convicted, as they obtain the legal status of victims when they file a complaint or criminal investigation is initiated *ex officio*²².

¹⁴ Art. 13, CC.

¹⁵ Interviewee 4.

¹⁶ Interviewee 4.

¹⁷ Each degree is calculated based on the number of births that occurred between two individuals, so that a child and his parents are first degree relatives, a grandchild and his grandparents or siblings are second degree relatives, a nephew/ niece and his/her uncle or aunt are third degree relatives and so on. – Art. 405-407, Civil Code.

¹⁸ Art. 5, Law 217/2003 for preventing and combatting domestic violence.

¹⁹ Art. 177, CC.

²⁰ Art. 19, CCP.

²¹ Art. 130, CCP.

²² The victim, i.e. the injured person, automatically becomes party to the criminal proceedings once they file a complaint or investigation is initiated *ex officio*. Art. 79, CCP.

ARTICLE 3 - RIGHT TO UNDERSTAND AND BE UNDERSTOOD

Member States shall take appropriate measures to assist victims to understand and to be understood from the first contact and during any further necessary interaction they have with a competent authority in the context of criminal proceedings. Communications with victims should be provided in simple and accessible language, orally or in writing. Such communications shall take into account the personal characteristics of the victim, including (but not limited to) any disability. Victims should, in principle, be allowed to be accompanied by a person of their choice in the first contact.

The **right to understand and be understood** has not been explicitly transposed in Romanian legislation, which means that whether victims receive help to understand proceedings and their rights or to communicate with others usually depends on the sensitivity and disposition of the competent authorities and not on procedures or regulations. The survey and the interviews with professionals have repeatedly shown that little effort is made to assess the communication needs of victims and to adapt the language so that victims are able to understand what is happening and convey their message in practice. Exceptions include people who are deaf-mute and persons who do not speak Romanian, where there is both a legal framework and procedures to facilitate communication with the help of an interpreter. Therefore, it is no surprise that the interaction with authorities during the criminal proceedings oftentimes increases the vulnerability of victims with special needs or victims with lower levels of education²³.

In addition, Romania does not have legal education in schools and the few initiatives to facilitate youth's understanding of the legal system and jargon are left to private individuals or NGOs²⁴. However, the outreach of such initiatives is very limited.

²³ This is even more alarming given Romania's underperformance in education: in 2016 only a quarter of people aged 30-34 had attained tertiary education, compared to the EU average of 39.1% and merely 1.2% of adults aged 25-64 had participated in learning (education or training), in contrast to the EU average of 10.8%. Another cause of concern is that 38.7% of Romanian 15 year-olds have underachievements in reading (compared to 19.7% in the EU). European Commission (2017), Education and Training Monitor 2017 Romania, p. 3.

²⁴ One noteworthy example is judge Cristi Danileț's recent legal education programme, paired with his book, *Legea pe-nțelesul tinerilor. Manual practic de educație juridică și civică* (The Law explained to young people. Practical manual of legal and civic education), published at Humanitas Printing House in 2017.

The barriers in understanding the intricacies of the Romanian judicial system are even more salient in the case of the Roma minority, who constitute roughly 3.3% of the population and who are oftentimes victims of discrimination and violence. A staggering one in four Roma is illiterate²⁵, which is in stark contrast with Romania's over 97% literacy rates²⁶, which means that approximately one is three people who is illiterate in Romania is Roma. Therefore, the state should take concrete measures to ensure that all victims have adequate access to information and that they understand their rights and role in the proceedings.

Since the adoption of the Victims' Directive there have been insufficient efforts and few tools developed to specifically make the language of communication and information simple and accessible. Information pertaining to victims' rights, the course of the proceedings or risks and ways of mitigating them are usually conveyed in legal jargon or stated as they appear in various pieces of legislation. For instance, in their interaction with the police or the prosecutor, victims and offenders oftentimes receive forms with their rights which summarise various articles of the CCP. However, the text is neither adapted or simplified, nor does it offer practical information on how to exercise one's rights – how to obtain legal aid or access support services, for example. Moreover, there are insufficient infographics, diagrams or visual representations to make information about victims' rights and the course of the proceedings more accessible and the few uses of interactive media and social media by public authorities reaches a very limited number of people, i.e. those who have access to Internet and are tech-savvy, who are usually also not amongst the most vulnerable groups in society.

The situation is similar in relation to court representatives, who many times during hearings do not adapt their language to the victim's understanding or may even rush him/ her during the testimony. One of the probable causes of this is the lack of specialised training for magistrates and their misperception about the vulnerability of certain individuals or social groups. This raises issues not only regarding victims' ability to understand and be understood during criminal proceedings, but to their effective access to justice. The result is that information is not easily accessible by the public and that many people do not know their rights or even that what they suffered was a crime and that legal prosecution and protection measures are in place. Or it may cause victims to miss terms or have unrealistic expectations from the lawsuit²⁷.

It has also been indicated that many times in cases where victims are assisted by public defenders, their first meeting is only at the first term or hearing, which indicates not only a lack of interest on the side of the attorney to understand the victim's perspective, but also severely limits the victim's understanding of the proceedings.

²⁵ The World Bank (2014), *Studiu de diagnosticare și consultanță pentru politicile de sprijinire a incluziunii romilor din România* [Diagnostic and Consultance Study for Support Policies for the Inclusion of Roma in Romania], p. 76.

²⁶ UNICEF Statistics. Retrieved from https://www.unicef.org/infobycountry/romania_statistics.html

²⁷ Interviewee 2.

With respect to an **accompanying 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, unless there is a motivated contrary decision of the judicial body²⁸. Moreover, in May 2018, the Romanian Parliament passed Law 98/2018 amending Law 211/2004 regarding some protection measures for victims of crime, whose purpose is to transpose the 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 communication²⁹. However, given how recent these changes are in legislation, in practice victims – and sometimes even attorneys or magistrates (as shown by some of the answers in the survey) are not aware of this right, meaning that in reality victims are rarely accompanied in their interaction with the authorities³⁰.

28 Art. 113 (5), CCP.

29 Art. 1 (2), Law 97/2018 modifying Law 211/2004 regarding some protection measures for victims of crime.

30 As shown by the VOCIARE survey applied to professionals dealing with victims of crime.

ARTICLE 4 - RIGHT TO RECEIVE INFORMATION FROM THE FIRST CONTACT WITH THE COMPETENT AUTHORITY

Member States shall ensure that victims are offered, without unnecessary delay, from their first contact with a competent authority, information about the type of support the victims can obtain and from whom; the procedures for making a formal complaint; how and under what conditions they can obtain protection, access legal advice and legal aid; access to compensation; entitlement to interpretation and translation; special measures if they are resident in another Member State; contact details for communications about their case; available restorative justice services; how and under what conditions expenses incurred as a result of their participation in the criminal proceedings can be reimbursed.

Article 4 of the Directive is transposed into national legislation, as both Law 211/2004 regarding some measures for the protection of victims of crime and the CCP indicate that victims have the right to be informed about their rights. Specifically, Law 211/2004 states that judges, prosecutors, police officers and police agents are obliged to inform victims of crime about the following: how to access available support services, according to their needs; where to file a criminal complaint; their right to legal aid and how to obtain it; their rights both as a criminal or civil party during the criminal proceedings; the conditions to be included in the witness protection programme, and how they can obtain financial compensation from the state. Importantly, the law states that this information must be provided by the judge, prosecutor, police officer or police agent with whom the victim first establishes contact. In addition, in order to ensure the victim understands the information presented to him/ her, communication can take place either in written or oral form, and in a language he/ she understands³¹.

The law does not exclude foreign citizens from any of these rights, as long as they are legally residing in Romania. This provision also includes immigrants who have filed for a refugee status, who are granted a temporary residence permit until their application for a refugee status is resolved³².

31 Art. 4, Law 211/2004.

32 Art. 13 (1), Government Ordinance 102/ 2000 regarding the status and regime of refugees in Romania.

More recently (May 2018), Law 98/2018 amending Law 211/2004 regarding some protection measures for victims of crime has transposed the provisions of Article 4 of the Victims' Directive regarding the victim's right to be informed by the competent authority³³.

Romania has also set the legal framework for the creation of a helpline for victims of crime where they can gain knowledge about their rights and obtain information about the aspects of the criminal proceedings presented earlier³⁴. The helpline, 116006, the same throughout EU Member States, is part of the European Union's efforts to harmonise standards for victims of crime across the Member States making sure that victims have access to similar services and information even when they travel or have been victimised in another Member State. In Romania, the helpline is to be set up by the Ministry of Justice and to be available throughout the country free of charge. Although the National Agency for Communication Administration and Regulation (ANCOM) has launched a public bid for the helpline in 2010³⁵, the number is still not functional, leaving judicial authorities as the main – and many times only – information point for victims of crime³⁶.

The information victims receive is to a large extent theoretical, extracted as it appears in legislation, rarely providing practical knowledge on how to access certain rights or support services. This is usually the case in victims' interaction with the Police, the Prosecutor, and Courts, whose representatives are insufficiently trained to interact with victims of crime, particularly victims who require special care (victims of gender-based violence, children, people with disabilities, victims of human trafficking, etc.)³⁷.

A particular issue that has risen in Romania with consequences for victims of crime is that the Police are understaffed³⁸. In addition to the staff deficit, the state usually emphasises economic

33 Concretely, the victim will receive information about “the judiciary authority to be addressed in the future to obtain information about the course of the case, as well as their contact information, if the victim chooses to file a criminal complaint”. Art. 1 (1), Law 97/2018 modifying Law 211/2004.

34 Art. 5, Law 211/2004.

35 The National Agency for Communication Administration, Announcement regarding the allocation of national telephone number 116006. Retrieved from http://www.ancom.org.ro/alocare-116006_4119

36 According to Victim Support Europe (VSE), in October 2017 there were 10 victim support organisations (VSOs) operating the 116 006 in their Member State: Weisser Ring (Germany), Weisser Ring (Austria), Croatian Victim and Witness Support Service (Croatia), Crime Victims Helpline (Ireland), Slachtofferhulp Nederland (The Netherlands), Bílý Kruh Bezpečí (Czech Republic), Offerrådgivningen i Danmark (Denmark), Rikosuhrapäivystys (RIKU, Finland) and the Portuguese Association for Victim Support (APAV, Portugal), Juridiskās palīdzības administrācija (Latvia).

Victim Support Europe (2017), Workshop on 116006 Helplines for Victims of Crime. Retrieved from <https://victimsupport.eu/news/workshop-on-116006-helplines-for-victims-of-crime/>

37 Interviewees 1 and 2.

38 . As a result of legislation passed in 2016 aimed at increasing the state budget by lowering pensions for police staff, as well as due to a statement by the Ministry of Internal Affairs in 2017, Carmen Dan, expressing the intention to increase their retirement age, thousands of police staff has retired. Between January and September 2017, 7200 employees of the Ministry of Internal Affairs retired, leaving the Police with a deficit of 20,000 staff, which means the institution is currently running with 85% of its positions filled.

Ghică, S (2017), “După ce a rămas fără polițiști cu experiență, Carmen Dan vrea să anuleze pensionarea timpurie” [“After being left with no experienced officers, Carmen Dan wants to remove early retirement”], Adevărul News. Retrieved from http://adevarul.ro/news/eveniment/dupa-ramas-politisti-experienta-carmen-danvrea-anuleze-pensionarea--timpurie-1_5a1454b45ab6550cb863956c/index.html

crimes, such as fraud or money laundry, and violent crimes resulting in the death of the victims, assigning more experienced officers to these cases. In cases of sexual violence and domestic violence, police agents (as opposed to police officers, who have received more extensive training and are assigned more complex cases³⁹) are usually the ones to report at the scene or to interview the victims. The effect is that oftentimes victims of crime receive incomplete information and have difficulties navigating the already intricate judicial system⁴⁰.

39 In Romania, in order to become a police agent one must graduate from one of the two Police Schools in the country, which is the equivalent of secondary education, while to qualify as a police officer one must attend the Police Academy (in Bucharest), which is recognised as tertiary education.

40 For instance, Interviewee 2 from a victim support organisation offering services to victims of domestic violence has indicated that many times victims are not informed that they have the right to request a protection order even if they are not married to their abusive partner, that they 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 is already recorded in their initial complaint.

ARTICLE 5 – RIGHTS OF VICTIM WHEN MAKING A COMPLAINT

Member States shall ensure that victims receive written acknowledgement of their formal complaint. Where they do not understand or speak the language of the competent authority, they should be enabled to make the complaint in a language that they understand or by receiving the necessary linguistic assistance. The acknowledgement should be translated free of charge where the victim doesn't speak the language.

The CCP grants both natural and legal persons the right to file complaints related to prejudice caused by a crime⁴¹. The criminal complaint may be submitted personally or through an assignee, and in a written form, orally or electronically, the latter being accepted as valid only if it is certified by an electronic signature. In the case of an oral complaint, authorities are obliged to have an official written record of it. In addition, the complaint can be filed by a spouse on behalf of the other spouse, by a child over the age of 18 on behalf of his or her parents, and by the victim's legal representative, in situations where he/ she lacks legal competence. In cases when the offender is the legal representative of the victim, the prosecuting authorities launch the investigation *ex officio*⁴². For crimes that occurred in other EU Member States, where the victim is a Romanian citizen, a foreign citizen or a stateless person, the judicial authorities are obliged to record and forward the complaint to the equivalent authorities in the state where the crime was committed⁴³.

With regard to victims who do not speak Romanian, they are granted the right to file the complaint in a language they understand and to request a translated copy of the subpoena, if the victim is called to participate in court proceedings⁴⁴.

In addition, the recent Law 98/2018 amending Law 211/2004 regarding some protection measures for victims of crime, whose purpose is to transpose the Victims' Directive, introduces two new articles related to the victim's right when making a complaint: firstly, the victim will receive a written confirmation of the complaint, its registration number and information related

41 Art. 289 (1), CCP.

42 Art. 289, (3, 4, 5, 6, 7 and 8), CCP.

43 Art. 289, paragraphs 9 and 10, CCP.

44 Art. 4, Law 211/2004.

to the crime, and, secondly, if the victim does not understand or speak Romanian, he/ she can request a translation of the filed complaint⁴⁵. Prior to these recent amendments, the police authority or public prosecutor had no legal obligation to provide a written acknowledgement of the complaint.

While the legal framework is in line with the provisions of Article 5 of the Directive, in practice there are issues with victims' rights when filing a complaint. It has been indicated that, while the law and procedures are generally respected in the case of written complaints, at times oral complaints are not officially recorded and, thus, the victim has no guarantee that an investigation will ensue⁴⁶. An additional barrier in the access to justice of victims is the impossibility to file a complaint online, as these are treated as anonymous and no further action is usually taken⁴⁷. A change in legislation and new procedures would therefore be befitting, since they could allow authorities to initiate the criminal investigation in the absence of an electronically signed online complaint and *ex officio* as soon as they are notified of a crime.

In the experience of victim support officers, victims often do not receive support in writing and filing the complaint, which, in the case of persons with an increased vulnerability – either highly traumatised by the crime they suffered or with lower levels of education and understanding of the Romanian legal system – may result in the omission of essential information which could lead, for instance, to the detention of the offender.

45 Art. 1 (2), Law 97/2018 modifying Law 211/2004.

46 Interviewee 1.

47 Interviewee 1.

ARTICLE 6 – RIGHT TO RECEIVE INFORMATION ABOUT THEIR CASE

Member States shall ensure that victims are notified without unnecessary delay of their right to receive information related to criminal proceedings: any decision not to proceed with or to end an investigation or not to prosecute the offender; the time and place of the trial, and the nature of the charges against the offender; of any final judgement in a trial and of information about the state of the criminal proceedings, in accordance with their role in the criminal justice system; about the reason which led to the above mentioned decisions; notification in case the person remanded in custody, prosecuted or sentenced concerning the victim is released from or has escaped detention.

The right to receive information about their case is crucial for victims of crime, since it correlates with the victim's right to seek protection, including during the criminal proceedings, and to avoid contact with the offender (Articles 18 to 24 of the Directive) and more generically with the issue of effective access to justice.

Law 211/2004 grants victims the right to information on several matters, including their right to be notified if the offender was sentenced, is released or escapes, as well as what authority to address to receive information about the stage of the proceedings, the latter provision having been added recently, in May 2018⁴⁸.

