

COUNCIL OF EUROPE

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FACTSHEET – ROMANIA

Lanzarote Committee Implementation Report on:

"The protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies (ICTs): addressing the challenges raised by child self-generated sexual images and/or videos (CSGSIV)"

This factsheet was prepared by the Secretariat in March 2023.

It has been updated with information submitted by the Government of Romania in March 2025 displayed in orange and blue text boxes.

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I. Introduction

One of the main functions of the Lanzarote Committee ("the Committee") is to monitor the effective implementation of the Lanzarote Convention ("the Convention"). The monitoring procedure is divided into rounds, each concerning a specific thematic area and involving all State Parties ("the Parties") simultaneously. The monitoring rounds start with the launch of a thematic questionnaire, to which the national authorities are asked to respond, and which other relevant stakeholders can comment on. After carrying out its evaluation procedure, consisting of the analysis of such replies, the Committee adopts an implementation report where it draws conclusions about the different national frameworks, strategies and policies in place, makes recommendations to Parties, and highlights promising practices as well as some challenges. Sometime after the adoption of the implementation report, the Committee conducts a compliance procedure with the aim of assessing whether Parties comply with the recommendations made by the Committee as part of the evaluation procedure.

The compliance procedure seeks to assess the follow-up given by Parties to the recommendations made by the Committee in the evaluation procedure. In the implementation report of its 2nd monitoring round concerning the challenges raised by child self-generated sexual images and/or videos, the Committee made three types of recommendations:

- "Require": when the steps the Committee recommends Parties to take correspond to obligations arising from the Convention, as clarified by its explanatory report.
- "Request": when the steps the Committee recommends Parties to take correspond to obligations arising from the Convention, as clarified by documents adopted by the Committee (such as previous monitoring round findings, opinions or other documents).
- "Invite": when the steps the Committee recommends Parties to take correspond to promising practices or other measures to enhance protection of children against sexual violence even beyond specific requirements of the Convention.

At its 41st meeting (13-15 February 2024), the Lanzarote Committee agreed on a new methodology for the assessment of State Parties' compliance with the 2nd monitoring round recommendations (see point 4 of the Appendix to the List of decisions). It entrusted the Secretariat to insert boxes in the 2nd monitoring round country factsheets to highlight where information on follow-up measures taken or changes occurred may be inserted. It is recalled that these factsheets are a synthesis of the Committee's implementation report findings with respect to specific Parties. The factsheets are structured along the lines of the implementation report and the footnotes in this document refer to the specific paragraphs of the implementation report.

The orange boxes contain information submitted by the State Party regarding progress made towards the implementation of the recommendation.

The blue boxes contain examples of national promising practices that respond to "invite" recommendations made by the Committee.

II. Legal frameworks

Interpreting the Convention, in conjunction with its Opinion on child sexually suggestive or explicit images and/or videos generated, shared and received by children (6 June 2019), the Committee identifies what Parties ought to have in place as well as what they are encouraged to do to better protect children against the exploitation of their self-generated sexual images and/or videos (CSGSIV).

Observations and recommendations of the Committee on the legal framework specific to Romania

The Committee observes that within the legislative framework of Romania, the term "child pornography" is used as defined within Article 20(2) of the Convention.[1]

However, the Committee invites Romania:

- to rather use the term "child sexual abuse material" (CSAM) for material depicting acts of sexual abuse of children and/or focusing on the genitalia of the child following the guidance set out in the "Terminology Guidelines for the Protection of Children from Sexual Exploitation and Sexual Abuse"[2] in the development of future national, regional and international legal instruments and policies addressing the prevention of and protection from sexual exploitation and sexual abuse of children, as the Committee acknowledges that using the term "child pornography" can undermine the gravity of the crimes it refers to.[3]
- To introduce a definition of CSAM in line with its Recommendation II-1 above.[4]

Interplay of the age of criminal responsibility and the age of sexual consent with the criminalisation of conduct related to the production and possession of CSAM and CSGSIV

The Committee observes that in Romania, children who are below the age of criminal responsibility (14) and above the legal age for sexual activities cannot be held criminally liable for production and possession of CSGSIV.[5] However, the Committee notes that relying on the age of sexual consent to exclude criminal responsibility for the scenarios listed in paragraphs 3-6 of the 2019 Opinion, is insufficient as, in such case, children above the age of criminal responsibility but below the legal age for sexual activities may not be covered by the exemption from criminal responsibility.[6]

The Committee thus requests that Romania ensures in its legal framework[7] that:

- a child will not be prosecuted when he/she possesses:

- their own self-generated sexually suggestive or explicit images and/or videos;
- self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
- the self-generated sexually suggestive or explicit images and/or videos as a result of receiving them passively without actively asking for them.[8]

Follow-up actions:

- their own self-generated sexually suggestive or explicit images and/or videos;

In Romania, the possession of self-generated sexually images or videos by the minors who produced the material themselves is not criminalized, regardless of the minor's age.
This is not only due to the text of the law regarding the age of criminal responsibility of minors, but because the incriminating text itself does not refer to the production of self-images.
In our opinion, the removal of minors from criminal liability for possessing images of their own person implicitly derives from the wording of the text of the convention, of

[1] Para. 49.
[2] The Terminology Guidelines also refer to the term "child sexual exploitation material", indicating that this term can be used in a broader sense, see "Luxembourg Terminology Guidelines", pages 38-40 in particular.
[3] Recommendation II-1.
[4] Recommendation II-3.
[5] Paras. 71, 73.
[6] Para. 73.
[7] The expression "legal framework" is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.
[8] Recommendation II-6.

Directive 2011/93/EU, the general rules of criminal law and of national criminalization.

Also, we must mention that par. 67 and 68 of the report enumerates states which have been found to have rules allowing for the criminalisation of children for producing or possessing sexually explicit images of themselves, and Romania is not one of the countries listed there. This finding is in line with the reality of the national legal system.

- self-generated sexually suggestive or explicit images and/or videos of another child with the informed consent of the child depicted on them;
- the self-generated sexually suggestive or explicit images and/or videos as a result of receiving them passively without actively asking for them.

The Committee recommendations were addressed by means of judicial practice.
At the level of the Department for Investigating Organized Crime and Terrorism (DIICOT) the Committee report was translated into Romanian and communicated to all prosecutors, together with a report drawn up by the Deputy Chief Prosecutor of the Section for Combating Terrorist Crimes and Computer Crimes, in which the main aspects relevant to the resolution of cases concerning child pornography offenses were highlighted.
A uniform practice was created within DIICOT, in the sense that minors who produced and possessed pornographic materials with themselves or pornographic materials with other minors, but with the latter's consent, as well as minors who passively received such materials, without expressly requesting them, are not held criminally liable.
The same solution was provided for minors who distributed pornographic materials produced by them, when the sharing was voluntary, consensual and owned exclusively for private use.
The DIICOT prosecutors also considered Recommendation II-9, in the sense that they ordered the prosecution of minors for the act of distributing pornographic materials with other minors, only in serious cases, when the criminal activity produced severe consequences for the minors involved.
In less serious cases, i.e. when the distribution of pornographic materials was carried out within groups with limited access, the solution was to waive criminal prosecution.

Criminalisation of conduct related to "offering or making available" CSAM and its relationship with the sharing of other children's self-generated material

The Committee observes that Romania has rules that lead to the criminalisation of the distribution by children of CSGSIV of other children.[9]

The Committee thus requests that Romania ensures in its legal framework[10] that:

- a child will not be prosecuted for sharing his/her sexual images and/or videos with another child when such sharing is voluntary, consensual, and intended solely for their own private use.[11]

Follow-up actions:

In Romania, sharing by a minor of his/her sexual images and/or videos with another child is not criminalized, regardless of the minor's age.
This is not only due to the text of the law regarding the age of criminal responsibility of minors, but because the incriminating text itself does not refer to the sharing of self-images.
In our opinion, the removal of minors from criminal liability for sharing images of their own person implicitly derives from the wording of the text of the convention, of Directive 2011/93/EU and the general rules of criminal law.

In accordance, we should point out that par. 78 of the report enumerates states which have rules allowing for the criminalisation of

[9] Para. 82.
[10] The expression "legal framework" is not limited to legislation but should be understood in a broader way, e.g., through prosecutorial guidance or practice.
[11] Recommendation II-8.

children for sharing sexually explicit images of themselves, and Romania is not one of these countries. This finding is in line with the reality of the national legal system.

In addition, as already mentioned, at the level of the Department for Investigating Organized Crime and Terrorism (DIICOT) the Committee report was translated into Romanian and communicated to all prosecutors, together with a report drawn up by the Deputy Chief Prosecutor of the Section for Combating Terrorist Crimes and Computer Crimes, in which the main aspects relevant for cases concerning child pornography offenses were highlighted.
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In less serious cases, i.e. when the distribution of pornographic materials was carried out within groups with limited access, the solution was to waive criminal prosecution.

- the distribution or transmission by children of self-generated sexually explicit images and/or videos of other children is prosecuted as a last resort when such images and/or videos qualify as "child pornography" in accordance with Article 20(2) Convention.[12]

Follow-up actions:

The Committee recommendations were adressed by means of judicial practice.
At the level of the Department for Investigating Organized Crime and Terrorism (DIICOT) the Committee report was translated into Romanian and communicated to all prosecutors, together with a report drawn up by the Deputy Chief Prosecutor of the Section for Combating Terrorist Crimes and Computer Crimes, in which the main aspects relevant to the resolution of cases concerning child pornography offenses were highlighted.
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Regarding Recommendation II-9, the DIICOT prosecutors only ordered the prosecution of minors for the act of distributing pornographic materials with other minors only in serious cases, when the criminal activity produced severe consequences for the minors involved.
In less serious cases, i.e. when the distribution of pornographic materials was carried out within groups with limited access, the solution was to waive criminal prosecution.

- The Committee also invites Romania to introduce explicit references in its respective legal framework to conduct concerning child self-generated sexual images and/or videos, identifying the circumstances when children should not be held criminally liable and when they should be prosecuted only as a last resort.[13]

<u>On the prosecution of conduct amounting to "sexual extortion of children"</u>
In cases where the sexual extortion is intended to procure additional sexual images or videos from the child, the Committee observes that Romania would prosecute for offences related to "child pornography", in concurrence with offences where threat is a core element, such as extortion or coercion,[14] as well as for corruption of children.[15]
In cases where the sexual extortion is intended to procure other sexual favours from the child depicted on the images/videos or from another child, Romania would prosecute for participation in pornographic performances and corruption of

[12] Recommendation II-9.

[13] Recommendation II-2.
[14] Para. 98.
[15] Para. 100.

children.[16] In addition, Romania would prosecute conduct relating to the possession of the initial child sexual image or video as an offence related to child pornography. Finally, it reported the possible prosecution in concurrence for extortion.[17]

If the objective of the perpetrator is a financial gain, the conduct will be qualified as extortion or aggravated extortion in Romania.[18]

[16] Para. 102.
[17] Paras. 103, 104.
[18] Para. 106

The Committee invites all Parties, including Romania:

- to contemplate appropriate legal responses to conduct involving non-visual self-generated sexual material produced by children in the context of offences covered by the Convention.[19]
- to adopt legislative or other measures which promote as a priority educational and other measures that will aim to support children in safely exploring their sexual development while understanding and avoiding risks deriving from the production and possession of self-generated sexual images and/or videos.[20]
- to consider criminalising the offence of "grooming" (solicitation of children for sexual purposes), even when it does not lead to a face-to-face meeting or producing child sexual abuse material.[21]
- to ensure that sexual extortion of children involving child self-generated sexual images and/or videos is investigated and prosecuted.[22]
- to take into account the situation where CSGSIV are used to force, coerce or threaten the child to give additional CSGSIV, other sexual favours, a financial gain or other gain to the offenders by:

- either creating a specific incrimination to address this situation,
- or prosecuting both the initial detention of CSGSIV and the act of extortion.[23]

[19] Recommendation II-4.
[20] Recommendation II-7.
[21] Recommendation II-10.
[22] Recommendation II-12.
[23] Recommendation II-11.

Promising practices:

III. Investigations and prosecution

In its Interpretative Opinion on the applicability of the Lanzarote Convention to sexual offences against children facilitated through the use of information and communication technologies (ICTs) (12 May 2017), the Committee called on Parties to ensure effective investigation and prosecution of ICT facilitated sexual exploitation and sexual abuse by providing resources and training to responsible authorities.

Observations and recommendations of the Committee on investigations and prosecution specific to Romania

The Committee observes that Romania's investigation, prosecution, and legal services are already in line with some of its recommendations as Romania has:

- specialised units dealing with ICT facilitated offences against children within law enforcement with sections/departments dedicated exclusively to child sexual abuse material (CSAM).[24] Such specialised law enforcement units operate at national level The Office for Combatting Child Pornography through Computer Systems has 5 dedicated officers.[25]
- training modules in place for law enforcement agents related to aspects of child sexual exploitation and sexual abuse.[26] Other forms of training are also available for law enforcement agents more generally, provided through training courses.[27] The content of the training rages across combating online child sexual abuse and exploitation, investigative processes, including interviewing techniques, where a child victim is involved, and forensic investigation.[28]
- training programmes provided by State authorities and external training available for prosecutors and judges.[29] Judges and prosecutors are trained together and/or have the same training options available to them.[30]
- trainings for prosecutors on a range of content including interviewing children and other procedures and sexual violence against children.[31]
- continuous compulsory training for magistrates by the National Institute of Magistracy, in addition to pre-professional education.[32]
- joint (or "joined-up") trainings for prosecutors, judges, law enforcement and other judicial authorities.[33]
- victim identification units within police and investigation services.[34]

On the other hand, the Committee observes that Romania has no specialised prosecution, investigation and court units to manage cases concerning sexual abuse or exploitation of children facilitated by ICTs. Prosecution offices dedicated to organised crime manage such cases.[35] There are also 9 prosecutors within the Cybercrime Service at the national level, and 174 criminal prosecutors in territorial offices, who handle cases of cybercrime.[36] Investigations related to sexual offences committed by children are carried out by a director for investigating organised crime and terrorism.[37]

Therefore, the Committee invites Romania:

- to establish, where appropriate, specialised units, services or persons within the courts in charge of dealing with ICT facilitated sexual offences against children.[38]
- to have units, sections or persons specialised in ICT facilitated sexual offences committed by children against other children for authorities responsible for investigation and for authorities responsible for prosecution.[39]

[24] Paras. 115, 116.
[25] Para. 118.
[26] Paras. 145, 146.
[27] Para. 150.
[28] Para. 152.
[29] Paras. 156, 157, 158, 167.
[30] Para. 167.
[31] Para. 164.
[32] Para. 168.
[33] Para. 172.
[34] Para. 180.
[35] Para. 125.
[36] Para. 128.
[37] Para. 137.
[38] Recommendation III-8.
[39] Recommendation III-11.