The CCP complements the aforementioned rights, 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, as well as about a decision not to prosecute. It also clearly states that the court decision in its entirety and, at an earlier stage, its summary (the minutes) is to be communicated to the victims, in order to offer them the opportunity to appeal the decision, if necessary. In situations where the case is closed due to insufficient evidence, to the withdrawal of the complaint or to other reasons stipulated by the law, authorities are under the obligation to

⁴⁸ Art.4, Law 211/ 2004..

notify the victim (as well as the suspect or other involved parties) of the decision⁴⁹. Similarly, if the prosecutor waives the prosecution – which can be done for crimes for which the law stipulates a criminal fine or a jail term of at most 7 years, and only if there is no public interest to pursue investigation – they are obliged to inform the victim of the decision⁵⁰.

Furthermore, the same law states that victims may be notified, at their first hearing, whether the offender who received a custodial sentence or a penalty involving deprivation of liberty will be released⁵¹. In reality, after the court's sentence despite most victims' vulnerability and fear which continues to affect them, the victim's perspective and safety is no longer a priority. In other words, the justice system seems to exclude the victim from the judicial landscape, providing him/ her with almost no information and few protection measures. Concretely, the victim is not notified if the offender has been released, has escaped, has been released on parole, whether his sentence has been suspended, revoked or postponed. The victim is also not informed when and if the offender or witnesses are heard⁵².

In cases where the offender escapes prison, the National Administration of Penitentiaries is under the obligation to notify the Gendarmerie who is responsible for seizing the individual. Nonetheless, there is no protocol or regulation which would allow either the National Administration of Penitentiaries or the Gendarmerie to notify the victim of the offender's escape or detention. With regard to the protection of victims in cases where the offender is released or escapes, the legal framework is insufficient and there are no procedures to avoid secondary or repeat victimisation.

Should the victim wish not to take part in the criminal proceedings, this is possible only if the criminal investigation was initiated *ex officio*. In this case, the victim must notify the judicial body, who may choose to hear him/ her as a witness, if deemed necessary⁵³.

In addition, the victim is not informed if the offender is released before term and he/ she is not consulted in the decision to release the offender on parole. This is particularly problematic given that the judge ruling a release on parole only has access to the offender's penitentiary file, which contains limited information about the crime he/ she has committed and, thus, lacks the facts to decide whether the individual still poses a threat to the victim or society as a whole. In cases where the victim does not have an attorney to help him/ her navigate the judicial system, access to information is more difficult for the victim.

The access to information about the criminal proceedings is further complicated due to bureaucracy and very lengthy waiting times, to information not being public during the criminal investigation, as well as to the lack of transparency and communication between judicial bodies.

⁴⁹ Art. 316, CCP.

⁵⁰ Art. 318 (12), CCP.

⁵¹ Art. 111, CCP.

⁵² Interviewee 1.

⁵³ Art. 81, CCP.

Another issue that has been highlighted by the interviewees for the present report is the understaffing of prosecutors, who oftentimes rely on police officers to investigate the crime, who are in turn in insufficient numbers. The result is that rather simple, straightforward cases take years to be solved⁵⁴.

There is, thus, a need to create clearer and speedier communication protocols between judicial authorities and victims, to adapt the language used with victims to their level of understanding, as well as to put in place protection measures if the offender is released or escapes.

54 One such example is that of a mother living in Cluj-Napoca (the second biggest city in Romania), who has filed for divorce and custody for her child after being subjected to physical abuse from her husband, and who is now requesting that he pay child support. Not only is the woman constrained to actively seek information about the file, but the case has also been pending before the Tribunal of Cluj for almost two years and no decision has been reached. Source: Interviewee 1.

ARTICLE 7 - RIGHT TO INTERPRETATION AND TRANSLATION

Member States shall ensure that victims who do not understand or speak the language of the criminal proceedings are provided, upon request, with interpretation at least during any interviews or questioning and with translation of information essential to the exercise of their rights in criminal proceedings in accordance with their role. Victims may challenge a decision not to provide interpretation or translation.

Romania is a highly homogenous country in terms of the nationalities of its inhabitants, with an overwhelming majority of ethnically Romanian people living there (88.9%) and two significant national minorities: Hungarians (6.5%) and Roma (3.3%). The only official language in the country is Romanian, other languages having the status of minority languages: among which Hungarian and Romani, but also German, Ukrainian and Turkish are the mother tongues of a significant number of people⁵⁵.

In 2012, there were 57,259 foreign citizens from outside the EU and 42,953 citizens from EU and EEA Member states legally residing in Romania⁵⁶, which, given Romania's population of approximately 20 million inhabitants⁵⁷, constitutes only roughly 0.5% of the population. Furthermore, in 2017, of the 93,570 applications for asylum received in the entire European Union, only 900 were submitted in Romania⁵⁸, meaning that less than 1% of asylum-seekers chose Romania as a receiving country. Therefore, the need for interpretation and translation services in victims' interaction with the judiciary authorities is considerably lower than in most EU states. Nevertheless, the right to interpretation and translation during criminal proceedings is guaranteed by Romanian legislation, appearing in several articles of the CCP and the Romanian Constitution. Concretely, victims (as well as other parties to the criminal proceedings) may be provided with an interpreter, free of charge, when they do not speak or understand Romanian or when they cannot express themselves in the language. This right applies to all stages of the

55 National Institute for Statistics (2011), Rezultate definitive ale Recensământului Populației și al Locuințelor 2011, [Final Results of the Population Census 2011], pp. 5-6.

56 Inspectoratul General pentru Imigrări (2012), Buletin statistic în domeniul imigrației și azilului, [Statistics in the Area of Migration and Asylum], pp. 8-10.

57 National Institute for Statistics, Population Census 2011, p.1.

58 Eurostat (2018), Asylum quarterly report. Statistics Explained, p. 7.

criminal proceedings, including hearings, communication with the attorney in preparation for the case, and consultation of their file⁵⁹. In urgent matters, interpretation can be done by using technological means⁶⁰. Additionally, the victim can request a translation of the decision to close the case or to waive prosecution⁶¹.

More recently, an amendment to Law 211/ 2004 regarding some protection measures for victims of crime has included the right of the victim who does not speak or understand Romanian to request a translation of the criminal complaint that he/ she filed⁶². The right to interpretation is also granted to victims of crimes committed in an EU Member State which is different from the one where she legally resides and who want to request financial compensation from the state⁶³.

Qualitative research points to an effective application of this right, making it a **good practice**: when victims do not speak or understand Romanian, the judicial authorities provide a certified interpreter to facilitate communication. These interpreters are either usual collaborators of police stations or prosecutor's offices or are contacted whenever needed by the judicial body from the official list of certified interpreters and translators, published on the website of the Ministry of Justice⁶⁴. There are currently 37,670 certified translators and interpreters registered with the Ministry of Justice⁶⁵, covering both widely spoken languages such as English, French, Spanish or Arabic, but also languages that are infrequently spoken in Romania, such as Bengali, Norwegian or Urdu. However there is no data as to how many are actually working in the field.

When there is a scarcity of interpreters and translators of rare languages, victims are usually provided with interpreters of languages that they do speak, even if not as a mother tongue – in most cases, English or French. However, if the victim only speaks their mother tongue and no interpreters of the language are to be found, authorities usually contact the Embassy of the victim's country of citizenship and request support. Alternatively, in rare cases, they may contact universities or cultural centres to aid with communication, but interpretation in court is limited to certified translators who are registered with the Ministry of Justice⁶⁶.

National minorities in Romania are also granted the same right to interpretation and translation: although all procedural documentation will be written in Romanian, they can address the court in their native language and request an interpreter to aid them throughout the criminal proceedings⁶⁷. In the case of native speakers of Hungarian, the biggest national minority in

Romania, finding an interpreter for the language is simple and, in regions where Hungarians tend to live (most of them are concentrated in Transylvania), oftentimes some of the judicial staff are themselves Hungarian, aiding with (unofficial) communication.

However, when it comes to Roma, the second largest minority in the country, the situation is quite different. Although 3.3% of the Romanian population identifies as Roma, Romani is the native language for only 1.3% of the population, meaning that approximately two thirds of Roma speak Romanian (and very few of them Hungarian) natively⁶⁸. In addition, Romani does not have a written tradition and displays great variation in terms of dialects and linguistic influence. Romani can be studied as a specialisation only at the University of Bucharest, where 21 places were available for the university year 2017-2018⁶⁹. In addition, those who are interested in learning it can do so by attending the very rare language courses – more recently also available at Babes-Bolyai University in Cluj-Napoca⁷⁰. It is therefore not surprising that there are only 8 certified interpreters and translators of Romani registered with the Ministry of Justice. Because of these reasons, but also due to the lack of equivalents for many legal and administrative terms in Romani, information to Roma is provided de facto in Romanian. Nevertheless, the barrier for Roma is not the Romanian language, which they almost always speak and understand, but navigating the intricate judicial system, while also oftentimes fighting prejudice or discrimination⁷¹.

68 National Institute for Statistics, Population census 2011, p. 8.

69 Romani Language at the University of Bucharest in 2017-2018: <https://isj.vs.edu.ro/download/Admitere-sectie-romani-2017-2018.pdf>

70 Optional Romani language course at Babes-Bolyai University Cluj-Napoca: <https://law.ubbcluj.ro/index.php/secretariat/2101-curs-facultativ-limba-rromani-la-facultatea-de-litere>

71 When it comes to discrimination, the UN Special Rapporteur on human rights has stated that “[th]e official state of denial is most striking when it comes to the Roma population” and that “[m]any reports support the conclusion that Roma are discriminated against in education, health care, employment and housing.” – UN Human Rights Office of the High Commissioner (2015), End-of-mission statement on Romania, by Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights. Retrieved from <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16737&LangID=E>

59 Art. 12 and Art. 81 of the CCP; Art. 128 of the Romanian Constitution.

60 Interviewee 1.

61 Art. 81, CCP.

62 Art 1 (2), Law 97/2018 modifying Law 211/2004.

63 Art. 34, Law 211/2004.

64 Interviewee 1.

65 Ministry of Justice, Certified interpreters and translators. Retrieved from <http://old.just.ro/MinisterulJusti%C8%99Biei/Listapersoanelorautorizate/Interpreטיםtraducatoriautorizati/tabid/129/Default.aspx>

66 Interviewee 1.

67 Art. 12, CCP.

ARTICLE 8 - RIGHT TO ACCESS VICTIM SUPPORT SERVICES

Member States shall ensure that victims have access to confidential victim support services, free of charge, before, during and for an appropriate time after criminal proceedings. Member States shall facilitate the referral of victims, by the competent authority that received the complaint to victim support services. Member States shall take measures to establish specialist support services in addition to, or as an integrated part of, general victim support services. Member States shall ensure that access to any victim support service is not dependent on a victim making a formal complaint with regard to a criminal offence to a competent authority.

Romanian legislation grants victims of crime the right to access support services, such as free psychological counselling, legal aid or shelters⁷². However, these services are underdeveloped, not easily accessible by victims and generally have a low visibility. Romania is among the 8 EU Member States that do not currently have generic support services for victims of crime⁷³ and the country does not have a governmental institution whose aim is to create such services. Presently, there are a number of state institutions and non-governmental organisations that provide specialised support services to victims of various categories of crime, most notably to children victims of physical and sexual violence, women victims of domestic violence and victims of human trafficking. Nonetheless, these are insufficient, underfunded and generally not easily accessible, as they are usually located in bigger cities and are practically inexistent in rural areas, which is alarming given that 46% of the Romanian population lives at the countryside⁷⁴.

Law 211/2004 regarding some protection measures for victims of crime states that judicial authorities have the obligation to notify victims of crime regarding services and organisations that offer support, according to the victim's needs, as well as their right to free legal aid and how they can obtain it⁷⁵. However, the access to psychological counselling and legal aid offered

by the state is dependent on the victim filing a criminal complaint or on the existence of a criminal investigation *ex officio*⁷⁶. Nevertheless, Social Services at county and local level provide victims of crime, generally children and victims of domestic violence, with support services (shelter, psychological counselling, legal assistance) even in the absence of a criminal complaint. Furthermore, non-governmental organisations also offer support services to victims of crime, either independently or in cooperation with public authorities, and may receive funding for their activities⁷⁷, although in practice extremely few victim support organisation receive any financial support from the state. In addition, victim support organisations are facing major difficulties in securing funding from non-governmental sources too, as there are few or no grants available to small to medium-sized NGOs on a national or European level.

Law 211/2004 stipulates that state-funded **psychological counselling** is to be offered by the services for victim protection and social reintegration of offenders (Probation Services), which function within tribunals⁷⁸. In addition, counselling can be accessed free of charge, on demand and for a maximum of 3 months in the case of adults and 6 months for minors, but limited to certain categories of victims of crime, namely: attempted murder, domestic violence, personal injury, rape, sexual aggression, any form of sexual abuse against children, trafficking in human beings and attempted trafficking in human beings. Additionally, psychological counselling is available if the crime occurred on the territory of Romania or, if it occurred elsewhere, to both Romanian and foreign citizens legally residing in Romania⁷⁹.

With regard to the accessibility of state-funded psychological counselling to victims of crime, as regulated by Law 211/2004, research conducted by ACTEDO, a human rights nongovernmental organisation based in Cluj-Napoca, Romania, indicates that these services do not exist in practice. In June 2017, ACTEDO requested information from the Probation Services of the Tribunals of Cluj and Bucharest (the two largest cities in the country) concerning the number of victims of domestic violence who were provided with psychological counselling. The Probation Services of Cluj declared that "no requests for psychological assistance were registered in the last years" and the Probation Services of Bucharest indicated that it does not collect data on the topic⁸⁰. Therefore, it can be concluded that these services, although they may exist in theory, are not actually used by victims, who do not know of their existence or how to access them. In fact, according to a 2014 survey conducted by the EU Agency for Fundamental Rights, a staggering 74% of Romanian women were unaware of institutions or organisations providing support services in cases of gender-based violence⁸¹.

⁷⁶ European E-Justice Portal, "Drepturile mele în fața de urmărirea penală", ["Romania – My rights during criminal proceedings"]. Retrieved from

https://e-justice.europa.eu/content_rights_of_victims_of_crime_in_criminal_proceedings-171-RO-maximizeMS-en.do?clang=ro&idSubpage=1&member=1

⁷⁷ Art. 12, Law 211/2004.

⁷⁸ Art. 7, Law 211/2004.

⁷⁹ Art. 8 and 9, Law 211/2004 regarding some protection measures for victims of crime.

⁸⁰ Equality and Human Rights Action Centre (2017), Submission by the Equality and Human Rights Action Centre (ACTEDO) to the 29th Session (Jan 2018) of the Universal Periodic Review. State under Review: Romania, p. 3.

⁸¹ European Union Agency for Fundamental Rights (2014), Violence against Women. An EU-wide survey, p. 162.

⁷² Articles 7 and 14, Law 211/2004; Art. 17, Law 217/2003.

⁷³ According to the EU Agency for Fundamental Rights, the other EU states that do not have generic victim support services are Bulgaria, Cyprus, Greece, Italy, Latvia, Lithuania, and Slovenia. European Union Agency for Fundamental Rights (2014), Victims of crime in the EU: the extent and nature of support for victims, p. 21.

⁷⁴ National Institute for Statistics (2011), Population Census 2011, p. 8.

⁷⁵ Art. 4, Law 211/2004..

As a result, several nongovernmental organisations have taken on the role of service providers, in an attempt to supplement the scarcity of support services for victims. Oftentimes, these services have a higher quality than those offered by the state, in part because of the clear personal and professional motivation of their staff. However, Romanian NGOs are grossly underfunded.⁸² Furthermore, 18% of Romanian NGOs provide authorised/ accredited public interest services⁸³, but there is no data available regarding the number of organisations providing support services to victims of different types of crime. A common practice in terms of funding among the few NGOs that provide support services to victims is to partially rely on state support, through private-public partnerships, allowing NGOs to offer their services free of charge⁸⁴. Nevertheless, there is still an unequal distribution of resources, financially and geographically, which clearly impacts the capacity of NGOs to provide quality services to their beneficiaries.

It is therefore not surprising that there are few NGOs providing free of charge psychological counselling to victims of crime. In addition, given that both the Romanian legal framework and, consequently, the types of services provided have historically been targeted at particular vulnerable groups, the vast majority of service providers NGOs specialise on victims of domestic violence, children victims of violence and victims of human trafficking, but these too are underfunded and insufficient to cover the needs of victims. Other types of victims, especially those who have suffered as a result of property crimes, have few or no specialised services provided by NGOs to access.