Follow-up actions:

The judicial bodies that manage such cases are already specialized, the prosecutors within DIICOT being specialized by subject matter.

By Order no. 64/2023 of the General Prosecutor of the Public Prosecutor's Office attached to The High Court of Cassation and Justice created the framework for appointing prosecutors who instrument cases with minors (previously, by Order no. 294/2018 of the General Prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice, the network of prosecutors specialized in instrumentation of cases with minors was created).

Periodically, the chief prosecutors of the prosecutor's offices attached to the courts appoint the prosecutors who carry out the criminal investigation and participate in the resolution of cases regarding crimes committed against minors. In this context, there are also specialized police officers assigned to participate in the handling of these cases.

Also, at the legislative level, it is established that within the courts there are sections and, as the case may be, specialized panels for the case involving minors and the family.

- to provide specific training[40] on ICT facilitated sexual offences against children, including when such offences involve child self-generated sexual images and/or videos, and ICT facilitated coercion or extortion to law enforcement agents who are likely to come into contact with such cases.[41]
- to ensure that training on the challenges raised by child self-generated sexual images and/or videos and ICT facilitated coercion or extortion of children[42] is available to prosecutors and judges.[43]
- to ensure that training on ICT facilitated sexual offences against children for law-enforcement, prosecutors and judges contains a practical element, involving simulated or real cases.[44]

- The Committee also requests Romania to ensure that training on ICT facilitated sexual offences against children is available for prosecutors and judges who are or will be working on these issues.[45]

Follow-up actions:

Considering the role of the National Institute of Magistracy (INM) to ensure the continuous professional training of the entire judicial system in Romania and taking into account the fact that the protection of children against sexual exploitation and sexual abuse facilitated by information and communication technologies is ensured at the national level by the Service for Combating Computer Crime at the DIICOT level, INM addressed the specialized topic of cybercrime in training activities that dealt with issues in broader areas such as cybercrime, human trafficking and juvenile justice.
We present below the continuing professional training activities that INM has organized in these three areas in the 2023-2024 reference period, with judges and prosecutors as the target group:

- Computer crime
In the period 2019 - 2023, INM ran the "Justice 2020: professionalism and integrity". Within this project, 3 seminars were held in Bucharest during 2023 on the topic of Combating cybercrime, attended by 48 prosecutors and 3 judges.
Between November 14 and 15, 2024, the seminar on Combating computer crime was organized online. 21 prosecutors and 2 judges participated in the seminar.
On November 15, 2024, in collaboration with the US Department of Justice, a round table

[40] Such trainings can also be part of broader training programmes.
[41] Recommendation III-14.
[42] Such trainings can also be part of broader training programmes.
[43] Recommendations III-17 and III-19.
[44] Recommendation III-21.
[45] Recommendations III-16 and III-18.

was organized at INM with the theme of Using electronic means of evidence, an event attended by 10 judges and 9 prosecutors.

B) Human trafficking

Within the same "Justice 2020: professionalism and integrity" project, 2 seminars were held in 2023 on the topic of Combating human trafficking, attended by 12 judges and 24 prosecutors.

INM also organized 3 other seminars as part of the project "Strengthening the proactive response of the justice system to human trafficking in Romania" carried out by the International Justice Mission with the support of the Office for Monitoring and Combating Trafficking in Persons of the US State Department which brought together 42 judges.

Between April 18-19, 2024, the seminar on Combating human trafficking was organized in Bucharest. 5 judges, 11 prosecutors, and 2 lawyers participated in the seminar.

In 2024, INM continued the collaboration within the project "Strengthening the proactive response of the justice system to human trafficking in Romania", organizing 2 seminars, with the theme Combating human trafficking. 29 judges participated in the seminars.

- Juvenile Justice

Also within the framework of the "Justice 2020: professionalism and integrity" project, , 3 seminars were held in 2023 on the topic Hearing techniques in the criminal process, with an emphasis on the hearing of vulnerable people, including children. 19 judges and 34 prosecutors participated in these seminars.

Also, within the same project, during the year 2023, the seminar on Juvenile Justice – criminal aspects was held in Bucharest. The seminar was attended by 5 judges, 12 prosecutors.

The Ministry of Justice, as the Program Operator for the Norwegian Financial Mechanism 2014-2021, and the Superior Council of the Judiciary, as the Project Promoter, in partnership with the National Institute of Magistracy, the National School of Clerks and the Administration of the Courts of Norway, implemented the predefined project "Professional training and capacity building at the level of the judiciary", financed under the Norwegian Financial Mechanism (MFN). 2014-2021. As part of this project, 15 seminars dedicated to the subject of Hearing Techniques for minors were planned, with an emphasis on the specifics of the Roma population, as well as the drafting of a guide and a long-term curriculum on the same subject. The expert team selected in this field, consisting of magistrates and psychologists, took an interdisciplinary approach to the content of these seminars, establishing the implementation of the National Protocol for Hearing.

During the year 2023, as part of this project, 6 of the 15 planned seminars were organized in Bucharest, attended by 94 judges, 41 prosecutors, 20 psychologists from the General Directorates of Social Assistance and Child Protection, 1 police officer and 2 lawyers.

During 2023, 5 training seminars were organized on the topic of Investigating the causes of sexual abuse with minor victims. A new approach within the project "Setting national standards in science-based investigation of sexual violence against children - a training program for trainers and strengthening the national network of professionals" funded by UNICEF Romania and carried out by the Association for Victims of Sexual Crimes, in collaboration with INM. The seminars had an interdisciplinary approach, focusing on modern techniques for interviewing minors and the presentation of the NICHD Protocol, revised in 2018. These seminars brought together 41 prosecutors, 18 police officers, 1 forensic doctor and 2 judicial auditors from the INM.

During 2024, as part of the activities of its Continuous Training Program, INM organized the following training activities dedicated to the protection of children against sexual exploitation and sexual abuse: a seminar in the field of Juvenile Justice - criminal aspects, between 23-24 September 2024, attended by 12 judges and 4 prosecutors, and a seminar in the field of Techniques for hearing minors in criminal cases between 28-29 November 2024, attended by 6 judges and 14

prosecutors.

Also, at the level of the Organized Crime Investigation Directorate and Terrorism (DIICOT), The Committee Implementation Report was disseminated institutionally in order to emphasize the relevant aspects for the settlement of the cases having as their object the crimes regarding child sexual abuse images.

It is also important to mention that, during 2023, decentralized continuous professional training of DIICOT prosecutors included aspects related to crimes provided by art. 374 of the Criminal Code (crimes regarding child sexual abuse images).