This is particularly concerning given that 28.5% of women (3 million women) in Romania are victims of physical and/or sexual violence throughout their lives⁸⁵, and that under-reporting of such crimes is a systemic phenomenon.⁸⁶

Moreover, Romania does not have a **national helpline** for victims of gender-based violence or, more generically, for victims of crime. It does, however, have a helpline for victims of domestic

violence – 0800 500 333 – which is free and available 24/7⁸⁷. There is also an insufficient number of **shelters** for women and children who are victims of domestic violence and of human trafficking. Additionally, according to Law No. 217/2003 on preventing and combatting domestic violence, the access to specialised shelters is guaranteed only to women and children who are victims of domestic violence, meaning that victims who are victims of gender-based violence committed by a non-family member cannot access these services.

Professionals further point to the insufficient number of support services for victims and their limited accessibility, also highlighting issues with referral of victims to such services – with the exception of the Child Protection Services, whose structures are well-established throughout the country. Representatives of judicial authorities oftentimes report not referring victims to support institutions or organisations because they are unaware of their existence, what services they offer or how to contact them⁸⁸. There is a need to evaluate the existing services, to centralise information about them and disseminate it both with judicial authorities and the general public⁸⁹.

82 According to a study conducted by Civil Society Development Foundation, an NGO based in Bucharest who manages the EEA Grants in Romania, in 2015 the vast majority of organisations (65%) either had no annual income or had modest incomes, lower than 40,000 RON (approximately 8,500 Euro), indicating a scarcity in financial resources, which severely limits their capacity to function adequately. In addition, there is a clear tendency for a minority of NGOs to absorb available funding, as, in 2015, 7.9% of NGOs registered 82% of the total income in the sector, with Bucharest region retaining 35% of the total funds.

Fundația pentru Dezvoltarea Societății Civile (2017), România 2017. Sectorul nonguvernamental. Profil, tendințe, provocări, [Romania 2017. The Nongovernmental Sector. Profile, Trends, Challenges], pp. 35-37.

83 In Romania, accreditation is difficult and bureaucratic for NGOs, therefore many organisations do indeed provide services for victims of crime, despite not being accredited. Ibid., p. 30.

84 Interviewee 3.

85 European Union Agency for Fundamental Rights (2014), Violence against Women. An EU-wide survey, p. 172.

86 On average, only 14 % of European women reported their most serious incident of intimate partner violence to the police, and 13 % reported their most serious incident of non-partner violence to the police. In 2014, the Romanian Police recorded 875 cases of rape, but roughly half of the accused (469 individuals) were indicted by the Office of the Public Prosecutor, indicating that the majority of sexual offenders never receive a conviction.

Ibid., p. 3.; Romanian Police Statistics 2017. Retrieved from <http://www.politiaromana.ro/ro/utile/statistici-evaluari/statistici/>.

87 Helpline for victims of domestic violence: <https://violentaipotrivafemeilor.ro/linie-telefonica-gratuita-suna-acum-si-cere-sfaturi/>

88 Interviewee 3.

89 Victim support providers include the state-run General Direction for Social Welfare and Child Protection (one such institution for each county and 6 in Bucharest), as well as a number of specialised NGOs (whose names are indicated in Romanian, for easier identification): Asociația Anais, Asociația Necuvinte, Centrul de Acțiune pentru Egalitate și Drepturile Omului (ACTEDO), Asociația Pas Alternativ, Asociația pentru Libertate și Egalitate de Gen (ALEG), Institutul Est European pentru Sănătatea Reproduserii (IEESR), Asociația ACCEPT, Asociația Transcena, Fundația Sensiblu, Asociația Atena Delphi, Asociația Femeilor împotriva Violentei Artemis, Centrul de Mediere și Securitate Comunitară (CMSC), Asociația Romani CRIS, etc.. These NGOs offer a range of services, some run shelters, while some provide only psychological counselling or legal assistance. There is no comprehensive list of service providers for victims of crime in general. However, for a more up-to-date (although not exhaustive) list of both state-run and NGO service providers for adult and child victims of gender-based violence, see <https://violentaipotrivafemeilor.ro/la-cine-sa-apelezi-in-caz-de-violenta-in-familie/>.

ARTICLE 9 - SUPPORT FROM VICTIM SUPPORT SERVICES

Victim support services shall, as a minimum, provide: a) information, advice and support relevant to the rights of victims; b) information about or direct referral to any relevant specialist support services in place; c) emotional and psychological support; d) advice relating to financial and practical issues arising from the crimes; e) advice relating to the risk and prevention of secondary and repeat victimisation, of intimidation and of retaliation. Specialist support services shall develop and provide: a) shelters or any other appropriate interim accommodation for victims; b) targeted and integrated support for victims with specific needs such as victims of sexual violence, victims of gender-based violence and victims of violence in close relationships.

While the previous section documented the types of support services available to victims of crime, their accessibility and visibility, as well as the legal framework under which they are organised, the current section takes a more quantitative look at Romanian specialised support services, providing concrete examples and highlighting existing gaps.

As indicated before, Romania does not have generic support services for victims of crime, and the few existing services target particular vulnerable groups – mostly children, victims of domestic violence and human trafficking – and are generally insufficient and difficult to access.

Although there is both a legal framework and regulations organizing support and protection measures for victims of domestic violence, there are still insufficient **shelters** for victims: in 2017 there were 58 state-run shelters in the entire country⁹⁰, but 71% of necessary shelter places for women and their children were missing, according to Council of Europe standards recommending one shelter place for 10,000 inhabitants⁹¹. This may also be due to the fact that the Government

⁹⁰ National Agency for Gender Equality (2017), National Strategy for Gender Equality 2018-2021, p. 11.

⁹¹ Women Against Violence Europe – WAVE (2015), WAVE Report 2014. Specialised Women Support Services and New Tools for Combatting Gender-Based Violence in Europe, p. 71.

allots little funding for programmes targeting victims of domestic violence⁹².

A good practice that has been identified refers to the cooperation and cross-referral mechanisms in cases of domestic violence between public and private entities in Târgu Mureş, Mureş County, in the form of a multisectorial team that offers efficient intervention and prevention of violence⁹³ and which includes a shelter run by a victim support organisation, The East European Institute for Reproductive Health. In this shelter, victims and their children receive practical help, information, psychological counselling and legal aid, and are assessed based on their individual needs, receiving support in drafting a personalised action plan to leave the abusive relationship. It also collaborates with the Emergency Unit of the county hospital, offering regular training programmes to their staff, doctors and nurses, in identifying sign of gender-based violence and in interacting with victims. Therefore, when victims of domestic violence seek medical assistance at the county hospital, they are treated by trained professionals who refer them to specialised support at the shelter run by The East Europe Institute for Reproductive Health.⁹⁴

However, Romania lacks integrated **specialised services for victims of sexual violence**, as the country does not have Sexual Assault Referral Centres or specialized units in hospitals⁹⁵. As a result, a coalition of NGOs, *Breaking the Silence on Sexual Violence*, under the coordination of ACTEDO, initiated in 2015 an advocacy campaign for the ratification by Romania of The Council of Europe Convention on preventing and combatting violence against women and domestic violence (The Istanbul Convention) and for the creation of Sexual Assault Referral Centres in Romania. After several meetings with Government officials⁹⁶ over the course of a year, a Governmental Decision was drafted to create integrated support services for victims of sexual violence, which would be located inside hospitals and include free medical, legal and psychological support. Although the creation of 8 such centres is included in the Governance Programme for 2018-2020, the project was blocked due to the lack of consensus within the Ministry of Health, as the National Agency for Gender Equality informed the representatives of *Breaking the Silence on Sexual Violence* in June 2017⁹⁷.

⁹² For instance, as part of the National strategy for preventing and combatting domestic violence 2013-2017, the National Agency for Gender Equality (entity within the Ministry of Labour) submitted two applications to the Ministry of Finance for two Programmes of National Interest in the area of domestic violence. Both were denied funding and were, therefore, not implemented. The two National Interest Programmes referred to the creation and consolidation of shelters for victims of domestic violence, as well as to the creation of centres for aggressors, in all 41 counties and in Bucharest. Apart from bulding or expanding existing centres, these programmes would have entailed the development of a methodology, training sessions for professionals and awareness and information campaigns.

National Agency for Gender Equality (2016), Monitoring Report on the Implementation Stage of the Operational Plan for the Implementation of the National Strategy on Preventing and Combatting Domestic Violence 2013-2017, p. 21.

⁹³ The team is composed of representatives of The General Direction of Social Welfare and Child Protection of Mureş Count, The East Europe 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. – Interviewee 3.

⁹⁴ Interviewee 3.

⁹⁵ *Breaking the Silence on Sexual Violence* (2016), Shortcomings in Romanian Policies and Legislation Addressing Sexual Violence, p. 1.

⁹⁶ The cross-sectorial working group included representatives of the Superior Council for Magistracy, the Ministry of Health, the Ministry of Justice, the National Agency for Gender Equality, the Human Rights Commission within the Romanian Parliament, as well as representatives of women's NGOs. For more information about Breaking the Silence on Sexual Violence, go to <http://violentadegen.ro/>.

⁹⁷ ACTEDO's Submission to the 29th Session of the UPR, p. 3.

The situation concerning **shelters for victims of human trafficking** is equally alarming: according to a 2015 study, of the 15 state-run shelters stipulated by the law, only 9 were identified, of which merely 5 were functional. However, several of the shelters were not hosting any victim at the moment when the study was conducted⁹⁸.

Apart from state-run shelters, there are several NGOs that have centres hosting victims of domestic violence and human trafficking, among which Anais Association, Touched Romania (in Bucharest), Atena Delphi Association (in Cluj-Napoca), and The Eastern European Institute for Reproductive Health (in Târgu Mureş). Among other types of support, these NGOs usually offer free **psychological counselling** to their beneficiaries. An example of a good practice is the Association for Liberty and Equality of Gender (ALEG), based in Sibiu, who provide free of charge, face to face and online psychological counselling to victims of gender-based violence, including violence perpetuated by a non-family member⁹⁹. However, as highlighted before, the resources and outreach of NGOs is very limited, meaning that victims of crime generally have very limited access to specialised support services.

In Romania, the most developed support services for victims of crime are those targeting **children** who are victims of violence or abuse. Quantitative and qualitative research points to the fact that, when a violent crime is committed against children or there is an immediate threat against 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 assistance¹⁰⁰. A special helpline – 116111 – is also available for children facing abuse, bullying or who need emotional support. In serious situations, when children need protection, the helpline staff is instructed to notify the Child Protection Services. The helpline is free and functions daily between 8:00 and 0:00¹⁰¹. In addition, family members also receive support to aid with the child's reintegration. These services are usually offered through the General Directions for Welfare and Child Protection – one in each of the 41 counties and six such institutions in Bucharest, in each of its districts¹⁰².

Lastly, as described in the sections related to Articles 4 and 8, the police and other judicial authorities do not usually refer victims to support services (particularly non-state service providers), because they are unaware of their existence.

98 Grădinaru, C. (2015), Analiza serviciilor de asistență a victimelor traficului de persoane. Studiu Social Calitativ [The Analysis of Support Services for Victims of Trafficking in Human Beings. Social Qualitative Study], Bucharest, pp. 18-23.

99 For the psychological counselling programme of the Association for Liberty and Equality of Gender (ALEG) go to <http://aleg-romania.eu/en/consiliere/>.

100 Interviewees 2 and 3.

101 Telefonul Copilului [The Children's Helpline]. Retrieved from <http://www.telefonulcopilului.ro/intrebari-frecvente>

102 Save the Children Romania (2013), Ghid juridic privind promovarea și respectarea drepturilor copilului, [Legal Guide on the Promotion and Enforcement of Children's Rights], pp. 25-29.

ARTICLE 10 - RIGHT TO BE HEARD

Member States shall ensure that victims may be heard during criminal proceedings and may provide evidence. Where a child victim is to be heard, due account shall be taken of the child's age and maturity.

The right to be heard is essential during criminal proceedings, as it allows the victim to present him or her perspective and provide essential input. Romania has transposed Article 10 of the Directive into national legislation, into Articles 111 - 124 of the CCP, granting victims the possibility to be heard in court, as well as to introduce evidence.

The CCP states that, during hearings, victims must be informed about their rights: the right to be assisted by an attorney or public defender and/ or by a mediator; the right to introduce evidence, to raise objections/exceptions and to file submissions; and the right to be notified about developments in the proceedings, to file a complaint and to bring a civil action in the criminal proceedings. Victims must also be informed about their obligations, namely to be present at hearings and meetings whenever judicial authorities request them to, as well as to inform the authorities of any change in address. In addition, victims can request for the hearing to be recorded using technological means, in order to be used at later stages in the trial. In the case of victims who have been granted special protection measures, the judicial authority may interview them in special venues, especially designed for this purpose and with the help of a trained psychologist or counsellor¹⁰³, whose purpose is to ensure the emotional wellbeing of the victims by interviewing them themselves or by mediating communication with the judicial authorities. Whenever possible, these victims are interviewed and, if necessary, interviewed again by the same person¹⁰⁴.

Furthermore, the CCP offers special treatment to more vulnerable victims, who may be interviewed by a person of the same sex, on demand. Victims who can benefit from this right are those who have been subjected to rape, sexual aggression, statutory rape, ill treatment of minors, harassment and sexual harassment, as well as other cases where this measure is deemed necessary by the judicial authority¹⁰⁵. In practice, few victims are aware of this right and

103 Art. 111, CCP.

104 Art. 111, CCP.

105 Art. 111, CCP.

therefore do not request to be interviewed by a person of the same sex¹⁰⁶.

With regard to the right of children to be heard, the law states that recording their interview by video and/ or audio means is mandatory, except when this is not possible¹⁰⁷. However, judicial authorities must include in the victim's statement the reasons for not recording the interview. In Romania, there are only two especially designed, child-friendly interview rooms for children who have been victims of violence, particularly sexual violence. Located in Craiova and Cluj-Napoca, the rooms are equipped with a semi-transparent mirror, allowing the police, the prosecutor and other parties to observe the interview conducted by a trained specialist (usually a psychologist) without the child noticing their presence. However, most interviews take place in court, where psychologists are called in to aid with the hearing. Their role is to adapt the language to the child's age and maturity and to make sure the child's comfort and stability are a priority. Nevertheless, oftentimes psychologists that are brought in are those working at the court, who are usually not trained in victimology or child psychology, but in organisational psychology¹⁰⁸.

The well-being of adult victims, however, is usually less of a concern during hearings. In spite of the fact that the law stipulates that interviewing victims for a second time should be avoided as much as possible¹⁰⁹, in reality 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 the sentence¹¹⁰.

Equally important is the fact that almost none of the representatives of judicial authorities interacting with victims – police officers, attorneys, prosecutors and judges – have received training on how to interview vulnerable victims, especially victims of rape, gender-based violence and children. In addition, they do not have access to manuals, interview guides and methodology, which would aid with the interview and reduce the risk of secondary and repeat victimisation of victims¹¹¹.

106 As shown by the results of the national survey.

107 Art. 111 (8), CCP.

108 Interviewee 1.

109 Art. 113, CCP.

110 Hearings can be traumatising for victims, especially for victims of sexual or gender-based violence, as they are obliged to recount their experience in court, in front of a small crowd composed of (at least) the judge, the clerk, the offender and his attorney, the victim's attorney, the prosecutor. If the victim is a child, his or her parents or legal guardians are also present in the room. In case the offender is already in custody, he will be accompanied by – on average – two guards. The experience can therefore be intimidating or traumatising for victims.

111 Interviewee 1.

ARTICLE 11 – RIGHTS IN THE EVENT OF A DECISION NOT TO PROSECUTE

Member States shall ensure that victims, in accordance with their role in the relevant criminal justice system, have the right to review of a decision not to prosecute. Where the role of the victim will be established only after a decision to prosecute the offender has been taken, Member States shall ensure that at least the victims of serious crimes have the right to a review of a decision not to prosecute. Member States also need to ensure that victims are notified of their right to receive, and that they receive sufficient information to decide whether to request a review.

Article 11 of the Victims' Directive is transposed in Romanian legislation in Articles 339 and 340 of the CCP, which grant victims of crime the right to review a decision to waive prosecution against an offender. Victims of crime may file complaints against decisions issued by prosecutors, which are to be analysed by the first higher-ranking prosecutor of the Public Prosecutor, of the Public Prosecutor of the Appeal Court or the chief prosecutor of the High Court of Cassation and Justice¹¹².

Importantly, victims must file the complaint within 20 days of receiving a communication of the solution, i.e. the decision to waive prosecution¹¹³. Once a decision (an ordinance) is issued with regard to the victim's complaint, it can no longer be appealed by notifying the first higher-ranking prosecutor. The final decision must be communicated to the victim, as well as to all other involved parties¹¹⁴.