The Committee observes that Romania makes an active contribution to the INTERPOL's international child sexual exploitation (ICSE) database through units dedicated to cybercrime involving children, sexual offences, or CSAM.[46]

Romania indicated that a key challenge for a successful prosecution phase is to obtain electronic evidence that can be validly used before courts.[47]

[46] Para. 186.
[47] Para. 203.

Generic recommendations of the Committee on investigation and prosecution

On the specialisation and training of authorities

- Mindful of the different contexts in the Parties as recalled in para. 235 of the Explanatory Report, the Committee requests those Parties that are not already doing so to ensure that law enforcement and prosecution units, services or persons specialised in ICT facilitated sexual offences against children are adequately financed to ensure sufficient resources, including staff, equipment and training.[48]

Follow-up actions:

With regard to ensuring adequate funding to allow the allocation of sufficient resources (personnel, equipment and training for police units and prosecutors' offices, services or personnel specialized in this type of crime), we mention that the budget of the Public Ministry, including specialized departments (like DIICOT), does not include individualized breakdowns in relation to the investigation of certain crimes.
The establishment and execution of the budget of the Public Ministry takes into account the entire institutional activity, including, necessarily, the priority areas of action.

The Committee invites all Parties, including Romania:

- to ensure that the capacities of any investigative unit specialised in ICT-facilitated sexual offences against children take into account evolving technologies and online behaviours and reflect current practices used by perpetrators. Additionally, the Committee invites all Parties to exchange best practices between the relevant investigative units.[49]
- to ensure that law enforcement units, services or persons specialised in ICT facilitated sexual offences against children adequately cover and/or are specialised in offences against children involving child self-generated sexual images and/or videos.[50]
- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have the necessary specialisation in the intersecting areas of children's rights, sexual abuse and sexual exploitation of children, and ICT technical knowledge.[51]
- to ensure that units, services or persons within courts responsible for ICT-facilitated sexual offences against children have sufficient specialisation in offences involving child self-generated sexual images and/or videos.[52]

On measures to ensure the effective investigation and prosecution

- The Committee requires all Parties to ensure that investigations and criminal proceedings in ICT facilitated sexual offences against children are treated as priority and carried out without any unjustified delay.[53]

Follow-up actions:

DIICOT reported that cases of crimes of a sexual nature, regardless of whether the victims are adults or minors are treated with priority.
Also, the judiciary system reported that the cases referred to by the Convention are monitored, treated with priority and instrumented with celerity.

It also invites all Parties, including Romania:

- to ensure that measures, services and technology available to those in charge of identifying child victims of ICT-facilitated sexual offences are up to date, reflect current practices across Parties, including establishing and using national child abuse material databases, and that

[48] Recommendations III-3 and III-7.
[49] Recommendation III-4.
[50] Recommendation III-5.
[51] Recommendation III-9.
[52] Recommendation III-10.
[53] Recommendation III-30.

resources are sufficiently allocated.[54]

- to engage in and strengthen inter-Party cooperation for the purpose of identifying child victims and perpetrators of ICT facilitated sexual offences, including, where appropriate, by providing access to each other's databases or shared databases, including those containing information on such perpetrators.[55]
- to take the necessary legislative or other measures to ensure that preservation of specified stored computer data in connection with a specific criminal investigation or proceedings is made possible, fully upholding the rights of the parties involved.[56]
- to take the necessary legislative or other measures to ensure that the investment in human, financial and physical resources is sufficient to have data generated by ICTs analysed in a timely manner so that investigations are carried out without any unjustified delay.[57]

[54] Recommendation III-24.
[55] Recommendations III-25, III-29.
[56] Recommendation III-31.
[57] Recommendation III-32.

Promising practice

In Romania, the CYBEREX (Romanian Centre for Excellence in Combatting Cybercrime) provides training courses in the field of cybercrime investigation for legal professionals (judges, prosecutors and police officers) both in matters of substantive and procedural law, as well as in forensic issues.

Promising practices:

IV. Jurisdiction rules

Due to their online component, offences related to conducts involving CSGSIV have an inherently international aspect. As the prosecution of offences related to this material may involve more than one jurisdiction, the report analyses the jurisdictional rules in place in the Parties, enabling the determination of which Party may prosecute a particular case and under what conditions.

Observations of the Committee on jurisdiction rules specific to Romania

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed on the territory of a Party: the territoriality principle (Article 25(1)(a-c))

The Committee notes that Romania has established laws clarifying the circumstances in which its national criminal law will apply to a transnational situation following the territoriality principle. Article 8(4) of the Romanian Criminal Code provides that "the offense shall be considered committed on the territory of Romania also when on that territory or on a ship under the Romanian flag or on an aircraft registered in Romania an act of execution, instigation or complicity was performed or the result of the crime occurred, even in part."[58]

Jurisdiction based on nationality and residency (Article 25(1)(d), (e))

It appears that Romania establishes jurisdiction in cases of offences covered by the Convention are committed by one of their nationals, and persons who have their habitual residence in its territory.

Jurisdiction not subordinated to the condition that prosecution can only be initiated following a report from the victim or denunciation from the State where the offence was committed (Article 25(6))

It appears that Romania does not apply this condition for prosecution.

Jurisdiction not subordinated to the condition that the acts are criminalised at the place where they were performed (Article 25(4)): the dual criminality principle

The Committee observes that the criminal law of Romania has a clause which provides for the possibility of derogating from the general rules on jurisdiction based on international instruments. In addition to situations where an international treaty requires otherwise, the dual criminality requirement is not applied in Romania when extradition or surrender of the offender has been requested and denied.[59] In addition, the Committee notes that Romanian criminal law applies to offences committed outside the Romanian territory by a Romanian citizen or legal entity if the act is also criminalised by the criminal law of the country where it was committed, or if it was committed in a location that is not subject to any State's jurisdiction - unless otherwise required under an international treaty to which Romania is a Party.[60]

Jurisdiction in cases of child sexual exploitation and abuse facilitated by ICTs committed against nationals or habitual residents of a Party: the passive personality principle (Art. 25(2))

The Committee notes that as detailed in the Explanatory Report of the Convention, Parties are not obliged, but can endeavour, to establish jurisdiction over an offence committed abroad against one of its nationals or a person having habitual residence in its territory under Article 25(2). The Committee observes that in Romania the passive personality principle is applied in respect of offences committed against a national of Romania.[61] The Committee also observes that there are two further conditions to prosecute such cases in Romania. There must be a request or authorisation from the relevant state body and it is not possible to assume jurisdiction unless there are no proceedings or investigations brought in the State where the offence was committed.[62]

[58] Para. 214.

[59] Para. 227.
[60] Para. 229.
[61] Para. 231.
[62] Para. 233.

- The Committee requests Parties that are not already doing so, including Romania, to endeavour to take the necessary legislative or other measures to establish jurisdiction over any offence established in accordance with the Lanzarote Convention where the offence is committed against one of its nationals or a person who has his or her habitual residence in its territory.[63]
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Follow-up actions:

R IV-9 is not addressed to Romania, an error occurred in this follow-up question.
Romania has jurisdiction over such cases. According to art. 10 of the Criminal code, Romanian criminal law applies to crimes committed outside the territory of the country by a foreign citizen or a person without citizenship, against the Romanian state, against a Romanian citizen or a Romanian legal entity. Prosecution is carried out with the prior authorization of the general prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice and if the deed is not subject to judicial proceedings in the state on whose territory it was committed.

[63] Recommendation IV-9.

Generic recommendations of the Committee on the jurisdiction rules

- The Committee invites Romania to remove the requirement for dual criminality when committed by one of its nationals, for offences of:
  - possessing, offering, distributing, transmitting, procuring child pornography, and the fact of knowingly gaining access to child pornography through ICTs, when child self-generated sexual images and/or videos are involved,[64]
  - solicitation of children for sexual purposes.[65]

[64] Recommendation IV-7.
[65] Recommendation IV-8.

Promising practices:

V. International cooperation

The implementation report also analyses cooperation practices and examples of coordinated international responses, not only in the fight against sexual exploitation and abuse of children, but also in areas related to the prevention, protection and assistance of child victims and persons related to them.

Observations and recommendations of the Committee on international cooperation specific to Romania

The Committee observes that regarding the reciprocal legislative framework on the matters dealt with in Convention, for purposes of supplementing or strengthening its provisions or facilitating the application of the principles embodied in it, Romania referred to the Council of the Baltic Sea in the context of the PROMISE projects supporting Barnahus.[66]

INHOPE,[67] the PROMISE Barnahus Network,[68] WeProtect Global Alliance,[69] INSAFE and Safer Internet Centres,[70] ECPAT,[71] and EMPACT[72] conduct cooperation projects to prevent and combat sexual exploitation and sexual abuse of children in Romania.[73]

The Committee notes that the most used form of international cooperation by Parties is police cooperation mainly in relation to the investigation and prosecution of the offences established in accordance with the Convention. Romania mentioned its involvement in other forms of police cooperation, namely, those related to the European Initiative (CIRCAMP, Copal internet related Child abusive material project), the US-based FBI, the US-based National Centre for Missing and Exploited Children (NCMEC) and NCMEC's CyberTipline.[74] Additionally, the Committee observes that law enforcement representatives from Romania attend the Europol's central training course "Combatting the Sexual Exploitation of Children on the Internet" (COSEC) and the Europol-Interpol-Cepol co-organised training course on victim identification (VID training course).[75]

The Committee also observes that following the transposition of Directive 2012/29 of the European Parliament and the Council of 25 October 2012, establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA, Romania requires its nationals or residents that are victims of a crime committed in another country of the European Union (EU) to report the crime in the EU Member State where the crime was committed.[76]

- The Committee requires Romania to ensure that the victims of sexual exploitation or sexual abuse in matters related to child self-generated sexual images and/or videos in the territory of Parties to the Convention which are not members of the European Union other than the one where they reside, may make a complaint before the competent authorities of the State of their residence.[77]

Follow-up actions:

Art 130 of Law 302/2004 on international judicial cooperation in criminal matters provides that, in the case of a crime committed outside the territory of Romania, the complaint submitted to the Romanian authorities by the injured person, Romanian resident, is transmitted directly or, in the case of states that are not members of the European Union, through the central authorities designated by the law, to the

[66] Para. 253.
[67] www.inhope.org/
[68] https://www.barnahus.eu/en/
[69] https://www.weprotect.org/
[70] https://www.betterinternetforkids.eu/
[71] https://ecpat.org/
[72] https://www.europol.europa.eu/empact
[73] Para. 255.
[74] Para. 262.
[75] Para. 259.
[76] Para. 271.
[77] Recommendation V-18.

competent foreign authorities of the state on whose territory the act was committed, except in the case where the competence is directly exercised by the Romanian authorities.
Also, in case where the crime is not prosecuted on the territory on which it is committed, Romanian authorities can exercise their jurisdiction, according to the principle of personality of jurisdiction, stated in article 10 of the Criminal code.

- Legislation:

Law 302/2004 on international judicial cooperation in criminal matters
ART. 130 Complaint of the injured person
(1) In the case of an act committed outside the territory of Romania, the complaint submitted to the Romanian judicial body by the injured person, resident in Romania, is submitted directly or, in the case of states that are not members of the European Union, through the central authorities provided for in Art. 10, to the competent foreign authorities of the state on whose territory the act was committed, except in the case where the competence is exercised by the Romanian state.
(2) The provisions of art. 125 - 129 are not applicable in this case.

Law 286/2009 regarding the Criminal code
ART. 10 The reality of criminal law
(1) Romanian criminal law applies to crimes committed outside the territory of the country by a foreign citizen or a person without citizenship, against the Romanian state, against a Romanian citizen or a Romanian legal entity.
(2) The initiation of the criminal action is done with the prior authorization of the general prosecutor of the Prosecutor's Office attached to the High Court of Cassation and Justice and only if the deed is not subject to judicial proceedings in the state on whose territory it was committed.

Generic recommendations of the Committee on international cooperation

- The Committee requests all Parties, including Romania, to extend their international cooperation with other Parties to improve the effective implementation of the Convention.[78]

Follow-up actions:

The Committee invites all Parties, including Romania:

- to assess, strengthen and develop international cooperation with other Parties to prevent and combat sexual exploitation and sexual abuse of children and to provide assistance to victims in matters related to child self-generated sexual images and/or videos.[79]
- to expand international cooperation with countries which are not Parties to the Convention to disseminate the standards of the Convention, including for the purpose of preventing and combating sexual exploitation and sexual abuse of children, for the purpose of protecting and providing assistance to victims and concerning the offences established in accordance with the Convention, in matters related to child self-generated sexual images and/or videos.[80]
- to regularly assess the difficulties that they face when dealing with international cooperation and remedy them.[81]
- to strengthen cooperation with relevant intergovernmental bodies and with transnational networks and other international organisations and initiatives due to their capacity to mobilisation, their worldwide scope, and their flexibility to work, for the purpose of preventing and combating sexual exploitation and sexual abuse of children as well as for protecting and providing assistance to victims, in matters related to child self-generated sexual images and/or

[78] Recommendation V-3.
[79] Recommendations V-6, V-11.
[80] Recommendations V-4, V-7, V-12, V-15.
[81] Recommendation V-5.

videos.[82]

- to consider requesting the establishment of cooperation projects managed by the Council of Europe to assist them in their efforts to preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos.[83]
- to support regional and international capacity building efforts to improve policy and operational measures including the pooling and sharing of successful education and awareness-raising tools for the purpose of preventing and combating sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos[84] to maintain and develop efforts to strengthen international cooperation with other Parties and non-Parties to the Convention, in investigation and proceedings concerning the offences established in accordance with the Convention, in particular in the area of police cooperation, namely ensuring that their law-enforcement agencies can connect and contribute to the Europol and Interpol databases, and develop the areas of data, training, vetting, and selection, in matters related to child self-generated sexual images and/or videos.[85]
- to integrate, where appropriate, prevention and the fight against sexual exploitation and sexual abuse of children in matters related to child self-generated sexual images and/or videos, in assistance programmes for development provided for the benefit of third States.[86]

[82] Recommendations V-8, V-13.
[83] Recommendation V-9.
[84] Recommendation V-10.
[85] Recommendations V-14, V-16.
[86] Recommendation V-19.