Nevertheless, the Romanian CCP grants the victim the possibility to appeal this decision with the judge of the preliminary chamber¹¹⁵. This particular judicial institution is charged with verifying the lawfulness of the prosecution and of the evidence, as well as with solving complaints against decisions not to prosecute¹¹⁶. As with complaints filed with the prosecution, this complaint must also be submitted by victims within 20 days of the communication of the solution. While victims often appeal the prosecutor's decision to waive prosecution, the judge of the preliminary chamber usually maintains the prosecution's decision as grounded¹¹⁷.

112 Art. 339, CCP.

113 The new CCP (published in 2014) replaced "waiver of prosecution" (in Romanian, „neinceperea urmării penale”) with "dismissal" (in Romanian, „clasare”). – Interviewee 4.

114 Art. 339, CCP.

115 Art. 340, CCP.

116 Art. 54, CCP.

117 Interviewee 4.

ARTICLE 12 - RIGHT TO SAFEGUARDS IN THE CONTEXT OF RESTORATIVE JUSTICE SERVICES

Member States shall take measures to safeguard the victim from secondary and repeat victimisation, from intimidation and from retaliation, to be applied when providing any restorative justice services. Member States shall facilitate the referral of cases, as appropriate to restorative justice services.

The European Forum for Restorative Justice defines restorative justice as “addressing harm or the risk of harm through engaging all those affected in coming to a common understanding and agreement on how the harm or wrongdoing can be repaired and justice achieved”¹¹⁸. The purpose of restorative justice is, therefore, to repair and reduce the harm affecting the victim of a crime, by also involving the offender in a supervised dialogue. The parties involved are usually the victim, the offender, and a facilitator – a mediator, in Romania – who agree to mediation and conciliation in order to obtain a more equitable solution to their case.

Despite its benefits, restorative justice remains a rather controversial practice, with 10 EU Member States choosing not to put such systems in place: Bulgaria, Cyprus, Germany, Estonia, Italy, Lithuania, Luxembourg, Poland, Portugal and Slovenia. Rather than having a restorative justice system per se, Romania has implemented mediation practices, as have other 5 EU states: Belgium, the Czech Republic, Croatia, Hungary and Sweden¹¹⁹. The practice is regulated by Law 196/2006 on mediation, amended in 2018. According to the law, mediation is to be carried out “in conditions of neutrality, confidentiality and by having the free consent of the parties”¹²⁰. The same law 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 them¹²¹. However, in practice victims of crime are rarely accompanied by somebody other than their attorney and in few cases do victims avoid direct contact with the offender¹²². As it is in the case of judicial proceedings, few measures are put in practice to guarantee that victims of crime are not further victimised as a result of the

118 European Forum for Restorative Justice (2016), Practice Guide for restorative justice services. The Victims' Directive, Challenges and opportunities for restorative justice, p. 5.

119 European Parliamentary Research Service (2017), The Victims' Rights Directive 2012/29/EU. European Implementation Assessment, p. 56.

120 Art. 1, Law 192/2006 regarding mediation and the organization of the mediator profession.

121 Art. 52, Law 192/2006..

122 Interviewees 1,2 and 3.

mediation process.

Another reason of concern is the type of crimes that may be subjected to mediation. The Romanian CC allows mediation for 28 crimes, including for domestic violence, bodily injury, rape, sexual aggression, batter, stalking and sexual harassment¹²³. Moreover, a mediation agreement eliminates criminal liability for the abovementioned crimes, as they are crimes for which the withdrawal of the complaint or the reconciliation of the parties 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 penalized.

123 Vărgan, V (2016), “Infrațiunile pretabile la mediere și avantajele medierii în materie penală” [“Crimes which may be subjected to mediation and the advantages of mediation in criminal matters”]. Retrieved from <http://www.medierenet.ro/2016/03/20/infractiunile-pretabile-la-mediare-si-avantajele-medierii-materie-penala/#.WxeXP6FPIU>

ARTICLE 13 - RIGHT TO LEGAL AID

Member States shall ensure that victims have access to legal aid, where they have the status of parties to criminal proceedings.

Central to the role of the victim in criminal proceedings, the right to legal aid – particularly legal aid that is free of charge – plays a fundamental role in ensuring the victim's access to justice.

In Romania victims of crime have the right to free legal aid and legal representation through the criminal proceedings, under the conditions stipulated by Law 211/2004 regarding the protection of victims of crime. However, the law restricts free legal aid to victims of more severe crimes: attempted murder or aggravated attempted murder; bodily injuries, and rape, statutory rape or other types of sexual crimes. In addition, the family members (spouse, parent), the legal guardian or the provider for a murder victim are also entitled to free legal aid and representation. Importantly, free legal aid is granted to all victims of crime that occurred on the territory of Romania or, if the crime occurred abroad, to victims who are Romanian citizens or legally residing in the country and if the criminal trial is taking place in Romania¹²⁴.

Victims of crimes other than the aforementioned ones may also be granted free legal aid and representation, but on the basis of a means test: if the victim's monthly income per family member is at most equal to the minimum gross salary (1900 RON in 2018, roughly 400 EURO)¹²⁵.

Nevertheless, there is no data regarding the number of victims of crime who have requested legal aid on the basis of Law 211/2004 and, given the law's limited application, it is safe to assume that legal aid is not sufficiently accessed by victims¹²⁶.

Furthermore, the Romanian state offers free legal aid and representation solely if the offence is formally brought to the attention of the criminal prosecution bodies within 60 days of its occurrence or its acknowledgement. For cases in which the victim is physically or mentally unable to file a formal complaint as a result of the crime, the obligation to notify the criminal prosecution bodies begins once the victim is deemed fit to do so¹²⁷. Nevertheless, the short time span for reporting the crime may be problematic particularly in cases related to sexual and gender-

124 Art. 14, Law 211/ 2004.

125 Art. 15, Law 211/2004.

126 Interviewee 4.

127 Art. 16, Law 211/2004.

based violence, where stigma and shame frequently hinder victims from pursuing justice¹²⁸. An extension of this framework would, in our opinion, encourage victims to come forward and would contribute to a higher reporting rate of violent crimes.

Another barrier in victims' access to justice is the existence of a threshold for the allocation of free legal aid and representation, which is granted throughout the criminal proceedings but not exceeding the value of two minimum gross salaries. Murder cases, violent offences and sexual crimes are usually characterized by lengthy trials, where legal fees are likely to exceed the sum covered by the state¹²⁹. This places an unnecessary financial burden on the victim.

Furthermore, Romania has one of the lowest budgets for legal aid in Europe: in 2010 it was only 0.006% of Romania's GDP, much less than the 0.029% EU average¹³⁰. In addition, Romania does not regulate or encourage pro bono lawyering, and no Law School in the country coordinates legal clinics that provide free legal assistance¹³¹. This is particularly alarming given that approximately 40% of Romanians were at risk of poverty and social exclusion in 2014 and that the risk among Roma was, at 84%, almost three times bigger than for non-Roma¹³². Therefore, the barriers to access to justice – particularly for vulnerable groups in Romania – are manifold and are not limited to criminal matters.

A promising practice in the field, whose aim is to facilitate the access to justice of vulnerable groups, including victims of crime, is *The Pro Bono Network for Human Rights*, a clearinghouse run by the NGO ACTEDO. The project, the largest pro bono clearinghouse in the country, connects individuals that are part of vulnerable groups to pro bono attorneys¹³³. Since its launch in December 2014, *The Pro Bono Network for Human Rights* has grown to include 78 attorneys nation-wide and has helped over 160 people defend their rights in cases of gender-based violence, forced evictions, discrimination, harassment and access to education of children with disabilities, to name a few¹³⁴. The project's contribution to the access the justice of vulnerable groups in Romania was acknowledged with *The European Award for Local Pro Bono Impact* at The European Pro Bono Forum in Amsterdam in 2016. In addition, several NGOs in Romania who provide support to victims of crime, notably victims of domestic violence, also offer free legal assistance and representation in court. However, these initiatives are hardly sufficient and reach only a small proportion of victims of crime.

128 Breaking the Silence on Sexual Violence (2016), Shortcomings in Romanian Policies and Legislation Addressing Sexual Violence, p.1.

129 Government of Romania (2013), Romania Judicial Functional Review, p. 82.

130 Ibid., p.114.

131 Equality and Human Rights Action Centre (2017), Submission by the Equality and Human Rights Action Centre (ACTEDO) to the 29th Session (Jan 2018) of the Universal Periodic Review. State under Review: Romania, p. 3.

132 The World Bank (2014), Studiu de diagnosticare și consultanță pentru politicile de sprijinire a incluziunii romilor din România [Diagnostic and Consultance Study for Support Policies for the Inclusion of Roma in Romania], p. 6.

133 Equality and Human Rights Action Centre – ACTEDO (2015), The Pro Bono Network for Human Rights. 2015 Activity Report, p. 10.

134 Infographic describing The Pro Bono Network for Human Rights in numbers: <http://actedo.org/infographic-the-pro-bono-network-for-human-rights-2017/>

ARTICLE 14 - RIGHT TO REIMBURSEMENT OF EXPENSES

Member States shall afford victims who participate in criminal proceedings, the possibility of reimbursement of expenses incurred as a result of their active participation in criminal proceedings, in accordance with their role in the relevant criminal justice system.

Article 14 of the Directive is transposed into Romanian legislation through Article 276 of the CCP, which refers to the reimbursement of judicial expenses done by the parties to the criminal trial. According to the law, the offender is obliged to reimburse the judicial expenses to the victim, as well as to the civil party (depending on the court ruling), in case of a criminal conviction, a waiver of prosecution or a suspension or postponement of the sentence. When the civil action is only partly admitted, the court may oblige the offender to a partial or total reimbursement of expenses. In situations with several offenders, the court rules over how these expenses will be distributed among them¹³⁵.

In criminal trials where the expenses are advanced by the state and not the victim, the offender may also be obliged to reimburse judicial expenses to the state. Expenses which are exempted from reimbursement are those associated to translation and interpretation and to legal aid in the form of public defenders, which are covered by the state¹³⁶.

However, victims often face financial barriers in their access to justice, as in the majority of cases the reimbursement of expenses occurs at the end of a criminal trial, after the final sentence, which in practice means that the victim is obliged to bear the expenses sometimes for several years. In addition, the withdrawal of a criminal complaint and the acquittal of the offender come with the obligation for the victim to cover the judicial expenses. Oftentimes, this discourages victims from pursuing justice in court, fearing that they will not afford the trial costs.

135 Art. 276, CCP.

136 Art. 274, CCP.

ARTICLE 15 - RIGHT TO THE RETURN OF PROPERTY

Member States shall ensure that recoverable property which is seized in the course of criminal proceedings is returned to victims without delay, unless required for the purposes of criminal proceedings.

Romania has transposed Article 15 of the Directive into Articles 255 and 579 of the CCP which refer to the return of property and to the use of unclaimed property. Prosecutors and judges, during and at the end of a criminal trial, are under the obligation to require that the property be returned to the victim if they determine that it has been wrongfully taken from the victim. The return of property may be done on demand or *ex officio*, but it is limited to situations in which it does not hinder the criminal investigation and if it does not have probative value. In some cases, even if the property has probative value it may be returned to the victim, but only if it remains in his/ her possession until a final sentence is issued¹³⁷.

The CCP stipulates that victims to whom property is to be returned shall be notified to collect it within 6 months of the first notification. If the victim does not claim it within this timeframe, the property is passed to the state. Similarly, if the rightful owner is unknown and if nobody claims the property within 6 months, it is lost in favour of the state¹³⁸.

Qualitative research has shown that the implementation of the law related to the return of property is efficient and that, with the exception of cases when property is kept during criminal proceedings for its probative value, goods are returned to their rightful owner¹³⁹.

137 Art. 255, CCP.

138 Art. 255, CCP.

139 Interviewee 4.

ARTICLE 16 - RIGHT TO DECISION ON COMPENSATION FROM THE OFFENDER IN THE COURSE OF CRIMINAL PROCEEDINGS

Member States shall ensure that, in the course of criminal proceedings, victims are entitled to obtain a decision on compensation by the offender, within a reasonable time, except where national law provides for such a decision to be made in other legal proceedings.

Victims of crime in Romania have the right to seek compensation from the offender both in criminal proceedings and in civil lawsuits, as regulated by the CCP (Articles 19 to 27). The Police, the Prosecutor and other judicial authorities are under the obligation to inform victims of this right.

During the criminal investigation or the criminal proceedings, victims may be granted compensation if they initiate a civil action or if the civil action is initiated by a prosecutor *ex officio* – which occurs when the victim lacks legal competence (is either a minor or does not have the mental capacity to participate in legal proceedings or to be responsible for his/her actions), in which case a legal guardian or tutor will act on behalf of the victim. In addition, unless there is a risk of an unreasonable duration of the trial, the decision to allot compensation is part of the same ruling regarding the criminal action and not part of a separate lawsuit¹⁴⁰.

A measure aimed at facilitating communication between the victims and the judicial authorities is the possibility to submit the application for compensation in either written or oral form. In addition, to ensure equity between the two parties, Romanian legislation grants victims the right to arbitration and transaction in order to settle the civil claims. However, legal aid is not available to victims to cover the expenses of a mediator in such cases, meaning that few victims resort to mediation in order to seek compensation.

Although the CCP stipulates that compensation shall be granted to victims within a reasonable period of time¹⁴¹, in reality the enforcement of court decisions obliging the offender to give

140 Art. 19, CCP.

141 Art. 19, CCP.

compensation to victims are lengthy. In addition, given that the decision for compensation occurs at the end of the criminal trial, the entire process is burdensome for the victim.

With regard to other forms of reparations, the victim's right to seek compensation from the offender does not interfere with their right to claim compensation from the state, as regulated by Articles 21 to 34 of Law 211/2004 regarding victims of crime, or a private insurance fund. The state – through the Ministry of Justice and the Commission for the allocation of financial compensations to victims of crime (entity within the Bucharest Tribunal) – may grant compensation to cover medical or burial expenses and material prejudice suffered by the victims, as well as gains that he/ she is deprived of as a result of the crime¹⁴². Compensation can be sought for the equivalent of up to 10 gross minimum wages for the year in which compensation has been requested¹⁴³.

However, there is no data available regarding the amount spent by the state on compensation for victims. As highlighted by the interviews for the present report, the general application of Law 211/ 2004 regarding victims of crime is very limited and so is the practice of granting compensation to victims. In effect, few victims actually benefit from compensation either from the state or the offender¹⁴⁴.

142 Art. 27, Law 211/2004.

143 As of January 1st, 2018, the gross minimum wage in Romania was 1900 RON, roughly 410 Euro – Source: Government of Romania. Retrieved from <http://gov.ro/ro/guvernul/sedinte-guvern/salariul-de-baza-minim-brut-pe-tara-garantat-in-plata-se-majoreaza-la-1-900-lei-lunar>.

144 Interviewee 1.

ARTICLE 17 – RIGHTS OF VICTIMS RESIDENT IN ANOTHER MEMBER STATE

Member States shall ensure that authorities can take appropriate measures to minimise the difficulties faced where the victim is a resident of a Member State other than that where the criminal offence was committed. The authorities of the Member State where the criminal offence was committed shall be in a position: a) to take a statement immediately after the complaint is made to the competent authority; b) to have recourse to video conferencing and telephone conference calls for the purpose of hearing victims who are resident abroad.

Member States shall ensure that victims of a criminal offence committed in Member States other than that where they reside may make a complaint to the competent authorities of the Member State of residence, if they are unable to do so in the Member State where the criminal offence was committed or, in the event of a serious offence, as determined by national law of that Member State, if they do not wish to do so.

Member States shall ensure that the competent authority to which the victim makes a complaint transmits it without delay to the competent authority of the Member State in which the criminal offence was committed, if the competence to institute the proceedings has not been exercised by the Member State in which the complaint was made.

Right of victims resident in a Member State other than that where the crime was committed are, with few exceptions which are tackled below, not regulated separately in Romanian legislation, but rather are subject to the same criminal law. According to the CC, Romanian criminal law applies to crimes committed outside of Romania by a foreign citizen or a stateless person against a Romanian citizen, as well as a Romanian legal person or the Romanian state. However, criminal

action is initiated only if the offence is not the object of a judicial proceeding in the state where it was committed¹⁴⁵.

Romania grants victims of a criminal offence committed in EU Member States the right to make a complaint with the Romanian competent authorities, as long as they are residing there. According to Article 289 of the CCP, Romanian citizens, foreign citizens and stateless persons residing in Romania may file a criminal complaint about an offence which occurred on the territory of another EU Member State with the Romanian authorities, who are obliged to communicate the complaint to the competent authorities where the crime occurred. In addition, victims have the right to file the complaint in a language they understand and to request a translation of the subpoena if they are called to attend the trial or testify in court.