Promising practices:

VI. Assistance to victims

This chapter provides a comparative study of national mechanisms and measures for assisting child victims of sexual exploitation and abuse, particularly where this results from the CSGSIV.

Observations and recommendations of the Committee on assistance to victims specific to Romania

The Committee observes that Romania has legislation addressing the problem of child abuse facilitated by information and communication technologies.[87] Additionally, Romania provided data referring to the number of calls received by helplines on this issue without indicating what kind of follow-up was given to these calls.[88]

- To improve the effective implementation of the Convention, the Committee requires Romania to take the necessary legislative or other measures to encourage and support the establishment of information services, such as telephone or internet helplines, to provide advice to child victims of sexual exploitation and sexual abuse facilitated by ICTs as well as persons wishing to help them, in a confidential manner or with due regard for their anonymity. Furthermore, these information services should be made available as widely as possible. This can be done in several ways: the service is available at extended hours, it is delivered in a language that the caller, especially the child, can understand, and it is free of charge.[89]

Follow-up actions:

According to the provisions of the article no. 96 line (2) of the Law no. 272/2004 for the protection and promotion of the rights of the child, a helpline (telephone) for reporting cases of abuse, neglect, exploitation or any other form of violence against children was established within each General Department for Social Assistance and Child Protection (GDASCP). Until December 2021, each GDASCP had its own helpline or a dedicated phone number for reporting the cases of violence against children, including child sexual exploitation and sexual abuse.

Since January 2022 there is one national helpline 119.

In 2022, the unique national number for reporting cases of violence against children - 119 - became operational at the level of C, as a measure carried out from the National Program "Care for children" approved by Emergency Ordinance no. 105/2021.

This EO was approved to ensure the optimal support framework for children in the context of the COVID-19 pandemic. The program had an implementation duration of 2 years and the support measures aimed at ensuring psycho-emotional support for children, as well as increasing their safety.

Related to the launch of 119 within that National Program, the Special Telecommunications Service had the role of establishing the unique national number for reporting cases of abuse, neglect, exploitation and any other form of violence against children and to develop the necessary infrastructure for its operation for situations that do not require the immediate intervention of specialized agencies within the Emergency Service 112.

GDASCP operate the unique national number, according to a unitary implementation procedure developed by the National Authority for the Protection of the Rights of the Child and Adoption.

After the case is report to 119, notification is registered at GDASPC and the intervention mechanism comes into operation.

Also, during the period September-November 2022, a training program was delivered and financially supported by E-Liberare Association for 350 specialists who operate the helpline 119.

[87] Para. 288.
[88] Para. 296.
[89] Recommendation VI-1.

The Committee also invites all Parties, including Romania:

- to promote awareness raising or specialised training for professionals who advise children through telephone or internet helplines on ICT-facilitated sexual exploitation and abuse of children – including the risks associated with child self-generated sexual images and/or videos – and how to provide appropriate support to victims and to those who wish to help them.[90]
- to ensure that the assistance measures are available to child victims of sexual exploitation and abuse facilitated by ICTs, including of offences due to the production, possession, distribution or transmission of child self-generated sexual images and/or videos.[91]

[90] Recommendation VI-2.
[91] Recommendation VI-4.

Promising practices:

VII. Civil society involvement and cooperation

Civil society's involvement in protecting children against sexual exploitation and sexual abuse is crucial and acknowledged by the Convention. Projects and programmes carried out by civil society, as well as cooperation between the competent state authorities and civil society, cover a wide range of issues.

Observations and recommendations of the Committee on civil society involvement and cooperation specific to Romania

The Committee observes that Romania encourages the implementation of prevention projects and programs carried out by civil society not only at the national level, but also at the local level.[92]

- To improve the effective implementation of the Convention, the Committee requests Romania to encourage the financing of projects and programmes[93] carried out by civil society aiming at preventing and protecting children from sexual exploitation and sexual abuse.

Follow-up actions:

With the financial support of Active Citizens Fund Romania, financed by Iceland, Liechtenstein and Norway through EEA Grants (2014 – 2021), the first Barnahus-type center was opened in Bucharest by the Save the Children Organization, in partnership with General Department for Social Assistance and Child Protection District 6 of Bucharest and is available from July 2022.
The staff consists of: medical doctor, social worker, 2 psychologists and 2 administrative personnel. The target groups are the child victims of violence, including crimes, with focus on sexual abuse and exploitation, child witnesses, parents and other family members (siblings, grandparents). The services provided in the Barnahus-type center are the following:
- Interview of the child as part of child protection case assessment (including exploratory interview)
- Forensic interview or hearing of the child as part of administrative or judicial proceedings
- Forensic medical examination aimed at securing evidence for administrative or judicial proceedings
- Assistance services for the child: crisis intervention; short-term and long-term psychological support and therapeutic services
- Assistance services for (non-offending) family members: crisis intervention; short-term and long-term psychological support and therapeutic services
The interviews of the child are conducted by police officers and prosecutors, who have specific training to carry out the interview in a child-friendly manner, using NICHD Protocol. Also, the interview is video-recorded in all cases and the video-recording is admitted as evidence in judicial proceedings. All interviews are attended by observers (specialists of the multidisciplinary team, non-offending parent, lawyer) through closed-circuit video-transmission.

The Committee also observes that Romania provides training opportunities and awareness raising activities to civil society actors concerning the online environment and related risks but also the opportunities it presents for children's rights.[94]

Additionally, Romania mentioned programmes meant to assist victims of offences related to CSGSIV.[95] The Committee observes that in Romania, there are telephonic and electronic helplines concerning fairly broad issues such as violence against children in general, including sexual violence,[96] and NGOs offering free

[92] Para.307.
[93] Examples of projects and/or programmes will enable assessment of follow-up to this recommendation.
[94] Paras. 311, 320.
[95] Para. 327.
[96] Para. 328.

psychological support to children.[97]

[97] Para. 329.

Generic recommendations of the Committee on civil society involvement and cooperation

The Committee invites all Parties, including Romania:

- to expand cooperation with civil society to better prevent sexual exploitation and sexual abuse of children, including when facilitated by ICTs and the challenges raised by the exploitation of child self-generated sexual images and/or videos.[98]
- to ensure that the forms of cooperation that take place with civil society in the field of prevention and protection of children against sexual exploitation and abuse are of a sustainable nature.[99]
- to support civil society to carry out projects and programmes that include the issue of child self-generated sexual images and/or videos.[100]
- to encourage the participation of children, according to their evolving capacity, in the development and implementation of state policies, programmes or other initiatives[101] and to seek children's views at the stage of drafting new legislation concerning the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs and as regards child self-generated sexual images and/or videos.[102]

[98] Recommendation VII-3.
[99] Recommendation VII-4.
[100] Recommendation VII-5.
[101] Parties are also invited to provide example(s) of how children's views are taken into account in the context of the participation of children.
[102] Recommendations VII-6, VII-7.

Difficulty in implementing the Convention

The Committee observes that children living in rural and local communities in Romania are sometimes discriminated against when it comes to civil society assistance in cases of abuse.[103]

Promising practices

In Romania, the Federation of the NGOs working in the field of child protection (FONPC) carried out a project through which it set up three hearing rooms for child victims of violence, equipped according to standards in this field (unidirectional mirror, audio-video recording system).
Another Romanian organisation, the International Foundation of the Child and Family (IFFC), organises weekly art therapy workshops for child victims of violence.

Promising practices:

[103] Para. 331.

VIII. Promoting awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Articles 5, 6 and 8 of the Convention establish that States Parties should take the necessary measures to prevent all forms of child sexual exploitation and abuse and to protect children from their effects. Awareness-raising is one type of preventive measure.

Generic recommendations of the Committee on promoting awareness of the risk of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves

The Committee invites all Parties, including Romania:

- to ensure that explanations of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves, with or without coercion, are included in the awareness-raising campaigns that they promote or conduct, whatever the target audience.[104]
- to ensure that awareness-raising for children about the risks that they face when generating and/or sharing sexual images and/or videos of themselves takes place early enough, before they reach their teens, and that it is "adapted to their evolving capacity" or, in other words, their age and degree of maturity.[105]
- to use unchanged, wherever possible, the awareness-raising tools, materials and activities mentioned in this report or else to adapt them to their national contexts and their own languages and, if necessary, develop new ones, concentrating on videos and distribution through social media.[106]
- to have available awareness-raising tools, materials, and activities suitable for children with disabilities.[107]
- to ensure that awareness-raising for children regarding the risks of sexual exploitation and sexual abuse that they face when generating and/or sharing sexual images and/or videos of themselves is led first and foremost by their peers.[108]
- to do more to encourage the information and communication technology sector, the media and other professionals to raise awareness among children, their parents, persons having regular contact with children, and the general public about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.[109]
- to introduce or step-up awareness-raising for parents and persons with parental authority about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.[110]
- to promote or conduct awareness-raising campaigns for the general public providing information about the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves and about the preventive measures that can be taken.[111]
- to take the necessary measures to ensure co-ordination between the agencies responsible for raising awareness of the risks of sexual exploitation and sexual abuse faced by children generating and/or sharing sexual images and/or videos of themselves.[112]

[104] Recommendation VIII-1.
[105] Recommendation VIII-2.
[106] Recommendation VIII-3.
[107] Recommendation VIII-4.
[108] Recommendation VIII-5.
[109] Recommendation VIII-6.
[110] Recommendation VIII-7.
[111] Recommendation VIII-8.
[112] Recommendation VIII-9.

Promising practices:

IX. Education for children

While the protection of child victims and the prosecution of offenders are key elements in the fight against the sexual exploitation and sexual abuse of children, preventing them from occurring in the first place is paramount. Informing children about the risks of sexual exploitation and sexual abuse and how to protect themselves is the cornerstone of prevention.

Observations and recommendation of the Committee on education for children specific to Romania

The Committee observes that in Romania, information related to child sexual exploitation and abuse and/or challenges raised by ICTs is provided only during secondary education.[113]

- Therefore, the Committee requires Romania to ensure that all children at primary and secondary level receive information about the risks of child sexual exploitation and sexual abuse facilitated by ICTs. Organising lectures and/or activities on this topic should not be left to the discretion of schools or teachers.[114]

Follow-up actions:

The Committee also invites Romania:

- to ensure that information on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, including as regards child self-generated sexual images and/or videos, is provided to children during both primary and secondary education (whether as part of the national curricula or in the context of non-formal education for children at these levels).[115]
- to provide information to children on child sexual exploitation and sexual abuse, facilitated by ICTs, including as regards child self-generated sexual images and/or videos, in their national curriculum or other non-formal educational contexts, in a form which is adapted to the evolving capacity of the children and therefore which is appropriate for their age and maturity.[116]

[113] Para. 393.
[114] Recommendation IX-3.
[115] Recommendation IX-2.
[116] Recommendation IX-6.

Generic recommendations of the Committee on education for children

The Committee invites all Parties, including Romania:

- to consistently involve children in the development of internet safety awareness programmes.[117]
- to ensure that there is a standing national internet safety resource, with an ongoing programme of activities.[118]
- to provide information to children on the risks of child sexual exploitation and abuse facilitated by ICTs, including child self-generated sexual images and/or videos, within a more general context of sexuality education.[119]
- to ensure that parents, caregivers, and educators are involved, where appropriate, in the provision of information to children on the risks of child sexual exploitation and sexual abuse facilitated by ICTs, in particular as regards child self-generated sexual images and/or videos.[120]

[117] Recommendation IX-4.
[118] Recommendation IX-5.
[119] Recommendation IX-7.
[120] Recommendation IX-8.

Promising practices:

X. Higher education curriculum and continuous training

Persons who have regular contact with children in the education, health and social protection sectors and areas related to sport, culture and leisure are at the forefront of the prevention of sexual exploitation and sexual abuse of children, as they have the most interaction with children under their supervision in these different settings. However, they may not be adequately equipped to inform children about their rights, to detect situations where a child is at risk of sexual exploitation or sexual abuse and to respond appropriately. It is therefore of crucial importance that they are well informed about the risks of sexual exploitation and sexual abuse of children, both during their education and continuously during their careers, to enable them to adapt to emerging trends and risks in the fight against sexual exploitation and sexual abuse of children, including when facilitated by ICTs.

Observations and recommendations of the Committee on higher education curriculum and continuous training specific to Romania

The Committee observes that persons working in contact with children in schools and social workers receive information provided in the form of trainings on the risks associated with CSGSIV in Romania.[121] Part of the professionals who will work with children receive information on the protection of children against sexual exploitation and sexual abuse under the form of continuous training. In Romania, such information is provided to future professionals as part of their curriculum during their education.[122] Additionally, some persons working in contact with children receive awareness of the protection and rights of children in different frameworks and on different topics such as the rights of children in the digital environment in Romania.[123]

Consequently, the Committee observes that only some of the professionals working in contact with children have been trained and/or received education on how to identify potential situations where a child is a victim of sexual exploitation or sexual abuse or on the possibility to report situations where they have reasonable grounds for believing that a child is a victim of sexual exploitation or sexual abuse, in Romania.

To improve the effective implementation of the Convention, the Committee requires Romania:

- to ensure that teaching or training on the rights of children and their protection for persons who have regular contacts with children (i.e. in the education, health and social protection sectors and in areas relating to sport, culture and leisure activities) is not optional.[124]

Follow-up actions:

According to Law 272/2004 on child protection and promoting child's rights, initial training in the field of child rights protection and permanent education and continuing professional training in the field of special child protection for all professional categories in the system and for those who have decision-making powers regarding children is mandatory.
Also, the relevant institutions have the obligation of insuring the initial and continuous training of the personnel who, in the exercise of their duties, come into contact with the field of protection and promotion of children's rights.

Legal provisions:
Law 272/2004 on child protection and promoting child's rights
ART. 150
(1) Initial training in the field of child rights protection is mandatory for all professional categories in the system and for those who have decision-making powers regarding children.
(2) Permanent education and continuing professional training in the field of special

[121] Paras. 410, 412, 415.
[122] Para. 416.
[123] Para. 432.
[124] Recommendation X-4.

child protection is ensured for all professional categories in the system.
(3) The Ministry of Labour, Family, Social Protection and the Elderly together with the Ministry of National Education, the Ministry of Health, as well as, as the case may be, with the other public and private institutions concerned will ensure the initial and continuous training of the personnel who, in the exercise of their duties, come into contact with the field of protection and promotion of children's rights.