While less comprehensive about other rights, Romanian legislation extensively regulates the right of victims residing in other Member States to request compensation from the state. The national authority appointed to coordinate the allocation of compensations is the Ministry of Justice. Apart from Romanian citizens residing in Romania, compensation from the state may be awarded, on demand, to foreign citizens or stateless persons who are legally residing in Romania, to EU citizens who were in Romania at the time when the crime occurred or to a foreign citizen or a stateless person residing in another EU Member State, who was legally in Romania when the crime took place¹⁴⁶.

As it is the case with other victims of crime, victims residing in other Member States may be granted compensation only if they notify the competent authorities within 60 days of the occurrence of the crime¹⁴⁷.

With regard to videoconferencing and telephone conference calls, from the total of 232 courts in Romania (courts of first instances, tribunals and courts of appeal)¹⁴⁸, 146 are equipped with videoconferencing facilities, all of them allowing encryption for data protection¹⁴⁹. Interviews with professionals have also shown that videoconferencing is a rather common practice when hearing victims that reside in another EU Member State¹⁵⁰.

Although in theory national and foreign citizens are not treated distinctly by the Romanian criminal law, foreign citizens or stateless persons living in Romania usually face additional barriers in accessing justice, as they have less knowledge about the Romanian justice system and their rights, they oftentimes receive insufficient information about the trial from the judicial

¹⁴⁵ Art. 10, CC.

¹⁴⁶ Art. 21, Law 211/2004.

¹⁴⁷ Art. 23, Law 211/2004.

¹⁴⁸ Superior Council for Magistracy, Organizarea sistemului judiciar în România [The Organization of the Romanian Judicial System]. Retrieved from http://portal.just.ro/303/Documents/organizarea_sistemului_judiciar.pdf

¹⁴⁹ European E-Justice Portal, Information on national facilities – Romania. Retrieved from https://e-justice.europa.eu/content/information_on_national_facilities-319-ro-ro.do?member=1

¹⁵⁰ Interviewee 1.

authorities (as do Romanian nationals¹⁵¹) and they do not usually speak the language. Even though these practical barriers can be overcome with, for instance, the help of interpreters, the entire process may be generally intimidating for foreign victims, who might feel discouraged from pressing charges or participating in criminal proceedings.

ARTICLE 18 - RIGHT TO PROTECTION

Member States shall ensure that measures are available to protect victims and their family members from secondary and repeat victimisation, from intimidation and from retaliation, including against the risk of emotional or psychological harm, and to protect the dignity of victims during questioning and when testifying. When necessary, such measures shall also include procedures established under national law for the physical protection of victims and their family members.

The Romanian Criminal Code grants victims of crime a series of protection measures, under the form of supplementary punishments for offenders, which restrict some of their rights and, thus, indirectly serve to protect the victims. Judges may forbid offenders – for a period of one to five years – to communicate with the victim and his or her family members, as well as to get near the victim’s home, workplace, school or other places where he/ she may carry out social activities¹⁵². According to the Criminal Code, violating this obligation is punished with imprisonment from 3 months to 2 years or with a criminal fine¹⁵³.

However, restricting contact between the offender and the victim has become a more common practice with the introduction in 2012 of the protection order, as regulated by Law 217/2003 for the prevention and combatting of family violence. While the protection order marks an essential step forward, it can still only be accessed by victims of domestic violence, meaning that, under Romanian legislation, victims of gender-based violence, including sexual violence, perpetrated by a non-family member or same-sex partners are not eligible to request a protection order. Protection orders are issued by judges and constitute civil cases and, since 2017, can be pronounced in 72 hours, notifying the police 5 hours later¹⁵⁴.

Between 2012 and 2015, throughout Romania there have been 15,313 requests for protection orders, most of them in 2016, 5,132 requests, pointing to the fact that domestic violence may be a growing phenomenon or that victims are better informed about protection measures. Less than half of the requests –43% – were approved, courts across the country issuing 6,538 protection orders between 2012 and 2016. Data shows a clear gender dimension to family violence, 88%

152 Art. 66, CC.

153 Art. 288, CC.

154 Art. 27, Law 217/2003.

151 See the sections related to Article 4 (Right to receive information from the first contact with a competent authority) and Article 6 (Right to receive information about their case).

of requests for protection orders being made by women and only 7% by men. In 2016, only 1,467 individuals were criminally charged with domestic violence¹⁵⁵, with considerably fewer convictions. This is alarming given that the number of applications for protection orders was four times bigger than the number of indictments and that victims generally see protection orders as last resorts. One is forced to conclude that there is a widespread culture of impunity towards domestic aggressors.

In the experience of women's NGOs who provide support services for victims of domestic violence, violating the protection order is rarely sanctioned or the sanctions are minor, offenders receiving administrative fines or suspended sentences¹⁵⁶. Oftentimes, the Police intervene only when the offender commits a new crime, as they have few means of monitoring him, such as electronic bracelets or staff charged with supervising the offender. Furthermore, the application of the sanction is lengthy, leaving the victim constantly exposed to the risk of violence and retaliation¹⁵⁷. With regard to child victims of crime, the Social and Child Protection Services are charged with offering support and protection in cases of physical and/or sexual abuse, human trafficking, child labour, neglect or exploitation. Violence and abuse can be reported at a special helpline (116111) and special protection measures may be taken, such as placing the child in an emergency shelter or in emergency foster care. However, given that domestic violence is usually considered taboo in Romania, abuse is severely under-reported, affecting children, who are among the most vulnerable in society.

What is also problematic is the risk of secondary and repeat victimisation, especially in cases of domestic and gender-based violence. This may result from victim-blaming attitudes which are sometimes prevalent even among professionals interacting with victims, which is a reflection of commonly held beliefs in society¹⁵⁸.

What also oftentimes leaves victims at risk of retaliation and further violence is the possibility of conciliation with the offender or withdrawing the criminal complaint, which removes the criminal liability. Currently, regardless of how many times a victim of domestic violence notifies the competent authorities about instances of violence, if she withdraws her complaints the offender is no longer held accountable and the criminal investigation is halted. A positive amendment to Law 217/2003 regarding family violence was proposed in April 2018, although it was met with public outrage as it was grossly misunderstood. The amendment aims to limit the number

155 Carmen Nemeş, Giulia Crişan (2017), *Violenţa în familie. Practică judiciară comentată* [Domestic Violence. An Analysis of Judicial Practices], Universul Juridic, Bucharest, p. 9.

156 Interviewee 2. The same respondent indicated issues with complaints regarding the violation of protection orders. For example, once, the police did not follow up on a complaint made by a victim of domestic violence against her husband who was violating the protection order issued against him, claiming she had no proof for the aggression.

157 Carmen Nemeş, Giulia Crişan (2017), *Op.cit.*, p. 12.

158 For instance, 55% of Romanians – the highest 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.

of times domestic aggressors can escape criminal investigation by only removing the criminal liability one time if the victim withdraws her complaint¹⁵⁹. The proposal was approved by the Senate in April 2018 and was being analysed by the Chamber of Deputies at the time the current report was written.

159 Romanian Senate: Legal proposal for the amendment of Law 217/2003 regarding domestic violence. Retrieved from <https://www.senat.ro/Legis/Lista.aspx?cod=20742>

ARTICLE 19 - RIGHT TO AVOID CONTACT BETWEEN VICTIM AND OFFENDER

(1) Member States shall establish the necessary conditions to enable avoidance of contact between victims and their family members, where necessary, and the offender within premises where criminal proceedings are conducted, unless the criminal proceedings require such contact.

(2) Member States shall ensure that new court premises have separate waiting areas for victims.

Although avoiding contact between victims and their offender is crucial in order to protect victims and minimise the risk of further trauma or even violence and retaliation, Romanian legislation and practices fall short of the Directive's requirements, Article 19 not having been transposed. However, there are a few restrictions applied to offenders which may, in effect, limit the contact between them and the victim, but these refer mostly to ensuring a fair trial and less to protecting victims. For instance, the offender may be temporarily placed in custody if he "exerts pressures on the injured person or tries to establish a fraudulent understanding with her"¹⁶⁰. In addition, influencing the statement of any party to the criminal proceedings or their family members by intimidation, constraint or other means in order to coerce the person to give false statements, to withdraw their statements, to not notify the judicial authorities or to not present evidence constitutes a crime punishable with one to five years imprisonment¹⁶¹.

Thus, not only is the right to avoid contact between victim and offender not stipulated in legislation, but the set-up of criminal proceedings makes it practically impossible for victims to avoid meeting or at least seeing the offender. There are no separate entrances or waiting rooms for victims and aggressors, and they usually wait together with their attorneys and the prosecutor in the lobby before the court session begins. In court, victims testify in front of the offender and their attorney, frequently only a few metres away¹⁶². In situations where victims are particularly vulnerable, such as in cases of human trafficking for sexual exploitation, the mere presence of the offender in their proximity and the length of the trial have a clear intimidating effect on victims,

¹⁶⁰ Art. 223, CCP.

¹⁶¹ Art. 272, CC.

¹⁶² Interviewee 1.

in some cases leading them to change their initial statement and even downgrade the crime¹⁶³.

A recent salutary development referring to Article 19 of the Directive is the amendment in May 2018 of Law 211/2004 regarding victims of crime, which now makes explicit reference to separate waiting rooms for victims and offenders. Concretely, the law states that as of June 1st 2018 all newly built courts will be equipped with separate waiting rooms and that similar spaces will be arranged in existing courts, beginning with January 2019¹⁶⁴. It remains to be seen if proper funding will indeed be allocated for this purpose.

¹⁶³ Interviewee 1.

¹⁶⁴ Art. 35(1), Law 211/2004.

ARTICLE 20 – RIGHT TO PROTECTION OF VICTIMS DURING CRIMINAL INVESTIGATIONS

Member States shall ensure that during criminal investigations: a) interviews of victims are conducted without unjustified delay; b) the number of interviews of victims is kept to a minimum and interviews are carried out only where strictly necessary for the purposes of the criminal investigation; c) victims may be accompanied by their legal representative and a person of their choice; d) medical examinations are kept to a minimum and are carried out only where strictly necessary for the purposes of the criminal proceedings.

The right to protection of victims during criminal investigations is transposed into Articles 113, as well as 124 to 130 of the Romanian CCP.

One such protection measure in cases where investigations are initiated *ex officio* is the possibility for victims not to take part in the criminal proceedings in order to avoid further victimisation. Victims should, however, expressly notify the competent authorities of their choice, who can hear him/ her as a witness if they deem necessary¹⁶⁵.

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. However, the Romanian legal system does not allot special attention to mitigating the trauma of victims of crime by reducing the number of times they are interviewed. On average, the minimum number of interviews victims are subjected to during criminal proceedings is 4, as they give testimony and recount the prejudice they suffered to members of the Police, the Prosecutor's Office, their lawyer, the judge overseeing their case¹⁶⁶.

Additionally, if the victim has suffered physical harm, she has to seek medical aid, as well as forensic assistance, and obtain a certificate, which is not free of charge, in order to prove the violence she has endured. Medical and forensic services in Romania are oftentimes located in separate venues and are not evenly distributed across the country, raising serious issues on their

¹⁶⁵ Art. 81, CCP.

¹⁶⁶ Interviewee 1.

accessibility to victims. Given the scarcity of police, medical and forensic staff, as well as the lack of training of professionals in the criminal justice system in dealing with victims of crime, victims are often subjected to secondary victimization¹⁶⁷.

Nevertheless, Romania has made some progress in recent years regarding the protection of victims of gender-based violence by ratifying, in 2016, The Council of Europe Convention on preventing and combating violence against women and domestic violence (The Istanbul Convention). In addition, since 2012, victims of domestic violence may request protection orders against their offenders, as regulated by Law 217/2003 regarding domestic violence, which may include removing the offender from the home shared with the victim and forbid them from establishing contact with the victim. Child victims of violence also receive protection and specialized support from the Social and Child Protection Services, and some protection measures are also available to victims of human trafficking, provided mostly by the National Agency against Human Trafficking and NGOs. However, other categories of victims – most notably women victims of gender-based violence committed by a non-family member – are even more vulnerable to retaliation or intimidation from the offender, as there is no legal framework or regulations to protect them from secondary and repeat victimisation during the criminal proceedings (if the offender is not in custody) and if the offender escapes custody or is released early.

¹⁶⁷ Breaking the Silence on Sexual Violence (2016), Shortcomings in Romanian Policies and Legislation Addressing Sexual Violence, p. 2.

ARTICLE 21 - RIGHT TO PROTECTION OF PRIVACY

Member States shall ensure that competent authorities may take during the criminal proceedings appropriate measures to protect the privacy of the victim. Furthermore, Member States shall ensure that competent authorities may take all lawful measures to prevent public dissemination of any information that could lead to the identification of a child victim.

Article 21 of the Directive is only partially transposed into Romanian legislation, meaning that, with some exceptions regarding particularly vulnerable victims, there are practically no measures in place to protect the privacy of victims of crime. It has been affirmed that the right to privacy of victims of crime is a right that was never heard of in Romania¹⁶⁸.

Victims of trafficking in human beings are granted the right to privacy and to the protection of their identity, as regulated by Article 26 of Law 678/ 2001 regarding the protection and assistance of victims of trafficking in human beings. According to the law, these victims may also be included in the witness protection programme to ensure their identity remains unknown to the general public and the offender¹⁶⁹. According to Article 126 of the Romanian CCP, threatened witnesses to criminal offences may be provided with measures aimed at protecting their identity, such as: allocating an alias to be used in their written statements; hearing them without them being present, with the use of audiovideo equipment and with their voice and face distorted; omitting their personal data and real address from their statements. These measures may be applied throughout the criminal proceedings, if the prosecutor deems necessary.

With regard to children, they are entitled to the protection of their “public image and their intimate, private and family life”¹⁷⁰ and specific measures exist to protect their identity in audiovisual materials, as regulated by the National Audio-visual Council. For instance, it is forbidden to release images or information which may lead to the identification of children below the age of 14 who have been victims of or witnesses to violent crimes¹⁷¹. However, the right to the protection

168 Interviewee 1.

169 Art. 26, Law 678/2001 on the protection and support for victims of human trafficking.

170 Art. 27, Law 272/2004 regarding the protection of the rights of the child, republished 2014.

171 In the case of victims of sexual crimes younger than 14 years old, it is forbidden to disclose their identity in audiovisual materials, as it is for child victims of violent crimes, unless their parents or legal guardians give their consent to do so.

Art. 1 of Decision 187/2006 regarding the Code for the Regulation of Audiovisual Content.

of privacy of child victims is not specifically regulated in criminal proceedings.

Furthermore, the names of the victims are published on court online portals, as well as on the courtroom lists, with no regard to their privacy. Whereas the press is generally denied access in courtrooms, journalists are free to photograph victims on the hallways, while they are awaiting trial. In this case, victims can only resort to civil trials where they can request compensation¹⁷².

There is, nevertheless, one protection measure concerning victims’ right to privacy: criminal proceedings are generally not public. In addition, judges may forbid the publication of texts, drawings or images that could lead to the identification of victims, if they believe there is a risk to the victim’s intimacy or dignity¹⁷³.

172 Interviewee 1.

173 Ministry of Justice, “The rights of victims of crime”. Retrieved from <http://www.just.ro/drepturile-victimelor-infractiunilor/>

ARTICLE 22 - INDIVIDUAL ASSESSMENT OF VICTIMS TO IDENTIFY SPECIFIC PROTECTION NEEDS

Member States shall ensure that victims receive a timely and individual assessment to identify specific protection needs due to their particular vulnerability to secondary and repeat victimisation, to intimidation and to retaliation.

Article 22 of the Directive is perhaps the most important, as it highlights the importance of a case-by-case assessment of the victim's needs in order to allow them to exercise their rights fully and to establish protection measures. The individual assessment should take into consideration the victim's particular characteristics and circumstances, including their vulnerability, the risk of secondary victimisation and the threat of intimidation or retaliation, in order to apply special protection measures. However, the Romanian justice system remains centred on the offender, therefore it is not surprising that Romania has not transposed Article 22 of the Directive. In reality, it is mostly victim support organisations (NGOs) and the Child Protection Services (state-run) who assess the victims' needs and establish an action plan in order to ensure that victims are provided with the protection measures they need. Nevertheless, no NGO offers support services to all victims of crime, but they remain specialised on particular vulnerable categories, mostly children and women victims of violence.

The Child Protection Services carry out a risk assessment and, afterwards, with the help of a multidisciplinary team¹⁷⁴, a detailed needs assessment for the child. If it is concluded that the child was indeed subjected to violence, an action plan is established, which may include his/ her removal from their environment, referral to support services, and criminal intervention¹⁷⁵.

For victims presumed to be vulnerable according to the Romanian CCP¹⁷⁶, special protection measures may be taken, if the court deems necessary: protection of their identity, police protection, being heard in the company of a psychologist (for child victims), etc. However, in practice these measures are rarely applied¹⁷⁷.

174 Usually composed of a social worker (who is oftentimes the case manager), a psychologist and a doctor.

175 Direcția Generală de Protecție a Copilului, Serviciul Asistență în Situații de Abuz, Neglijare, Trafic și Exploatare a Copilului. Retrieved from https://www.protectiacopilului6.ro/directia-protectia-copilului_doc_11_serviciul-asistenta-in-situatii-de-abuz-neglijare-trafic-si-exploatare-a-copilului_pg_0.htm

176 Art. 113, CCP.

177 Interviewee 2.

A possible explanation is that prosecutors and judges have a severe lack of understanding regarding the vulnerability of certain social groups and, therefore, of certain victims, which makes judicial authorities less sensitive to victims' specific protection needs or lack the mechanisms to apply them¹⁷⁸.

Even in cases where protection mechanisms exist, such as the protection order for victims of domestic violence, the inability of police to efficiently intervene when the protection order is violated leads many victims vulnerable to violence or retaliation. Several women who had obtained protection orders against their violent partners have been murdered by them in the past years, of which three cases received intense media coverage. It has been affirmed that, due to this scenario, some professionals no longer know whether to advise their beneficiaries to request a protection order or not¹⁷⁹.

The fact that no special attention is given to victims of crime, sometimes not even to victims of trafficking in human beings, of organised crime or of gender-based violence, is also apparent from the equal treatment of all criminal cases. With the exception of crimes with a high impact (money laundry, multiple victims, extreme violence, etc.) or which receive intense media coverage, no priority is allotted to any given case, regardless of the protection needs of the victim.

178 Interviewee 1.

179 Interviewee 3.

ARTICLE 23 - RIGHT TO PROTECTION OF VICTIMS WITH SPECIFIC PROTECTION NEEDS DURING CRIMINAL PROCEEDINGS

(1) Member States shall ensure that victims with specific protection needs may benefit from the measures. A special measure envisaged following the individual assessment shall not be made available if operational or practical constraints make this impossible, or where there is an urgent need to interview the victim and failure to do so could harm the victim or another person or could prejudice the course of the proceedings.

(2) During criminal investigations, Member States shall ensure that victims with specific protection needs who benefit from special measures identified as a result of an individual assessment, may benefit from the following measures: a) interviews with the victim being carried out in premises designed or adapted for that purpose; b) interviews with the victim being carried out by or through professionals trained for that purpose; c) all interviews with the victim being conducted by the same persons; d) all interviews with victims of sexual violence, gender-based violence or violence in close relationships being conducted by a person of the same sex as the victim, if the victim so wishes.

(3) During court proceedings, victims with special protection needs shall also have the following measures available: a) measures to avoid visual contact between victims and offenders; b) measures to ensure that the victim may be heard in the courtroom without being present; c) measures to avoid unnecessary questioning concerning the victim's private life not related to the criminal offence; d) measures allowing a hearing to take place without the presence of the public.

Romania does not explicitly distinguish between different categories of victims in order to apply specific protection measures, but rather acknowledges the increased vulnerability of victims of certain violent crimes. In addition, given that Romania generally does not carry out a case-by-case assessment of the needs of victims of crime, only to a limited extent do victims benefit from specific protection measures which take into consideration their characteristic and circumstances. Therefore, Article 23 of the Directive is only partly transposed into Articles 113 (The protection of the injured person and the civil party) and 352 (The public character of court trials) of the CCP and into Article 35(1) of Law 211/2004 regarding the protection of victims of crime.

Concretely, Romanian legislation grants some victims the right to be interviewed by a person of the same sex, on demand. Victims who can benefit from this right are those who have been subjected to rape, sexual aggression, statutory rape, ill treatment of minors, harassment and sexual harassment, as well as other cases where it is deemed necessary by the judicial authority¹⁸⁰. Nevertheless, judicial authorities rarely inform victims of this right and therefore few victims request to be interviewed by a person of the same sex.

Section 3(d) of Article 23 regarding "measures allowing a hearing to take place without the presence of the public" is also transposed into Article 352 of the CCP. Specifically, the court may rule to have a closed session, where the only people who are present are the victim, the offender, their attorneys, the judge and the clerk, if a public session could harm the "safety, the dignity or the private life" of the victim or the witness. Any of the parties or the prosecutor may request a closed session¹⁸¹. Interviews with professionals have also shown that in most cases of violent offences proceedings are not open to the public¹⁸². In addition, the same article stipulates that the court may forbid the publication or dissemination of audio-visual materials, texts, drawings, photographs or images that may lead to the identification of the victims or the witnesses.

In other aspects, Romania fails to implement the standards laid out by EU Directive 29/2012. For instance, although Article 23 states that interviews with the victim should be carried out in premises especially designed or adapted for that purpose, in practice this only applies to child victims in Romania, who are usually interviewed in a separate room, most often the council room.

Furthermore, victims are almost never interviewed by professionals that are specifically trained for that purpose. Exceptions may include children that are victims of sexual violence and victims of trafficking in human beings for sexual exploitation, but the practice varies throughout the country. Similarly, contrary to the standards set out by Article 23 of the Directive, victims are usually interviewed by more persons, representatives of the Police, the Prosecutor's Office and court officials¹⁸³.

180 Art. 111, CCP.

181 Art. 352, CCP.

182 Interviewee 1.

183 Interviewee 1.

In addition, at times, the CCP conveys opposite messages, as it is with regard to the hearing of victims in criminal trials. While Article 113 states that repeat hearings of the victim should be carried only if it is strictly necessary for the trial, Article 380 regarding the hearing of the injured person and the civil party affirms that victims may be heard as many times as deemed necessary. This inconsistency, together with the offender-centred approach of the Romanian justice system, leads to victims being heard several times by different professional, with no regard to the risk of being subjected to secondary victimisation.

There are also no appropriate measures to avoid visual contact between victims and offenders: victims and offenders are generally physically present in the same courtroom throughout the hearings, which means that the vast majority of victims of crime are heard in the courtroom in the presence of the offender, who may ask the victim questions through their attorney. In addition, there are no separate waiting rooms or separate entrances for victims and offenders¹⁸⁴. Nevertheless, a recent amendment to Law 211/2004 regarding the protection of victims of crime has set out the obligation for newly built courts to create separate waiting rooms for victims of crime as of June 1st 2018, as well as to equip existing courts with such rooms as of January 1st 2019¹⁸⁵.

Furthermore, judges are generally unaware of the communication procedures between prosecutors and victims and, therefore, of the extent to which victims have been informed about their case. Moreover, cases are treated as they occur and, with the exception of high profile cases, which also receive media coverage, there is no prioritisation according to the severity of the crime, which negatively impacts especially already vulnerable categories of victims¹⁸⁶.

184 Interviewees 1 and 2.

185 Art. 35(1), Law 211/2004.

186 Interviewee 1.

ARTICLE 24 - RIGHT TO PROTECTION OF CHILD VICTIMS DURING CRIMINAL PROCEEDINGS

Member States shall ensure that where the victim is a child: a) in criminal investigations, all interviews with the child victim may be audio visually recorded; b) in criminal investigations, and proceedings, competent authorities appoint a special representative for child victims where the holders of parental responsibility are precluded from representing the child victim as a result of a conflict of interest between them and the child victim, or where the child victim is unaccompanied or separated from the family; c) where the child victim has the right to a lawyer, he or she has the right to legal advice and representation, in his or her own name, in proceedings where there is, or there could be, a conflict of interest between the child victim and the holders of parental responsibility.

Article 24 of the Directive is partially transposed into Romanian legislation, into Articles 111 and 113 of the CCP. According to Article 111(8), in all cases where the victim is a child, it is mandatory to record his or her hearing using audio or audio-visual means, unless there is a compelling reason not to do so. The child's statement must, nevertheless, include the reasons why the audiovideo recording was not possible.

In addition, given that child victims of criminal offences are presumed vulnerable according to Article 113 of the CCP, the provisions of the article also apply to children. Concretely, judicial authorities must limit the number of interviews to one, unless there is clear need for additional hearings. Child victims may also request to be accompanied by their legal guardian or a person of their choice, unless there is a contrary decision of the court if there is reason to believe this person may influence the child's statement or disrupt the hearing¹⁸⁷. As far as the premises of the hearing are concerned, child victims are usually interviewed in a separate room, most often the council room. In addition, in Romania there are only two especially designed interview rooms for children, in Cluj-Napoca and Craiova, which are equipped with a one-way mirror and child-friendly props, making them promising practices in reducing secondary victimisation of children. For instance, the interview room in Cluj-Napoca, inaugurated in 2014, is composed of two

187 Art. 113, CCP.

separate rooms, the first being reserved for the children who are interviewed and the interviewer, a trained psychologist or social worker, and the second for police officers and prosecutors. The room is equipped with a one-way mirror, a camera and a microphone, so that the interview is recorded and is used as evidence throughout the criminal proceedings¹⁸⁸.

The interview room is compliant with Articles 24 and 19 of the Directive, regarding the right of child victims to protection during criminal proceedings, as well as to avoid contact with the offender. Moreover, it marks a clear improvement from prior practices, which subjected children to several interviews, up to 5 times¹⁸⁹. The special interview room significantly reduces the risk of secondary victimisation, not only because it is child-friendly, but also because it ensures that the interview is conducted once and by a trained professional. However, field research has shown that, due to a lack of clear regulations, the interview room is used arbitrarily¹⁹⁰.

However, since there are no regulations or obligation as to when these rooms should be employed, it is up to judges and prosecutors to decide when to use them¹⁹¹. Children with disabilities who are victims of abuse or violence can be interviewed using special techniques, such as the use of anatomic dolls, drawing or playing¹⁹².

Furthermore, Article 24 of the Directive is also transposed with regard to establishing the age of child for whom this information is unknown: whenever the age of a victim cannot be accurately determined, but there are reasons to believe he or she is underaged, the victims will automatically be presumed to be a child¹⁹³.

According to Law 304/2004 regarding judicial organisation, all courts in Romania (first instance courts, tribunals and courts of appeals) are endowed with specialised sections for criminal and civil cases regarding minors and family matters which also deal with crimes committed by children or against children. Similar specialised sections exist within Prosecutor's Offices. In addition, there is one Tribunal for Minors and Family Matters in the country, in Braşov. Recently, in January 2018, a new law was passed creating a Children's Ombudsman, who shall act as a deputy to the Ombudsman and whose goal is "to defend, protect, and promote the rights of the child"¹⁹⁴. The Children's Ombudsman will receive and solve individual complaints of children or their legal representatives against public institutions in the areas of health, education and children's special protection. However, this public authority is not yet in place.

188 Ziua de Cluj (2014), Special interview room for children, inaugurated in Cluj (Sală specializată în audierea minorilor, inaugurată la Cluj). Retrieved from <http://ziuadecj.realitatea.net/administratie/--125456.html>

189 The interviews were previously conducted by the police, at the first contact, by the prosecutor, by the judge during the criminal investigation and by the judges during the appeal stages, including during the judicial supervision of the suspect. – Ibid.

190 Interviewee 1.

191 Interviewee 1.

192 Romania, Government Decision No. 49/2011 in European Union Agency for Fundamental Rights, Victims of crime in the EU: the extent and nature of support for victims, p. 88.

193 Art. 113, CCP.

194 Art. 10, Law 9/2018 for the amendment of Law 35/1997 regarding the organisation and functioning of the Ombudsman.

Special attention is given to children under 14 who are witnesses of violence. Although they are not considered victims per se, they are interviewed following special procedures: the child is accompanied by their parent or legal guardian as long as they themselves are not the offender or another party in the criminal trial. Additionally, all negative psychological effects of the interview are to be avoided and, if the court deems necessary, the child can be heard with the help of a trained psychologist¹⁹⁵.

195 Art. 124, CCP.

ARTICLE 25 - TRAINING OF PRACTITIONERS

Member States shall ensure that officials likely to come into contact with victims, such as police officers and court staff, receive both general and specialist training to a level appropriate to enable them to deal with victims in an impartial, respectful and professional manner.

Member States shall request that those responsible for the training of lawyers, judges and prosecutors involved in criminal proceedings make available both general and specialist training to increase awareness of the needs of victims.

Member States shall encourage initiatives enabling those providing victim support and restorative justice to receive adequate training and observe quality standards to ensure such services are provided in an impartial, respectful, and non-discriminatory manner.

Training shall aim to enable the practitioners to recognise victims and to treat them in a respectful, professional and non-discriminatory manner.

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Although Romania provides some training to professionals that come in contact with victims of crime, namely police officers, prosecutors and judges, these training programmes are neither sufficient, nor victim-centred.

Police agents and police officers do not receive training that would allow them to recognise victims of crime, particularly women victims of gender-based violence and children subjected to abuse, which means that oftentimes they do not treat them in a respectful, professional and non-discriminatory manner. In fact, victims of gender-based violence often report victim-blaming attitudes among police officers, as well as inappropriate questioning, which subject them to secondary victimisation¹⁹⁶. To a large extent the attitudes of judicial authorities reflect

¹⁹⁶ Interviewee 2.

common held belief at societal level¹⁹⁷.

In addition, prosecutors and judges have a severe lack of understanding regarding the vulnerability of certain social groups and, therefore, of certain victims. According to a 2014 study conducted by the Ministry of Justice and the Superior Council of Magistracy, the majority of court respondents did not consider people infected with HIV (62% of respondents), Roma (60% of respondents), children (59%) and single mothers (55%) to be among vulnerable categories¹⁹⁸. This demonstrates not only a misperception of the issue of access to justice from a human rights perspective, but it also has implications on how victims, particularly vulnerable victims, will be treated during criminal proceedings.

Although magistrates are under the obligation to attend at least one training session every three years, existing training programmes are not sufficient to counteract victim-blaming attitudes¹⁹⁹. For instance, regarding the training of magistrates, in 2017, there were two seminars on trafficking of human beings attended by 20 magistrates from the entire country, one seminar on abuses against children attended by 25 magistrates and eight seminars on domestic violence attended by 70 judges and 90 prosecutors²⁰⁰. The training programmes also tackled aspects of victim support and victims' rights. However, only a very limited number of professionals were involved in the training and for a short period of time, one or two days on average²⁰¹.

In conclusion, there is need for more frequent and comprehensive training for judicial authorities, which would focus on the characteristics of specific vulnerable victims and their needs (children, women victims of gender-based violence, Roma, sexual minorities, etc.), as well as to organise interdisciplinary and intersectorial training sessions for police officers, magistrates and attorneys, so that criminal proceedings may become victim-centred.

¹⁹⁷ For instance, as mentioned in section related to Article 18 of the report, 55% of Romanians believe that rape is sometimes justifiable, in other words that there is at least one situation which may make sexual intercourse without consent acceptable. These situations include the victim being drunk, having multiple sexual partners or wearing revealing clothes. Similarly, according to a survey conducted by Save the Children Romania in 2015, 63% of Romanian children claim they have been subjected to some form of violence by their parents, although only 38% of parents admit hitting their children.

European Commission (2016), Special Eurobarometer 449 Report: Gender-based Violence, p. 65.; Save the Children Romania (2015), Annual Report 2015, p. 9.

¹⁹⁸ Superior Council for Magistracy (2014), Improving access to justice for Roma and other vulnerable groups. An integrated approach, p. 83.

¹⁹⁹ Interviewee 1.

²⁰⁰ The National Institute for Magistracy, Life-long Learning Programme 2017.

²⁰¹ Ibid.

ARTICLE 26 - COOPERATION AND COORDINATION OF SERVICES

Member States shall take appropriate action to facilitate cooperation between Member States to improve victims' access to the rights set in the Directive and such cooperation shall at least aim at: a) exchange of best practices; b) consultation in individual cases; c) assistance to European networks working on matters directly relevant to victims' rights.

Member States shall take appropriate action aimed at raising awareness of the rights set out in the directive, reducing the risk of victimisation, and minimizing the negative impact of crime and the risk of secondary and repeat victimisation, of intimidation and retaliation, in particular targeting groups at risk such as children, victims of gender-based violence and violence in close relationships.

Article 26 of the Directive, which refers to the cooperation and coordination of services both within and among Member States, has not been transposed into Romanian legislation, although there are some administrative mechanisms aimed at facilitating cross-border cases²⁰².

According to national legislation, the main forms of international judiciary cooperation in criminal matters are: extradition, extradition based on a European Arrest Warrant, the transfer of criminal procedures, as well as of convicted persons, the recognition and application of judicial decisions, and – the only one with reference to victims – the allocation of legal aid²⁰³.

Within Romania, the main state institutions which ensure victims' access to the rights set in the Directive are the General Directions for Social Welfare and Child Protection, the National Agency against Trafficking in Human Beings, the Probation Services²⁰⁴. These institutions are separate entities and have few cooperation and referral regulations, which in practice means that the victims that do receive information about their services do so from their first contact

202 European Parliamentary Research Services (2017), The Victims' Rights Directive 2012/29/EU. European Implementation Assessment. p. 64.

203 Birzu, B. G. (2016), "Participarea în procedurile penale a victimelor criminalității în Uniunea Europeană. Opinii critice și propuneri de lege ferenda" ["The Participation of Victims of Criminal Offences in Criminal Proceedings in the European Union. Critical Opinions and Proposals of Lex Ferenda"], Acta Universitatis George Bacovia. Juridica, Volume 5. Issue 1/2016, p. 2.

204 These entities are coordinated by the Ministry of Labour, the Ministry of Internal Affairs and the Ministry of Justice, respectively.

with a public authority, the police or a hospital, from nongovernmental organisations or online sources. In addition, the sharing of best practices among Romanian public authorities is neither mandatory, nor encouraged, which is also reflected in the lack of an interdisciplinary approach when assisting victims of crime, as well as in the scarcity of available information on the topic, particularly regarding cross-border victims of crime

National awareness raising campaigns in Romania are generally focused on types of crime – trafficking, domestic violence and violence against children being the most common – and are sometimes part of larger programmes which also include exchanges of good practices among Romanian and European institutions. For instance, one of the largest projects implemented by the National Agency for Gender Equality between 2014 and 2015 was "START — A quality life in safety!" which totalled 38 million euros. The overall objective was to develop an integrated system to address national measures to prevent and combat domestic violence and trafficking. The project provided specialised assistance (psychological counselling, social, medical and vocational assessment) to c. 5000 victims, offered professional training to 6000 women victims of violence and, among other things, set up the national helpline for victims of domestic violence: 0 800 500 333²⁰⁵. Nevertheless, the project has been criticised by many victim support organisation for its inefficient spending, in particular related to the awareness raising activities which took the form of expensive concerts (*Celebrations of Normality*, in Romanian: *Serbările Normalității*), which cost 3.5 million Euros, a sum that could have supported one shelter in each of the 40 counties for 4 years²⁰⁶.

When it comes to trafficking, between 2013 and 2016 Romania implemented 3 transnational projects (with partners from the UK, Italy and Eastern Europe), aimed at raising awareness and exchanging good practices among practitioners regarding labour and sexual exploitation. Additionally, in 2016 Romania implemented 3 national prevention campaigns with an estimate number of 120,000 direct beneficiaries and 1,400,000 indirect beneficiaries²⁰⁷. Efforts have also been made to intensify international cooperation in cases of human trafficking: 28 practitioners participated in transnational Joint Investigation Teams between 2012 and 2017²⁰⁸.

The Romanian state has also implemented awareness raising campaigns regarding violence against children, the most notable in recent years in March 2017, when the country launched the Global Partnership to End Violence against Children²⁰⁹, committing to providing comprehensive services for preventing and combating violence²¹⁰.

205 Human Rights Council (2018), National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*. Romania, p. 28.

206 Ana Maria Ciobanu, Oana Sandu, "Normalitatea celor 38 de milioane de euro" in Decât o Revistă. Retrieved from <http://www.decatorevista.ro/normalitatea-celor-38-de-milioane-de-euro/>

207 Human Rights Council (2018), National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*. Romania, p. 27.

208 Ibid., p. 14.

209 The Global Partnership to End Violence Against Children a worldwide public private partnership for stakeholders to work together to prevent and respond to violence against children. More information at <http://www.end-violence.org/>.

210 UNICEF Romania, Combating Violence Against Children – A Priority for Romania. Retrieved from https://www.unicef.org/romania/media_30498.html

GOOD PRACTICES

Few good practices have been identified with regard to the practical implementation of the Victims' Directive in Romania, namely four. The first refers to the right to interpretation and translation (Article 7 of the Directive), which is generally ensured throughout criminal proceedings to victims who do not speak or understand Romanian. The second identified good practice refers to a special interview room in Cluj-Napoca for children victims of crime (state-run), the third to an efficient cooperation and referral mechanism between public and private entities in cases of domestic violence, and the fourth good practice refers to a pro bono legal aid programme coordinated by an NGO. In addition, there are several Romanian NGOs that provide good or excellent support services to victims of crime, complementing or substituting public services, despite receiving little or no funding from the state.

The first good practice worth mentioning refers to the right to **interpretation and translation** (Article 7 of the Directive), which is generally provided throughout criminal proceedings to victims who do not speak or understand Romanian with the help of certified interpreters and translators. These interpreters are registered with the Ministry of Justice and their contact information is available on the Ministry's website, making it easier for judiciary authorities to have them attend court sessions. In cases where the victim speaks a language for which it is difficult to provide a certified interpreter, qualitative research has shown that sometimes court officials contact the victim's Embassy or Consulate, who may provide translation.

The second identified good practice is the creation of **a special interview room in Cluj-Napoca for children who are victims of physical and sexual abuse**. The room, comprehensively described in the section related to Article 24 – The right to protection of child victims during criminal proceedings, aims to reduce the risk of secondary victimisation by only interviewing the child once by a trained professional (usually a psychologist) and recording his/ her statement to be used as proof during the criminal proceedings. Additionally, the room is child-friendly and equipped with a one-way mirror, creating a less intimidating environment for the child.

A third good practice refers to the cooperation and cross-referral mechanisms in cases of domestic violence between public and private entities in Târgu Mureş, Mureş County. Here, a multisectorial team offers efficient intervention and prevention of domestic violence by bringing together social workers, doctors, nurses, psychologists and law enforcement officers, while also referring victims to a shelter²¹¹.

²¹¹ For more information, see the section related to Article 9 – Support from victim support services.

Similarly, several NGOs provide quality services and/ or shelter to victims of domestic violence, regardless of whether they have filed a complaint with the competent authorities: Anais Association and Necuvinte Association (in Bucharest), the Association for Liberty and Equality of Gender - ALEG (in Sibiu), Atena Delphi Association (in Cluj-Napoca), Pas Alternativ Association (in Braşov), etc. ALEG, for instance, also offers free online and offline psychological counselling to victims of gender-based violence.

The fourth identified good practice refers to the implementation of Article 13 of the Directive, the right to legal aid. Coordinated by the NGO ACTEDO, *The Pro Bono Network for Human Rights* is the largest pro bono clearinghouse in Romania and the only one of its kind, focusing on human rights violations. The project offers pro bono legal assistance and representation in court to vulnerable individuals, including victims of crime, from all over the country²¹².

²¹² For more information about The Pro Bono Network for Human Rights, see the section related to Article 13 – The right to legal aid.

GAPS, CHALLENGES, AND RECOMMENDATIONS

Although Romania has made some progress in improving the protection of victims of criminal offences and in facilitating their access to support services, more measures need to be taken in order to ensure a complete and adequate transposition and enforcement of the Victims' Directive.

Firstly, there is a need to **develop and expend support services for victims**: more **shelters** for victims of domestic violence must be created, as there are still entire counties that do not have such shelters and/ or which are difficult to access. Similarly, shelters for victims of human trafficking must be made functional and provide adequate services, either as different entities or as part of more generic shelters for victims of abuse. Moreover, the state should take measures to ensure that the Probation Services do indeed provide **psychological counselling** to victims of crime, and that these services are offered by properly trained professionals and are promoted and disseminated appropriately.

More efforts must be channelled into complementing specialised support with **generic support services** for victims of crime, as Romania is one of the 8 EU states that do not currently have such services. In addition, measures should be taken to ensure that victims receive proper information about their rights and are referred to support institutions or organisations from the first contact with a competent authority.

Equally important for **the protection of victims** of crime is to eliminate the legal provisions which specify that withdrawing the criminal complaint removes criminal liability: Article 199 of the Criminal Code and Article 32 of Law 217/2003 regarding domestic violence. In this case too, victims of gender-based violence are particularly vulnerable to the influence of the offenders, oftentimes their partners, and may repeatedly withdraw their complaints out of fear of the repercussions. The Romanian state should have a zero tolerance policy towards violence, penalising aggressors and protecting victims accordingly.

Another gap in ensuring the safety of victims refers to the application of the protection order. Measures should be taken to ensure that sanctions are applied to offenders that violate the protection order, as reality points to a culture of impunity towards domestic aggressors particularly. Moreover, practical tools to improve the protection order should be introduced, such as providing victims with panic buttons and alarm bracelets, in order to guarantee a rapid intervention of the police in case of immediate violence.

Furthermore, legislation on domestic violence should be expanded to include all victims of gender-based violence (including sexual violence) from a non-family member, so that they too can benefit from protection measures such as the protection order and from support services, including access to specialised shelters. Amendments could be done either to Law 217/ 2003 on domestic violence or to Law 202/ 2002 on the equality of chances and treatment between men and women (which focuses mostly on non-discrimination, labour relations and access to education and health) to expand their scope to all forms of gender-based violence.

In addition, victims' right to the **protection of privacy** should be ensured by regulating ways in which personal data and information that could lead to the identification of victims is used throughout criminal proceedings. This includes limiting the publication of victims' names on online court portals and inside courts, such as on the doors of courtrooms.

Central to the protection of victims is **the individual assessment of victims**, which is not currently being carried out in Romania. The state should take measures to ensure that victims are treated distinctly, according to their specific needs, and that special attention is given to their particular vulnerability and wishes. Women victims of violence, children, victims of human trafficking and victims of hate crimes should be given special attention and receive specialised support and protection even if they do not formally request it. For instance, police regulations should entail that victims of gender-based violence are always interviewed by a professional of the same sex. Furthermore, protection measures that result from the individual needs assessment – avoiding contact between the victim and offender, issuing a protection order, allowing the victim to testify with the help of recorded audio-visual material, etc. – should be applied both in judicial proceedings and restorative justice practices, i.e. mediation.

As a complementary measure to ensure that judicial authorities carry out adequate needs assessments of victims of crime, the state should provide comprehensive **training programmes** to all professionals who come in contact with victims. These programmes should have an interdisciplinary approach and should include elements of victim and child psychology, sociology, and victimology. Moreover, these training programmes should bring together professionals from different sectors, such as police officers, magistrates, attorneys, as well as psychologists and social workers, in order to ensure a multifaceted approach to victims.

Not surprisingly, there is a need to **allocate more funding** to institutions, both state-run and private, and to programmes that provide support to victims of crime. The state should increase the annual budget allocated to public legal aid and urgently remove all restrictions to the practice of non-state legal aid schemes, such as pro bono lawyering and university legal clinics, while also encouraging these practices and financing them appropriately. Furthermore, solutions should be

identified to fund state programmes in the area of gender-based violence²¹³.

Proper funding should also be allocated to the creation of integrated services within county hospitals for victims of sexual violence, who currently do not receive any specialised support services. The initiative, put forward in 2015 by a coalition of NGOs, *Breaking the Silence on Sexual Violence*, would include the provision of medical and forensic aid, as well as referral to legal and psychological counselling in separate rooms at county hospitals. Despite the fact that the creation of 8 such centres has been included in the Social Democrat Party's Governing Programme for 2018-2020²¹⁴, after 3 years of discussions no progress has been made.

NGOs providing support services to victims of crime should also receive appropriate funding, as well as acknowledgement in their efforts to supplement and at times even fill in the role of the state as service provider. In addition, to facilitate funding for NGOs, the accreditation procedures for organisations should be simplified and debureaucratised.

Last but not least, the Romanian state should organise and encourage **exchanges of best practices** between national and European judicial authorities, as well as within the country, and improve cooperation among them. Concretely, there is a need to improve the legal and administrative framework in order to ensure that authorities – the Police, the Prosecutor's Office, Courts, as well as Child Protection Services, Probation Services, the National Agency against Trafficking in Human Beings – cooperate with each other, but also with NGOs providing support services to victims. Practical referral mechanism should be put into place ensuring adequate coordination among them.

CONCLUSIONS

The present report, developed within the context of the project VOciare, provides an in-depth analysis of the practical implementation of the Victims' Directive in Romania. Apart from its informative and descriptive value, the report, which also incorporates findings from the national survey and interviews with practitioners, may serve as a basis for the drafting of new legislation and public policies regarding victims of crime in Romania. While it identifies good practices in the protection and provision of support services to victims of crime in Romania, the report also highlights gaps and challenges and, consequently, issues recommendations for a more complete and adequate implementation of the Directive.

Three good practices have been identified in relation to the transposition of the Directive in Romania: a public initiative, a private initiative and a mixed one. The first good practice refers to a special interview room in Cluj-Napoca for children who are victims of abuse, which drastically reduces the risk of secondary victimisation, as the children are interviewed once by a trained professional and their statement is audio-visually recorded, while representatives of judicial authorities witness the interview from behind a one-way mirror. The second good practice refers to a multi-sectorial approach to cases of domestic violence in Târgu Mureş, which ensures a more efficient and rapid intervention, as well as improved support services for victims. The third example is that of a pro bono clearinghouse which matches individuals suffering human rights violations with pro bono attorneys throughout the country.

While there are positive examples, many gaps still remain in the transposition and implementation of the Directive, with direct consequences for victims of crime. Firstly, there is a clear need to create generic support services for victims, as Romania is among the 8 EU Member States that does not provide such services, as well as to expand existing specialised support services. Concretely, measures need to be taken to ensure that there are sufficient and adequate shelters for victims of domestic violence and human trafficking throughout Romania and to facilitate access for all victims, particularly those from rural areas.

Moreover, the report points to inefficient referral mechanisms among state institutions dealing with victims, as well as between them and victim support organisations. These can be counteracted by establishing clear procedures and referral obligations for institutions dealing with victims, including but not limited to the Police, Prosecutor's Office, courts and hospitals or medical units.

Thirdly, it has been identified that practitioners that come in contact with victims – police officers, attorneys, prosecutors, judges, doctors and social workers – do not receive sufficient and/or

213 As mentioned in the section related to Article 9 – Support from victim support services, the Government did not provide the necessary funding in 2016 for two National Interest Programmes in the area of domestic violence, with negative consequences for support services for victims.

214 Social Democrat Party & Alliance of Liberals and Democrats Party, Governing Programme 2018-2020 (Programul de Guvernare 2018-2020), Bucharest, 2018, p. 75.

adequate training to deal with victims and that very few of the training programmes include multidisciplinary aspects related to, for instance, victim psychology or communication strategies.

The report also indicates issues with the access to justice of victims in Romania in terms of their right to legal aid, which is restricted to victims of more violent crimes. In addition, there is a necessity to increase the budget allotted to legal aid in Romania and to remove barriers to and actively support pro bono lowering and university legal clinics as tools to guarantee that victims' right are respected.

With regard to victims resident in another Member State, as well as non-Romanian citizens in general, it has been shown that there are no legal barriers in victims' access to justice, but that victims may rather feel discouraged from pursuing justice due to bureaucracy and lengthy trials, as well as to the insufficient information provided to them by authorities regarding judicial proceedings.

Last but not least, the report highlights issues with the protection of victims of crime both during criminal proceedings and afterwards. There are almost no measures to ensure that victims avoid contact with the offender during hearings, as they are both present in the same courtroom and courts are not equipped with separate waiting rooms for victims and offenders. In addition, the protection order for victims of domestic violence has proven to be oftentimes inefficient, as sanctions against the offender violating the order are rarely enforced.

In conclusion, Romania has only partially transposed Articles 3, 8, 9, 12, 13, 20, 21, 23 and 25, while Articles 19, 22 and 26 of the Victims' Directive have not been transposed. Whereas Romania has, to a satisfactory extent, aligned its legal framework with the provision of the Directive, the country still faces significant barriers in the practical implementation of this binding legal instrument. Therefore, there is stringent need to complement existing legislation with practical regulations which would aid in its application. The barriers that victims of crime face in their access to justice, support services and protection measures can only be overcome if the state provides adequate funding, sufficient training programmes and more efficient coordination among public and private institutions.

REFERENCES

1. LEGISLATION

Criminal Code (updated 2018)

Code of Criminal Procedure (updated 2018)

Civil Code

Law 217/2003 for preventing and combatting domestic violence

Law 211/2004 regarding some protection measures for victims of crime

Law 97/2018 modifying Law 211/2004 regarding some protection measures for victims of crime.

Government Ordinance 102/ 2000 regarding the status and regime of refugees in Romania

The Romanian Constitution

Law 192/2006 regarding mediation and the organization of the mediator profession

Law 678/2001 on the protection and support for victims of human trafficking

Law 272/2004 regarding the protection of the rights of the child, republished 2014.

Law 9/2018 for the amendment of Law 35/1997 regarding the organisation and functioning of the Ombudsman

Law 39/2003 regarding the prevention and combatting of organised crime

Law 682/ 2002 regarding witness protection

1. LITERATURE

Carmen Nemeș, Giulia Crișan (2017), *Violența în familie. Practică judiciară comentată [Domestic Violence. An Analysis of Judicial Practices]*, Universul Juridic, Bucharest.

2. OTHER SOURCES OF INFORMATION

Agencia Națională pentru Egalitate de Șanse (2016), *Raport de monitorizare a stadiului implementării Planului operațional pentru implementarea Strategiei naționale pentru prevenirea și combaterea fenomenului violenței în familie pentru perioada 2013-2017* [Monitoring Report on the Implementation Stage of the Operational Plan for the Implementation of the National Strategy on Preventing and Combatting Domestic Violence 2013-2017]. Retrieved from: <http://anes.gov.ro/wp-content/uploads/2017/09/RAPORT-DE-MONITORIZARE-STRATEGIE-Violenta-in-familie-2016.pdf>

Ana Maria Ciobanu, Oana Sandu, "Normalitatea celor 38 de milioane de euro" in *Decât o Revistă*. Retrieved from <http://www.decatorevista.ro/normalitatea-celor-38-de-milioane-de-euro/>

Bîrzu, B. G. (2016), "Participarea în procedurile penale a victimelor criminalității în Uniunea Europeană. Opinii critice și propuneri de lege ferenda" ["The Participation of Victims of Criminal Offences in Criminal Proceedings in the European Union. Critical Opinions and Proposals of Lex Ferenda"], *Acta Universitatis George Bacovia. Juridica*, Volume 5. Issue 1/2016. Retrieved from <http://www.ugb.ro/Juridica/Issue9RO/4.%20Participarea%20in%20procedurile%20penale%20a%20victimelor%20criminalitatii%20in%20UE.Birzu%20Bogdan.RO.pdf>

Breaking the Silence on Sexual Violence (2016), *Shortcomings in Romanian Policies and Legislation Addressing Sexual Violence*. Retrieved from http://actedo.org/wp-content/uploads/2017/10/Shortcomings-and-Solutions_SARCS-in-Romania.pdf

Competences of Probation Services (*Competențele Serviciului de Probațiune*). Retrieved from http://portal.just.ro/86/Documents/Competente/comp_probatiune.doc

Decision 187/2006 regarding the Code for the Regulation of Audiovisual Content. Retrieved from <http://arhiva.cna.ro/reglementari/decizii/d18706.html>

Direcția Generală de Protecție a Copilului, *Serviciul Asistență în Situații de Abuz, Neglijare, Trafic și Exploatare a Copilului*. [The General Direction for Child Protection, *Assistance in Cases of Child Abuse, Neglect, Traffic and Exploitation*]. Retrieved from https://www.protectiacopilului6.ro/directia-protectia-copilului_doc_11_serviciul-asistenta-in-situatii-de-abuz-neglijare-trafic-si-exploatare-a-copilului_pg_0.htm

[exploatare-a-copilului_pg_0.htm](https://www.protectiacopilului6.ro/directia-protectia-copilului_doc_11_serviciul-asistenta-in-situatii-de-abuz-neglijare-trafic-si-exploatare-a-copilului_pg_0.htm)

Equality and Human Rights Action Centre – ACTEDO (2015), *The Pro Bono Network for Human Rights. 2015 Activity Report*. Retrieved from http://actedo.org/wp-content/uploads/2016/05/The-Pro-Bono-Network-for-Human-Rights_2015-Activity-Report.pdf

Equality and Human Rights Action Centre (2017), *Submission by the Equality and Human Rights Action Centre (ACTEDO) to the 29th Session (Jan 2018) of the Universal Periodic Review. State under Review: Romania*. Retrieved from <http://actedo.org/wp-content/uploads/2017/07/UPR-submission-for-Romania-by-ACTEDO-1.pdf>

European Commission (2016), *Special Eurobarometer 449 Report: Gender-based Violence*. Retrieved from <http://ec.europa.eu/COMMFrontOffice/publicopinion/index.cfm/Survey/getSurveyDetail/instruments/SPECIAL/surveyKy/2115>

European Commission (2017), *Education and Training Monitor 2017 Romania*. Retrieved from https://ec.europa.eu/education/sites/education/files/monitor2017-ro_en.pdf

European Commission, *Infringement decisions: EU Directive 29/2012*. Retrieved from http://ec.europa.eu/atwork/applying-eu-law/infringements-proceedings/infringement_decisions/index.cfm?lang_code=EN&r_dossier=&decision_date_from=26%2F01%2F2016&decision_date_to=28%2F01%2F2016&DG=JUST&title=&submit=Search

European E-Justice Portal, "Drepturile mele în faza de urmărire penală", ["Romania – My rights during criminal proceedings"]. Retrieved from https://e-justice.europa.eu/content_rights_of_victims_of_crime_in_criminal_proceedings-171-RO-maximizeMS-en.do?clang=ro&idSubpage=1&member=1

European E-Justice Portal, Information on national facilities – Romania. Retrieved from https://e-justice.europa.eu/content_information_on_national_facilities-319-ro-ro.do?member=1

European Forum for Restorative Justice (2016), *Practice Guide for restorative justice services. The Victims' Directive, Challenges and opportunities for restorative justice*. Retrieved from <http://www.euforumrj.org/wp-content/uploads/2017/03/Practice-guide-with-cover-page-for-website.pdf>

European Parliamentary Research Services (2017), *The Victims' Rights Directive 2012/29/EU. European Implementation Assessment*. Retrieved from [http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU\(2017\)611022_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/STUD/2017/611022/EPRS_STU(2017)611022_EN.pdf)

European Union Agency for Fundamental Rights (2014), *Victims of crime in the EU: the extent and nature of support for victims*. Retrieved from <http://fra.europa.eu/en/publication/2014/victims-crime-eu-extent-and-nature-support-victims>

European Union Agency for Fundamental Rights (2014), *Violence against Women. An EU-wide survey*. Retrieved from http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf

Eurostat (2018), *Asylum quarterly report. Statistics Explained*. Retrieved from <http://ec.europa.eu/eurostat/statistics-explained/pdfscache/13562.pdf>

Eurostat Statistics. Retrieved from http://ec.europa.eu/eurostat/statistics-explained/index.php/People_at_risk_of_poverty_or_social_exclusion

FRANET (2014), *Victim Support Services in the EU: An overview and assessment of victims' rights in practice. Romania*. Retrieved from http://fra.europa.eu/sites/default/files/fra_uploads/country-study-victim-support-services-ro.pdf

Fundația pentru Dezvoltarea Societății Civile (2017), *România 2017. Sectorul nonguvernamental. Profil, tendințe, provocări*, [Romania 2017. The Nongovernmental Sector. Profile, Trends, Challenges]. Retrieved from <https://www.stiri.org/assets/files/romania-2017.pdf>

Ghică, S (2017), "După ce a rămas fără polițiști cu experiență, Carmen Dan vrea să anuleze pensionarea timpurie" ["After being left with no experienced officers, Carmen Dan wants to remove early retirement"], *Adevărul News*. Retrieved from http://adevarul.ro/news/eveniment/dupa-ramas-politisti-experienta-carmen-danvrea-anuleze-pensionarea--timpurie-1_5a1454b45ab6550cb863956c/index.html

Government Decision No. 49/2011 approving the Framework Methodology for the Prevention and Intervention in the Multi-disciplinary Team or in the Network in Situations of Violence against Children and of Domestic Violence, January 19, 2011. Retrieved from <https://lege5.ro/Gratuit/ge2daobxgu/hotararea-nr-49-2011-pentru-aprobarea-metodologiei-cadru-privind-prevenirea-si-interventia-in-echipa-multidisciplinara-si-in-retea-in-situatiile-de-violenta-asupra-copilului-si-de-violenta-in-familie->

Government of Romania (2013), *Romania Judicial Functional Review*. Retrieved from <http://www.just.ro/wp-content/uploads/2015/09/Romania-Judicial-Functional-EN.pdf>

Grădinaru, C. (2015), *Analiza serviciilor de asistență a victimelor traficului de persoane. Studiu Social Calitativ* [The Analysis of Support Services for Victims of Trafficking in Human Beings. Social Qualitative Study], Bucharest. Retrieved from www.anitp.mai.gov.ro/ro/docs/Cercetare/Analize/Ro20/Analiza%20serviciilor.docx

Helpline for victims of domestic violence – 0800 500 333. Retrieved from <https://violentaipotrivafemeilor.ro/linie-telefonica-gratuita-suna-acum-si-cere-sfaturi/>

Human Rights Council (2018), *National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21*. Romania*. Retrieved from <https://www.ohchr.org/EN/HRBodies/UPR/Pages/ROindex.aspx>

Inspectoratul General pentru Imigrări (2012), *Buletin statistic în domeniul imigrației și azilului*, [Statistics in the Area of Migration and Asylum]. Retrieved from http://igi.mai.gov.ro/sites/all/themes/multipurpose_zymphonies_theme/images/pdf/analizastatisticasem%20I.pdf

Ministry of Justice, "The rights of victims of crime". Retrieved from <http://www.just.ro/drepturile-victimelor-infracțiunilor/>

Ministry of Justice, Certified interpreters and translators. Retrieved from <http://old.just.ro/MinisterulJusti%C8%9Biei/Listapersoanelorautorizate/Interpretisitraducatoriaautorizati/tabid/129/Default.aspx>

Ministry of Labour, *Decision on the Approval of National Interest Programmes on Gender Equality and Domestic Violence for 2017-2019 (Hotărâre pentru aprobarea programelor de interes național în domeniul egalității de șanse între femei și bărbați și violenței în familie pentru perioada 2017-2019)*. Retrieved from http://www.mmuncii.ro/j33/images/Documente/Proiecte_in_dezbatere/2016/2016-08-29-HG_ANES-PIN.pdf

National Agency for Gender Equality (2016), *Raport de monitorizare a stadiului implementării Planului operațional pentru implementarea Strategiei naționale pentru prevenirea și combaterea fenomenului violenței în familie pentru perioada 2013-2017* [Monitoring Report on the Implementation Stage of the Operational Plan for the Implementation of the National Strategy on Preventing and Combatting Domestic Violence 2013-2017]. Retrieved from: <http://anes.gov.ro/wp-content/uploads/2017/09/RAPORT-DE-MONITORIZARE-STRATEGIE-Violenta-in-familie-2016.pdf>

National Agency for Gender Equality (2017), *National Strategy for Gender Equality 2018-2021*. Retrieved from http://www.mmuncii.ro/j33/images/Documente/MMJS/Transparenta-decizionala/5003-20171026_StrategiNat_pilonVD.pdf

National Institute for Statistics (2011), *Rezultate definitive ale Recensământului Populației și al Locuințelor 2011*, [Final Results of the Population Census 2011]. Retrieved from http://www.recensamantromania.ro/wp-content/uploads/2013/07/REZULTATE-DEFINITIVE-RPL_2011.pdf

Optional Romani language course at Babes-Bolyai University, Cluj-Napoca. Retrieved from <https://law.ubbcluj.ro/index.php/secretariat/2101-curs-facultativ-limba-rromani-la-facultatea-de-litera>

Romani Language at the University of Bucharest in 2017-2018. Retrieved from <https://isj.vs.edu.ro/download/Admitere-sectie-rromani-2017-2018.pdf>

Romanian Police Statistics 2017. Retrieved from <http://www.politiaromana.ro/ro/utile/statistici-evaluari/statistici>

Romanian Senate: Legal proposal for the amendment of Law 217/2003 regarding domestic violence. Retrieved from <https://www.senat.ro/Legis/Lista.aspx?cod=20742>

Save the Children Romania (2013), *Ghid juridic privind promovarea și respectarea drepturilor copilului*, [Legal Guide on the Promotion and Enforcement of Children's Rights]. Retrieved from http://salvaticopiii.ro/upload/p000600010000_Ghid_juridic_2013.PDF

Save the Children Romania (2015), *Annual Report 2015*. Retrieved from <https://www.salvaticopiii.ro/sci-ro/files/6b/6b9450ae-d40a-4cb6-927d-cbd368d1b00a.pdf>

Social Democrat Party & Alliance of Liberals and Democrats Party, *Governing Programme 2018-2020 (Programul de Guvernare 2018-2020)*, Bucharest, 2018. Retrieved from http://gov.ro/fisiere/pagini_fisiere/PROGRAMUL_DE_GUVERNARE_2018-2020.pdf

Superior Council for Magistracy (2014), *Improving access to justice for Roma and other vulnerable groups. An integrated approach*. Retrieved from http://old.csm1909.ro/csm/linkuri/26_01_2015__72130_ro.pdf

Superior Council for Magistracy, *Organizarea sistemului judiciar în România* [The Organization of the Romanian Judicial System]. Retrieved from http://portal.just.ro/303/Documents/organizarea_sistemului_judiciar.pdf

Telefonul Copilului [The Children's Helpline]. Retrieved from <http://www.telefonulcopilului.ro/intrebari-frecvente>

The National Agency for Communication Administration, *Announcement regarding the allocation of national telephone number 116006*. Retrieved from http://www.ancom.org.ro/alocare-116006_4119

The National Institute for Magistracy, *Life-long Learning Programme 2017*. Retrieved from http://inm-lex.ro/fisiere/d_1636/Programul%20de%20formare%20continua%202017.pdf

The Office of the Public Prosecutor at the High Court of Cassation and Justice, *Raport de activitate 2014*, [Activity Report 2014]. Retrieved from http://www.mpublic.ro/sites/default/files/PDF/raport_activitate_2014_ro.pdf

The World Bank (2014), *Studiu de diagnosticare și consultanță pentru politicile de sprijinire a incluziunii romilor din România* [Diagnostic and Consultance Study for Support Policies for the Inclusion of Roma in Romania]. Retrieved from <http://www.worldbank.org/content/dam/Worldbank/document/eca/romania/Output%20RO.pdf>

UN Human Rights Office of the High Commissioner (2015), *End-of-mission statement on Romania, by Professor Philip Alston, United Nations Human Rights Council Special Rapporteur on extreme poverty and human rights*. Retrieved from <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=16737&LangID=E>

UNICEF Romania, *Combating Violence Against Children – A Priority for Romania*. Retrieved from https://www.unicef.org/romania/media_30498.html

UNICEF Statistics. Retrieved from https://www.unicef.org/infobycountry/romania_statistics.html

Vărgan, V (2016), "Infrațiunile pretabile la mediere și avantajele medierii în materie penală" ["Crimes which may be subjected to mediation and the advantages of mediation in criminal matters"]. Retrieved from <http://www.medierenet.ro/2016/03/20/infractiunile-pretabile-la-mediare-si-avantajele-medierii-materie-penala/#.WxeXP6FPIU>

Victim Support Europe (2017), *Workshop on 116006 Helplines for Victims of Crime*. Retrieved from <https://victimsupport.eu/news/workshop-on-116006-helplines-for-victims-of-crime/>

Women Against Violence Europe – WAVE (2015), *WAVE Report 2014. Specialised Women Support Services and New Tools for Combatting Gender-Based Violence in Europe*. Retrieved from http://files.wave-network.org/researchreports/COUNTRY_REPORT_2014.pdf

Ziua de Cluj (2014), *Special interview room for children, inaugurated in Cluj (Sală specializată în audierea minorilor, inaugurată la Cluj)*. Retrieved from <http://ziuadeclj.realitatea.net/administratie/--125456.html>

APPENDIX 1 – CONTACT LIST OF INTERVIEWED PROFESSIONALS

#	Name	Institution	E-mail	Phone #
1.	Cristi Danileț	Cluj Tribunal, Cluj-Napoca	cristivdan@yahoo.com	+40742182581
2.	Mihaela Mangu	Anais Association	mihaela.mangu@asociatia-anais.ro	+40721561124
3.	Elena Micheu	East European Institute for Reproductive Health, Târgu Mureș	emicheu@eeirh.org	+40745567799
4.	Flaviu Ciopec	Western University Timișoara	flaviu.ciopec@e-uvt.ro	+40723380315



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