- to ensure that the persons who have regular contact with children are equipped to identify any situation of sexual exploitation and sexual abuse of children:
- in the education sector
- in the health sector
- in the social protection sector.[125]

Follow-up actions:

- to ensure that the persons who have regular contact with children are informed of the possibility for them to report to the services responsible for child protection any situation where they have "reasonable grounds" for believing that a child is a victim of sexual exploitation and sexual abuse of children:
- in the health sector
- in the social protection sector.[126]

Follow-up actions:

Persons who have regular contact with children have not only the possibility, but the legal obligation to report suspicions of sexual exploitation, so they are informed about this obligation in the same way that they are informed about any other professional obligation.
More than that, not only professionals, but any person has the legal obligation to report cases of sexual abuse against children. Non-reporting constitutes offence, according to the Criminal code.

Legal provisions:
- Law 272/2004 on child protection and promoting child's rights
ART. 89
(1) The child has the right to be protected against abuse, neglect, exploitation, trafficking, illegal migration, kidnapping, violence, internet pornography, as well as any form of violence, regardless of the environment in which he is: family, educational, medical, protection, crime investigation and rehabilitation/detention environments, internet, mass media, workplaces, sports environments, community, etc.
(2) Any natural or legal person, as well as the child, can notify the general direction of social assistance and child protection in the county/sector of residence to take appropriate measures to protect him/her against any form of violence, including sexual violence, injury, or physical or mental abuse, parental alienation, ill-treatment or exploitation, abandonment or neglect.
(3) Employees of public or private institutions who, by the nature of their profession, come into contact with the child and have suspicions about a possible case of abuse, neglect, parental alienation or ill treatment have the obligation to notify the general direction of social assistance and child protection urgently.

Law 286/2009 regarding the Criminal code
ART. 266 Non-reporting
(...)
(1^1) The deed of the person who, becoming aware of the commission of a deed provided for by the criminal law, of trafficking and exploitation of vulnerable persons or against sexual freedom and integrity, committed against a minor, does not immediately notify the authorities shall be punished with imprisonment from 6 months to 2 years.

[125] Recommendations X-5.
[126] Recommendations X-6.

Generic recommendations of the Committee on higher education curriculum and continuous training

The Committee also invites all Parties, including Romania:

- to ensure that the persons who have regular contacts with children (i.e. in the education, health and social protection, sectors and in areas relating to sport, culture and leisure activities), have an adequate knowledge of the risks associated with child self-generated sexual images and/or videos, for example through education or continuous training.[127]
- to ensure that all the sectors where professionals work in contact with children, including when working on a voluntary basis, have adequate knowledge of sexual exploitation and sexual abuse of children, including when facilitated by ICTs and with specific reference to the risks associated with child self-generated sexual images and/or videos.[128]

[127] Recommendation X-2.
[128] Recommendation X-3.

Promising practices

In Romania, Save the Children, acting as the coordinator of the Safer Internet Centre of Romania, has been organising trainings for teachers and school counsellors certified by the Ministry of Education since 2019, which includes sections outlining the risks associated with CSGSIV, under the general theme of sexting and sextortion. They also provide professional workshops and trainings for social workers on the online risks for children and teens.

In Romania, about 8,700 teachers have been trained in the framework of the national health education program, which includes the chapter "Reproductive Health and Family" that deals with issues of child sexual exploitation and abuse.

In Romania, the "A safe environment for children in sports" project is being implemented by the Terre des Hommes Romania Foundation and aims to improve the standards on child protection in sports.[129] In 2020, the first courses for trainers on sports safety took place, including topics such as knowing and predicting risk situations, roles and responsibilities of the resource person responsible for child safety, appropriate ways to respond in cases of abuse, as well as methods and techniques for motivating children. The possibility of extending this pilot project to the national level is being analysed, and the modules developed could be part of the in-service training programs and even of the curricula of the specialised faculties.

Promising practices:

[129] The project is being implemented at European level by the Terre des Hommes Romania Foundation, together with Terre des Homes Hellas (Greece), and Terre des Hommes Hungary.

XI. Research

Effective prevention mechanisms and responses to tackle sexual exploitation and abuse of children require an understanding of the issues at stake, as well as knowledge of the prevalence and characteristics of the phenomenon. Accurate and precise information may be necessary to develop quality and targeted policies and measures. The gathering of information and understanding of the phenomenon is particularly important in the context of sexual exploitation and sexual abuse facilitated by ICTs, in light of their rapid development and increased use.

Observations and recommendations of the Committee on research specific to Romania

Romania has provided information to the Committee on research undertaken on the issues raised by CSGSIV in general.[130] The Committee observes that the research on CSGSIV was included in research covering several broader topics, such as the use of the internet in the family in Romania.[131]

The Committee observes that Romania has participated for at least one year in the EU Kids Online surveys which is a multinational research network seeking to enhance knowledge of children's online opportunities, risks and safety. Surveys carried out in the framework of EU Kids Online collect data and information on, *inter alia*, children's practice of sending and receiving sexual messages online.[132] According to EU Kids Online 2020 Report,[133] national authorities in Romania supported the research and enabled the surveys to be carried out.[134]

The Committee observes that Save the Children Romania has also undertaken research on the topic,[135] of which a possible support by national authorities cannot be inferred.[136]

- Therefore, the Committee invites Romania to take the necessary legislative or other measures to set up or designate mechanisms for data collection or focal points at the national or local levels and in collaboration with civil society to observe and evaluate the phenomenon of sexual exploitation and sexual abuse of children, including on the issues arising from child self-generated sexual images and/or videos, with due respect for the requirements of personal data protection.[137]

[130] Para. 437.
[131] Para. 438.
[132] Para. 440.
[133] See EU Kids Online Report 2020: https://www.lse.ac.uk/media-and-communications/assets/documents/research/eu-kids-online/reports/EU-Kids-Online-2020-10Feb2020.pdf
[134] Para. 454.
[135] Study by Save the Children Romania: https://oradenet.salvaticopiii.ro/docs/Studiu.pdf; https://oradenet.salvaticopiii.ro/docs/raport_cercetare_safer_internet_2015_web.pdf.
[136] Para. 452.
[137] Recommendation XI-4.

Generic recommendations of the Committee on research

The Committee invites all Parties, including Romania:

- to collect data and undertake research at the national and local levels to observe and evaluate the phenomenon of child self-generated sexual images and/or videos.[138]
- to ensure that data on the phenomenon of child self-generated sexual images and/or videos and the risks associated with it is regularly collected and research on the issue is regularly undertaken.[139]
- to build on the findings from existing research on child self-generated sexual images and/or videos, when available, to ensure that policies and measures are best developed and appropriately targeted to tackle the issues raised by child self-generated sexual images and/or videos.[140]

[138] Recommendation XI-1.
[139] Recommendation XI-2.
[140] Recommendation XI-3.

Promising practices: