

**Comments submitted by Romania
on GREVIO's first thematic evaluation:**

**Building trust by delivering support, protection and
justice**

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Annex

Comments of the Romanian authorities on the Final Report of the First Thematic Evaluation of the Implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, focusing on the theme “Building Trust by delivering support, protection and justice”

National Agency for Equal Opportunities between Women and Men - NAEO

The Romanian authorities take note of the recommendations made by GREVIO and underline that a significant number of the issues identified are already addressed, or are currently being considered, within the respective areas of competence of the relevant national authorities. In this broader institutional context, NAEO has taken into account the recommendations falling within its mandate when defining its strategic and investment priorities for the coming period.

With a view to strengthening the national system for preventing and combating violence against women and domestic violence, NAEO has developed and submitted a number of project proposals aimed at attracting external funding, focusing on the development and expansion of the national network of specialized services for victims and perpetrators, complementing the infrastructure established through projects implemented in recent years.

In parallel, NAEO is promoting a comprehensive package of legislative measures through the review and updating of the legal framework established by Law No. 202/2002 on equal opportunities and equal treatment between women and men and Law No. 217/2003 on preventing and combating domestic violence, with a view to strengthening prevention, protection, intervention and monitoring mechanisms. Accordingly, NAEO's efforts are based on an integrated approach that combines investment in service development and institutional capacity-building with the modernization of the legislative framework, with the aim of ensuring more effective implementation of the Istanbul Convention and further strengthening the national system for preventing and combating violence against women and domestic violence.

These interventions include, inter alia:

- expanding the capacity and geographical coverage of specialized services for victims and perpetrators;
- developing integrated and multidisciplinary services, including through strengthening inter-institutional co-operation mechanisms and coordinated intervention;
- intensifying national information and awareness-raising campaigns addressing all forms of violence against women, including technology-facilitated violence and other emerging forms of violence;



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PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

- developing and expanding initial and continuous training programmes for professionals involved in preventing and combating violence against women, with a focus on a victim-centred, gender-sensitive and trauma-informed approach;
- strengthening NAEO's institutional capacity and increasing the visibility of its role as the national authority in the field of preventing and combating violence against women and domestic violence, including through the development of monitoring, data collection and public policy evaluation tools.

Furthermore, the project proposals seek to develop modern data collection and analysis tools, improve monitoring and evaluation mechanisms, and strengthen co-operation between public authorities and non-governmental organizations, in line with the recommendations made by GREVIO and Romania's obligations under the Istanbul Convention.

Through these investments, NAEO aims to ensure the sustainability of the services developed during the previous programming period and to continue the process of strengthening the national system for preventing and combating violence against women, in full alignment with the recommendations made by GREVIO.

I. Emerging trends in the areas of violence against women and domestic violence

Persistent gender stereotypes that contribute to the normalisation of violence against women - point 5

NAEO welcomes GREVIO's observations regarding the role of the education system in promoting equality between women and men and preventing gender stereotypes, while considering it important to complement the information presented in the report by highlighting the institutional mechanisms already in place in Romania in this area.

In accordance with the provisions of Law No. 202/2002 on equal opportunities and equal treatment between women and men and Government Decision No. 262/2019, NAEO coordinates and maintains, at national level, the network of designated persons responsible for implementing the principle of equal opportunities and equal treatment between women and men, as well as the network of experts and technicians in equal opportunities between women and men within public authorities and institutions.

The national education system also has a well-established network of designated persons and specialists in the field of equal opportunities, operating at the level of county school inspectorates, educational establishments and institutions. This network contributes to promoting the principles of equality between women and men, preventing gender stereotypes and integrating a gender perspective into educational activities.

Furthermore, since 2019, all central and local public authorities and institutions, including institutions within the national education system, have been required to develop and implement Equal Opportunities Plans for Women and Men, in accordance with the provisions of Law No. 202/2002 and Government Decision No. 262/2019. These plans are endorsed by NAEO,



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

and their implementation is subject to regular monitoring at national level, constituting a permanent institutional tool for promoting equality between women and men, combating gender stereotypes, preventing discrimination and harassment, promoting mutual respect, and fostering an organizational culture based on equality and non-discrimination.

NAEO considers that these institutional mechanisms provide a solid foundation for promoting the principles of equal opportunities and equal treatment between women and men within the education system and public administration and will continue to be strengthened through the development of professional training programmes, information and awareness-raising activities, and the implementation of the investments and legislative reforms promoted by the Agency.

Point 6

NAEO welcomes GREVIO's observations regarding the need to strengthen the integrated nature of services for victims of violence against women and domestic violence, while considering it important to also reflect the significant progress made by Romania in developing the national infrastructure of specialised services. In recent years, through projects implemented by NAEO, a national network of specialised services for victims and perpetrators has been established, contributing to expanding access to protection and support services at national level. Furthermore, through the project proposals developed with a view to attracting external funding, NAEO seeks to further strengthen and expand this network, develop integrated and multidisciplinary services, reinforce inter-institutional co-operation, and enhance the sustainability of interventions, in full alignment with the recommendations made by GREVIO and the objectives of the Istanbul Convention.

II. Changes in definitions, comprehensive and co-ordinated policies, funding and data collection in the areas of violence against women and domestic violence

NAEO welcomes GREVIO's recognition of the Agency's central role in the implementation of the Istanbul Convention and considers it important to highlight the steps undertaken to strengthen the institutional and public policy framework for preventing and combating violence against women and domestic violence.

With regard to the observations concerning the complexity of inter-institutional mechanisms and the need to further strengthen co-ordination, NAEO emphasizes that the existing inter-institutional co-operation structures have been established precisely to ensure an integrated approach, through the involvement of authorities and institutions with relevant responsibilities in this field. In this regard, NAEO co-ordinates and participates in the relevant inter-institutional mechanisms and continuously seeks to enhance co-operation among central and local authorities, specialized services and civil society organizations.

With regard to the resources available for the implementation of policies and measures in this field, NAEO acknowledges the need to ensure adequate and sustainable human and financial resources. At the same time, it is relevant to note that NAEO has developed a



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PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

substantial portfolio of project proposals aimed at attracting external funding, with a cumulative value of more than EUR 70 million. These proposals seek to expand and strengthen the national network of specialized services for victims and perpetrators, develop prevention and awareness-raising activities, expand professional training and capacity-building programmes, strengthen institutional capacity, and further develop monitoring and data-collection mechanisms. These efforts constitute an important component of NAEO's strategy to ensure the sustainability and further development of the national system for preventing and combating violence against women and domestic violence.

With regard to GREVIO's observation concerning the need for a comprehensive approach covering all forms of violence against women covered by the Istanbul Convention, NAEO underlines that the expansion and strengthening of the legislative and institutional framework currently constitute a priority area of action. In this regard, NAEO is preparing a legislative package amending and supplementing Law No. 202/2002 on equal opportunities and equal treatment between women and men and Law No. 217/2003 on preventing and combating domestic violence, with a view to updating the legislative framework, clarifying and strengthening mechanisms for preventing and combating violence against women, and ensuring alignment with the provisions of the Istanbul Convention and developments in the European legislative framework.

In this context, NAEO considers that the legislative and investment-related initiatives currently under preparation should be viewed as complementary, as they seek to strengthen an integrated approach to preventing and combating all forms of violence against women, while also enhancing institutional capacity for the co-ordination, monitoring and implementation of public policies in this field.

NAEO also welcomes GREVIO's recognition of its role in implementing the Istanbul Convention and coordinating national policies, including through the co-ordination of inter-institutional working groups, co-operation with local authorities and civil society organisations, as well as through information, awareness-raising and professional training activities. Strengthening this role, including by ensuring the necessary resources and further developing the legislative and institutional framework, is essential to sustaining the progress achieved by Romania and ensuring the coherent and sustainable implementation of the Istanbul Convention.

B. Comprehensive and co-ordinated policies (Article 7) - Point 16

NAEO underlines that, in addition to the National Strategy approved by Government Decision No. 1547/2022 and the National Strategy approved by Government Decision No. 592/2024, measures aimed at preventing and combating violence against women, promoting equal opportunities and protecting persons in vulnerable situations are also integrated into the National Strategy for the Sustainable Development of Romania 2030 and other sectoral strategic documents. Furthermore, strengthening the intersectional approach and developing measures tailored to the specific needs of women exposed to multiple forms of discrimination and



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

violence constitute priorities taken into consideration in the development of NAEO's future policies, programmes and projects.

Point 20 - NAEO prepares annual reports on the implementation of the national strategies, which do not focus exclusively on the activities and measures carried out, but also analyses the results achieved and the developments arising from their implementation. Building on this approach, NAEO will further strengthen the use of outcome and impact indicators, as well as independent evaluations, subject to the availability of the necessary resources.

Ministry of Justice - MJ

Point 19

We would like to note, as a technical clarification, that the reform of the criminal-law framework concerning sexual offences against minors, including the introduction of the separate offences of rape of a minor (Article 218¹ of the Criminal Code) and sexual assault of a minor (Article 219¹ of the Criminal Code), was introduced by Law No. 217/2023 and subsequently amended and supplemented by Law No. 424/2023.

Accordingly, in order to reflect the relevant legislative framework more accurately, we suggest that the reference in paragraph 19 be adjusted to refer to Law No. 217/2023, as amended and supplemented by Law No. 424/2023, rather than to Law No. 424/2023 alone.

Point 65-66

Without reiterating the legal provisions concerning the participation of judges and prosecutors in continuing training programmes organised by the National Institute of Magistracy (NIM), which were already set out in the previous response, we would underline that the fact that participation in continuing training is not mandatory does not, in itself, constitute an insurmountable shortcoming in the implementation of Article 15 of the Istanbul Convention, insofar as the training of judges and prosecutors is concerned.

Firstly, judges and prosecutors are required to participate, at intervals of no more than three years, in continuing training programmes, and compliance with this requirement is one of the aspects taken into account in the periodic professional evaluation to which every judge and prosecutor is subject. In practice, therefore, judges and prosecutors do participate in such training, even in the absence of a legal provision expressly making participation compulsory. On the other hand, the design of continuing professional training programmes within the NIM is intended to respond to actual needs identified within the judicial system, while the effective participation of judges and prosecutors in these programmes reflects their areas of specialisation and professional interest, which further enhances the relevance of the continuing training sessions offered by the NIM.

As regards the mandatory nature of the initial training provided by the NIM to all judicial trainees (§§ 66 and 75), it should be noted that the training programme approved by Decision No. 3/30.01.2025 of the Plenum of the Superior Council of Magistracy, as subsequently



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PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

amended, includes training for judicial trainees on violence against women and domestic violence, both in civil matters, within the Family Law course, and in criminal matters, within the Criminal Law and Criminal Procedure courses, as well as on a cross-disciplinary basis within the ECHR course. The initial training provided in this manner is intended not only to ensure an understanding of national and international legal concepts relating to violence against women and domestic violence, and awareness of the rights of injured parties, but also to foster an understanding of the social, psychological and economic implications of these forms of violence.

The training provided by the NIM also reflects current realities and therefore covers the perpetration of such forms of violence in the digital environment. In addition to this mandatory training, the initial training programme has also included extracurricular activities, such as volunteering with associations supporting vulnerable persons, as well as conferences such as *“From Prejudice to Protection: Domestic and Gender-Based Violence from a Multidisciplinary Perspective - Police, Social Services and Civil Society”*, organised by the ANAIS Association and the NIM on 29 May 2025. Both types of activities facilitate interdisciplinary dialogue on current challenges and practical solutions in combating domestic and gender-based violence, bringing together specialists from the legal field, social services, law enforcement and civil society.

Point 68

As regards the implementation by the NIM of the 2025 Continuing Training Programme, which identified violence against women and domestic violence as priority areas for the training of judges and prosecutors, as also noted in the Report (§ 68), we would point out that the training activities included in the programme were carried out as planned, with the anticipated number and profile of participants, and that the evaluations completed by participants at the end of the training sessions confirmed their relevance to judicial practice. In addition, the webinars organised by the NIM on violence against women and domestic violence (nine activities held in 2025 and two further activities held by March 2026), some of which were organised in cooperation with the Department for the Execution of Judgments of the European Court of Human Rights, reflect not only the NIM’s commitment to addressing training needs in this area, but also its efforts to facilitate the dissemination of relevant knowledge to judges and prosecutors dealing with civil or criminal cases involving issues of violence against women or domestic violence.

Regarding the inclusion of a gender-dynamics perspective in training on domestic violence (§ 68), it should be emphasised that this aspect is not overlooked. Both continuing and initial training programmes on violence against women and domestic violence delivered by the NIM include elements concerning the positive obligations incumbent on the State and its authorities, including judicial authorities, under Article 14 of the European Convention on Human Rights.



Point 69

As regards the training provided by the NIM on the concept of parental alienation (§ 69), following the amendment of the domestic legislation through Law No. 123/2024 amending and supplementing Law No. 272/2004 on the protection and promotion of the rights of the child, the concept was not addressed exclusively from the perspective of domestic law. Participants were also informed of the findings and recommendations contained in the 2023 report of the United Nations Special Rapporteur on violence against women and girls, its causes and consequences, GREVIO's Fifth General Report on its activities (2023), and the 2025 Concluding Observations of the UN Committee on the Rights of the Child on the combined sixth and seventh periodic reports of Romania.

Thus, the continuing training placed particular emphasis on the fact that parental alienation is regarded by a significant part of the scientific community as a pseudoscientific concept, as also noted in the present Report. The training also highlighted the risk that the concept may be invoked in family-law proceedings by abusers as a means of continuing abuse and coercive control, and of undermining or discrediting allegations of domestic violence made by mothers seeking to protect their children.

Participants were also made aware of the concerns reflected in GREVIO reports regarding the labelling of mothers as “alienating” or “uncooperative”, the minimization of evidence of domestic violence, reliance on concepts lacking a scientific basis, the absence of individualized risk assessments, and the potential adverse consequences for children. Attention was also drawn to the fact that arrangements concerning the exercise of parental responsibility or contact may themselves become instruments of post-separation abuse.

Furthermore, as regards the assessment of evidence in cases in which parental alienation is alleged, it was emphasized that the approach adopted by judges and prosecutors should involve, first, an examination of the reasons for the child's refusal to have contact with the allegedly “alienated” parent and only thereafter an assessment of any alleged “alienating” behaviour on the part of the other parent. Where violence, abuse or neglect by the allegedly alienated parent against the child has been established, any alleged “alienating” conduct on the part of the other parent ceases to be relevant, since the child's reluctance or hostility is, in such circumstances, justified and the concept of “parental alienation”, as regulated under domestic law, is therefore not applicable.

Moreover, given that “parental alienation syndrome” is not included in the Diagnostic and Statistical Manual of Mental Disorders, it was emphasized that this terminology should not be used in a legal context either and that, consequently, psychiatric expert evidence based on such a purported syndrome would be of no practical relevance. The above information was disseminated and discussed with participants during the continuing training activities, and the international documents referred to above were made available to them.



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

Point 70

As regards the need for judges and prosecutors to have an in-depth understanding of domestic violence and its consequences for victims (§ 70), the mandatory training provided by the NIM has also incorporated a psychological perspective, through cooperation with Mr George VISU, lecturer at the Faculty of Psychology of Babeș-Bolyai University in Cluj-Napoca. In 2024 and 2025, at the invitation of the NIM, Mr VISU delivered the course entitled “Parental Alienation: Research, Good Practices and Legal Implications of a Controversial Concept”, included in the mandatory initial training programme for judicial trainees. He also gave a presentation entitled “Domestic Violence: Relevance for the Legal Arena” at the launch event of the HELP course “Violence against Women and Domestic Violence” on 1 October 2025. The HELP course is also included in the mandatory training curriculum for magistrates admitted directly into the profession, pursuant to Article 63 of Law No. 303/2022 on the status of judges and prosecutors.

Point 71

As regards the training provided by the NIM on combating all forms of violence falling within the scope of the Istanbul Convention (§ 71), it should be noted that forms of violence such as stalking, harassment and forced marriage have been addressed in NIM training sessions, both as part of initial training and continuing training. By contrast, in view of the need to tailor professional training to the practical needs of the judicial system, and in the absence of relevant national case-law, forms of violence such as female genital mutilation, forced sterilisation, forced abortion or violence committed in the name of “honour” have not been covered in training programmes organized by the NIM.

Point 80

Paragraph 80 of the Report notes that, according to relevant research, court-mandated participation in a programme yields positive results in reducing the risk of reoffending when non-attendance or failure to complete the programme is accompanied by applicable sanctions.

In this connection, we would point out that the national legislation already provides for a gradual and effective mechanism for monitoring and sanctioning non-compliance with the obligations imposed on supervised persons, including the obligation to participate in social reintegration programmes or other programmes ordered by the court.

Thus, pursuant to Article 67(1) of Law No. 252/2013 on the organisation and functioning of the probation system, where, during the supervision period, the probation officer acting as case manager finds that the supervised person fails to comply with the supervision measures or does not fulfil the obligations imposed on him or her under the established conditions, the probation officer examines the reasons for such conduct and, where the non-compliance is considered to have been in bad faith, draws up an evaluation report and refers the matter to the competent court with a view to revocation of the sanction.



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

Article 67(3) of Law No. 252/2013 also expressly provides that, in the case of minor breaches which do not undermine the purpose for which the supervision measures or obligations were imposed, the probation officer acting as case manager may issue warnings. The conditions for issuing such warnings and the manner in which they are applied are regulated by the Implementing Regulation of Law No. 252/2013, approved by Government Decision No. 1079/2013.

In application of these provisions, Articles 14¹¹⁹ and 14¹²⁰ of the Regulation approved by Government Decision No. 1079/2013 govern the procedure for issuing warnings, the criteria to be taken into account by the probation officer acting as case manager, and the consequences of continued non-compliance with the obligations imposed. The Regulation further provides that, where the supervised person continues to breach the obligations laid down by the court after warnings have been issued, the probation officer refers the matter to the competent court in accordance with the law.

As regards the suspension of the execution of a sentence under supervision, Article 96 of the Criminal Code applies and provides for the possibility of revoking the suspension where the supervised person, in bad faith, fails to comply with the supervision measures or the obligations imposed by the conviction, including the obligation to participate in programmes ordered by the court.

Accordingly, Romanian legislation already provides for a coherent and gradual mechanism aimed at ensuring compliance with court-imposed obligations. This mechanism includes ongoing monitoring by the probation officer, the issuing of warnings in cases of minor breaches, and referral to the competent court with a view to revocation of the relevant measure or sanction, under the conditions laid down by law.

At the same time, the conclusion set out in the Report is framed in general terms and does not take into account the fact that, within the Romanian probation system, the obligation to participate in social reintegration programmes is already accompanied by progressive legal consequences, expressly regulated by Law No. 252/2013 and the Criminal Code. The existence of a sanctioning mechanism is therefore not a measure still to be implemented, but rather an element already embedded in the national legal framework.

From this perspective, we consider that the sanctioning mechanisms referred to in the GREVIO Report already exist under domestic law and are consistently applied in the work of the probation services, thereby contributing to compliance with the obligations imposed by the courts and to reducing the risk of reoffending.

Point 85

With regard to paragraph 85(c) of the Report, in order to strengthen the professional skills of prison police officers in the field of preventing and combating domestic violence, the National Administration of Penitentiaries included, in its Annual Professional Training Offer for



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

2025 and 2026, a mandatory training programme dedicated to the prevention and combating of domestic violence, available on the institution's e-learning platform.

The programme is aimed at developing knowledge of the dynamics of domestic violence, identifying and understanding the mechanisms that generate and sustain violent behaviour, and promoting interventions grounded in respect for human rights and the principle of non-discrimination. At the same time, the programme contributes to raising awareness of and addressing gender stereotypes that may influence the institutional response in such cases.

The mandatory nature of the programme and its inclusion in the Annual Professional Training Offer ensure a consistent approach to staff training across the entire prison administration system and strengthen the institutional capacity to address domestic violence.

Point 93

The statement that the very low number of beneficiaries “seems to be due to the complex allocation procedure” would benefit from some qualification. The limited number of beneficiaries indicates that the mechanism has so far been used to a limited extent, but does not, in itself, make it possible to identify the reasons for this limited uptake and, in particular, to attribute it to the complexity of the allocation procedure.

The practical use of a relatively recent mechanism may be influenced by a range of factors, including the level of awareness among victims, professionals' familiarity with the mechanism, and their capacity to refer victims to it.

Accordingly, in order to reflect the available data as accurately as possible, consideration could be given to wording that acknowledges the still limited use of the mechanism without attributing this situation to the complexity of the procedure in the absence of elements establishing such a causal link.

C. Substantive law

1. Custody, visitation rights and safety (Article 31)

With regard to the subsection Custody, visitation rights and safety (Article 31), paragraphs 126 and 127, concerning decisions on custody and visitation rights guided by the best interests and safety of the child, the Report maintains its initial findings, while noting the legal framework currently in force, namely Article 398 of the Civil Code, pursuant to which the court may decide, having regard to the best interests of the child, that parental authority be exercised by only one parent where there are well-founded reasons, while preserving the other parent's right to monitor the manner in which the child is raised and educated.

The Report thus maintains its concerns regarding decisions on custody, the child's residence and visitation rights, as well as the limitation or withdrawal of parental rights, noting that courts continue to give priority to joint custody and to require evidence of direct harm to the child, while incidents of violence against the mother are frequently overlooked. It



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

concludes that the safety of women and children is not consistently ensured in custody and visitation decisions, as required by Article 31 of the Convention.

GREVIO also maintains in the final Report that judges and other professionals do not sufficiently recognize the harmful impact on children of exposure to domestic violence, and that the concept of parental alienation is frequently used to explain a child's reluctance to maintain contact with a violent parent.

Although the final Report states that the information previously presented concerning court practice in child custody matters was obtained during the evaluation visit carried out in Romania in October 2025, as well as from submissions by the ANAIS Association, we consider that these conclusions are insufficiently substantiated in the absence of studies, statistical analyses, public reports or other documentary evidence that would make it possible to verify their factual basis.

As regards the finding concerning the manner in which courts assess certain aspects in proceedings relating to the exercise of parental authority by both parents, we reiterate the points made in our previous communication, namely that, pursuant to Article 126(1) of the Romanian Constitution, as republished, justice is administered exclusively by the High Court of Cassation and Justice and by the other courts established by law, while Article 124(3) of the Constitution provides that judges are independent and subject only to the law.

Accordingly, the interpretation and application of legal provisions in cases pending before the courts, including as regards the criteria and factors assessed in proceedings concerning the exercise of parental authority and child custody, fall within the exclusive competence of the courts.

Point 136

As regards the use of mediation in cases involving domestic violence (§ 136), it should be noted that, both in initial and continuing training, the NIM's approach has been to ensure that training for judges and prosecutors on violence against women and domestic violence also focuses on safeguarding victims and preventing any form of pressure or revictimization. In line with recent legislative amendments, the training provided by the NIM also reflects the limitations placed on mechanisms that privatise conflict in cases of violence within family relationships and emphasises the public interest in criminal prosecution and the protection of victims, rather than reconciliation between the parties.

Point 138

As regards mediation, it should be noted that Article 48(1) of the Convention prohibits mandatory alternative dispute resolution, including mediation¹. Under Romanian law, however,

¹ Article 48 – Prohibition of mandatory alternative dispute resolution processes or sentencing



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRU FEMEII ȘI BĂRBAȚI

mediation is not mandatory. Even in the case of offences for which mediation is available (e.g. offences for which the law requires a prior complaint), it remains an optional means of resolving the dispute and the parties are under no obligation to resort to it. From this perspective, Romania already complies with the requirements of the Convention.

As regards the assertion that, under domestic law, most of the offences covered by the Convention require a prior complaint (and are therefore eligible for mediation), certain clarifications are necessary:

- the only violent offences for which the law still requires a prior complaint, and for which mediation would therefore be possible, are assault or other acts of violence (Article 193 of the Criminal Code) and negligent bodily injury (Article 196 of the Criminal Code). However, where these offences are committed against a family member², criminal proceedings are initiated ex officio/the withdrawal of the prior complaint has no legal effect³, and mediation is therefore no longer possible, following the amendments introduced by Law No. 53/2026;
- the situation is similar in relation to the offence of sexual assault (Article 219 of the Criminal Code): reconciliation and mediation are not possible where the offence was committed by a family member or by a person cohabiting with the victim⁴.

1. Parties shall take the necessary legislative or other measures to prohibit mandatory alternative dispute resolution processes, including mediation and conciliation, in relation to all forms of violence covered by the scope of this Convention.

2. Parties shall take the necessary legislative or other measures to ensure that, where the payment of a fine is ordered, due account shall be taken of the ability of the perpetrator to assume his or her financial obligations towards the victim.

² Article 199 – Domestic violence

(1) Where the acts referred to in Articles 188, 189 and 193–195¹ are committed against a family member, the special maximum penalty provided by law shall be increased by one quarter.

(2) In the case of the offences referred to in Article 193 committed against a family member or under the circumstances referred to in Article 195¹, criminal proceedings shall be initiated ex officio.

(3) In the case of the offence referred to in Article 196 committed against a family member, criminal proceedings may also be initiated ex officio.

³ Article 158 – Withdrawal of the prior complaint

(5) In the case of the offences referred to in Articles 193 and 196 committed against a family member, withdrawal of the prior complaint shall have no legal effect.

⁴ Article 219 – Sexual assault

(1) An act of a sexual nature, other than those referred to in Article 218, committed against a person by coercion, by rendering that person incapable of defending himself or herself or of expressing his or her will, or by taking advantage of such a state, shall be punishable by imprisonment from 3 to 7 years and by the prohibition of the exercise of certain rights.

(2) The penalty shall be imprisonment from 4 to 10 years and the prohibition of the exercise of certain rights where:

- a) the victim is under the care, protection, education, custody or treatment of the perpetrator;
- b) the act was committed by a family member or by a person cohabiting with the victim;
- c) repealed;
- d) the act was committed for the purpose of producing pornographic materials;



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

In conclusion, (i) in Romania, mediation and reconciliation between the parties - even in cases where they are permitted by law - are not mandatory, in accordance with Article 48(1) of the Convention; and (ii) the offences of assault or other acts of violence (Article 193 of the Criminal Code), negligent bodily injury (Article 196 of the Criminal Code) and sexual assault (Article 219 of the Criminal Code) should not be included in the list set out in paragraph 138, since mediation is no longer possible in such cases.

Point 148

The statement that “most forms of violence against women covered by the Istanbul Convention are not prosecuted ex officio in Romania, but require a complaint by the victim for the initiation of criminal proceedings” calls for some qualification, as it does not reflect the differentiated legal regime governing the initiation of criminal proceedings in respect of the offences through which the forms of violence covered by the Convention are criminalized under Romanian law.

The Istanbul Convention addresses, inter alia, psychological violence (Article 33), stalking (Article 34), physical violence (Article 35), sexual violence, including rape (Article 36), forced marriage (Article 37), female genital mutilation (Article 38), forced abortion and forced sterilization (Article 39), and sexual harassment (Article 40). Without seeking to provide an exhaustive analysis of the corresponding offences under national law, we note that under Romanian criminal law a prior complaint is required only for certain relevant offences, such as threats (Article 206 of the Criminal Code), harassment (Article 208 of the Criminal Code) and sexual harassment (Article 223 of the Criminal Code).

e) repealed;

f) the act was committed jointly by two or more persons;

g) the perpetrator makes use of the authority conferred by his or her position.

(2¹) repealed

(2²) The penalty shall be imprisonment from 6 to 12 years and the prohibition of the exercise of certain rights where the acts referred to in paragraphs (1) and (2) are committed in any of the following circumstances:

a) the act resulted in bodily injury or otherwise endangered the victim's life;

b) the act was committed against a pregnant woman;

c) the victim was in a manifestly vulnerable situation due to age, illness, physical or mental disability, pregnancy or a situation of dependency;

d) the act was committed through the use of a weapon or threat thereof;

e) alcohol or any substance affecting the victim's judgment or control over his or her actions was administered to the victim without his or her knowledge or against his or her will.

(3) Where the act resulted in the death of the victim, the penalty shall be imprisonment from 8 to 15 years and the prohibition of the exercise of certain rights.

(4) Where the acts of sexual assault were preceded or followed by the sexual acts referred to in Article 218(1) and (2), the act shall constitute rape.

(5) In respect of the offence referred to in paragraph (1), reconciliation removes criminal liability.

(6) Attempt to commit the offences referred to in paragraphs (1)–(2²) shall be punishable.



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

By contrast, for a number of offences corresponding to core forms of violence covered by the Convention, the initiation of criminal proceedings is not conditional upon the filing of a prior complaint. Thus, the offences of bodily harm (Article 194 of the Criminal Code) and battery or injury causing death (Article 195 of the Criminal Code) are prosecuted *ex officio*. As regards assault or other acts of violence committed against a family member, as previously noted, the legislation provides for a specific regime governing the initiation of criminal proceedings and limiting the effects of withdrawal of the prior complaint.

Furthermore, in the area of sexual violence, recent legislative amendments have removed the requirement of a prior complaint by the victim for the initiation of criminal proceedings in cases of rape. In the case of sexual assault, the initiation of criminal proceedings is likewise not conditional upon a prior complaint, Article 219(5) of the Criminal Code providing, for the basic form of the offence, for reconciliation as a separate ground for removing criminal liability. No such possibility is provided for the aggravated forms, including where the offence is committed by a family member or by a person cohabiting with the victim.

In addition, termination of pregnancy without the consent of the pregnant woman is criminalized under Article 201 of the Criminal Code, without the initiation of criminal proceedings being conditional upon a prior complaint.

In these circumstances, we consider that the statement that “most forms” of violence against women covered by the Convention require, in Romania, a complaint by the victim for the initiation of criminal proceedings is overly broad and does not reflect the current legal framework with sufficient accuracy.

Para 164

The statement that “risk assessments should be made available for all forms of violence against women covered by the Istanbul Convention, beyond domestic violence” would benefit from some qualification in light of the legal framework established by Law No. 26/2024 on protection orders.

Law No. 26/2024, whose adoption and extension of the protection-order mechanism beyond the sphere of domestic violence are also acknowledged in paragraph 182 of the Report, expressly provides for a risk assessment to be carried out as part of the procedure for issuing a provisional protection order. Pursuant to Article 2(5) of the Law, the existence of an imminent risk is determined by police officers on the basis of an assessment of the factual circumstances resulting from the completion of the imminent-risk assessment form.

For the implementation of these provisions, Order No. 138/2024 of the Minister of Internal Affairs regulates the risk-assessment form and the methodology for its use in cases falling within the scope of Law No. 26/2024.



AGENȚIA NAȚIONALĂ PENTRU EGALITATEA DE ȘANSE ÎNTRE FEMEI ȘI BĂRBAȚI

In these circumstances, we consider that the wording of paragraph 164 could be refined so as to reflect that, under Law No. 26/2024, risk assessments are also provided for within the protection mechanism applicable beyond the sphere of domestic violence.

Ministry of Internal Affairs - MIA

Legislative progress. Data collection

At the level of the General Inspectorate of the Romanian Police, statistical data on the phenomenon of domestic violence is collected in accordance with the provisions of Law No. 217/2003 on the Prevention and Combating of Domestic Violence, which partially transposed the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence.

Accordingly, the statistical indicators were established in line with the definitions set out in the national legislation, pursuant to Article 3 of Law No. 217/2003, which defines domestic violence as any intentional act or omission involving physical, sexual, psychological, economic, social, spiritual or cyber violence occurring within the family or domestic environment, or between spouses or former spouses, as well as between current or former partners, irrespective of whether the perpetrator lives or has lived with the victim.

Consequently, statistical data are available for indicators relating to violence against women (adult/minor female victims) and domestic violence (criminal offences committed within the family or domestic environment).

Furthermore, the statistical system of the Romanian Police includes statistical indicators on the protection measures ordered through provisional protection orders, the measures imposed through protection orders, as well as information on the perpetrators and victims associated with protection orders and provisional protection orders (adult/minor male and female victims in relation to the protection orders/provisional protection orders issued).

In 2015, the set of statistical indicators was supplemented with a separate chapter on the trends in protection orders issued by the courts. Since 2019, the Romanian Police statistical system increased the number of statistical indicators relating to protection orders by introducing a separate chapter dedicated to provisional protection orders.

Accordingly, the statistical system collects information on the protection measures imposed through provisional protection orders, the measures imposed through protection orders, as well as information on the perpetrators and victims associated with protection orders and provisional protection orders (adult/minor male and female victims in relation to the protection orders/provisional protection orders issued).



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

Furthermore, at the beginning of 2019, following the amendments to the Law on the Prevention and Combating of Domestic Violence (Law No. 217/2003), the offences provided for by the law were recorded as separate statistical categories, namely:

- breach, by the person against whom a protection order has been issued, of any of the measures imposed through the protection order;
- breach, by the person against whom a provisional protection order has been issued, of any of the measures imposed through the provisional protection order.

With regard to statistics on breaches of protection orders and provisional protection orders, such data are recorded both at the national and county levels.

During the first ten months of 2025, a total of 814 criminal complaints were registered concerning breaches of the measures imposed through provisional protection orders, an offence provided for and punishable under Article 47(2) of the above-mentioned law.

Criminal proceedings are conducted through several procedural stages, during which activities are carried out by different judicial authorities. In this context, decisions not to prosecute, as well as judgments imposing criminal penalties, fall within the competence of the Public Prosecutor's Offices and the courts. Consequently, the statistics maintained by the Romanian Police reflect only those activities falling within its competence and do not include information regarding the measures imposed for these offences.

It should be noted that statistical data may be made available to interested persons and institutions. Furthermore, statistical data are transmitted on a continuous basis to the National Agency for Equal Opportunities between Women and Men (NAEO), in its capacity as the national coordinating institution in this field.

It should also be highlighted that the ECRIS V system, currently under development by the Ministry of Justice in cooperation with the Superior Council of Magistracy and the Public Prosecutor's Office attached to the High Court of Cassation and Justice, will include the electronic case file as its core component. This tool will enable the comprehensive management of all elements comprising a criminal case by all institutions involved in criminal proceedings, including courts, Public Prosecutor's Offices and judicial police authorities.

With regard to legislative amendments concerning the field of domestic violence, it should be noted that, on December 16th 2025, Law No. 232/2025 amending and supplementing Law No. 217/2003 on the Prevention and Combating of Domestic Violence, as well as supplementing Article 158 of Law No. 286/2009 on the Criminal Code, was published in the Official Gazette. The purpose of this legislative amendment was to deter acts of domestic violence by increasing the statutory penalties applicable to repeat offenders.

In this context, the new legislation strengthens the deterrent effect of the legal framework regarding breaches by perpetrators of the measures imposed through protection



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

orders or provisional protection orders and, consequently, contributes to reducing the risk of reoffending.

Furthermore, this legislative initiative introduced a new paragraph to Article 158 of Law No. 286/2009 on the Criminal Code: *"(5) In the case of the offences provided for in Articles 193 and 196 committed against a family member, the withdrawal of the criminal complaint shall have no legal effect."*

Pursuant to Article 56(1) of the Criminal Procedure Code, the criminal investigation activities carried out by the judicial police and by the special criminal investigation bodies provided for by law are directly conducted and supervised by the public prosecutor. Accordingly, investigations are carried out under the supervision and guidance of the prosecutor assigned to the case within the competent Public Prosecutor's Office.

Except for the situations where criminal investigations must, by law, be conducted directly by the public prosecutor pursuant to Article 56(3) of the Criminal Procedure Code, the prosecutor, in exercising the responsibility to direct and supervise the activities of the criminal investigation bodies, ensures that all investigative acts are carried out in compliance with the law, so that every criminal offence is detected and every person who has committed a criminal offence is held criminally liable, taking the necessary measures or issuing instructions to the criminal investigation bodies responsible for implementing those measures.

In this regard, Article 303(1) and (2) of the Criminal Procedure Code provides that: *"The prosecutor may order the judicial police criminal investigation bodies or the special criminal investigation bodies, as appropriate, to carry out any criminal investigation act. The instructions issued by the prosecutor concerning the conduct of criminal investigation acts shall be binding and take precedence for the criminal investigation body, as well as for other bodies vested by law with responsibilities for establishing criminal offences. The superior bodies of the judicial police or of the special criminal investigation bodies may not issue instructions or directions regarding the conduct of criminal investigations."*

Furthermore, the General Inspectorate of the Romanian Police has approved a methodology on the supervision of compliance with the measures imposed through provisional protection orders, protection orders and European Protection Orders, as well as the management of conflict situations arising in the context of domestic violence by the structures of the Romanian Police. This document strengthens police procedures for monitoring the evolution of conflict situations between victims and perpetrators and enables the proposal of urgent measures aimed at preventing the escalation of such conflicts and protecting the victim's life, physical integrity and health.

The Romanian Police has made significant progress in the operationalization and nationwide deployment of the Electronic Monitoring Information System (S.I.M.E.), an essential tool for preventing and combating domestic violence, violence against women and violence affecting other categories of persons.



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

At present, the Electronic Monitoring Information System (S.I.M.E.) has been implemented nationwide and applies to all categories of persons and all cases regulated under Article 1(a)-(e) of Law No. 146/2021, as subsequently amended and supplemented, as well as under Law No. 26/2024 on the Extended Protection Order.

Training

At the level of Ministry of Internal Affairs, professional training for staff focuses on developing the professional skills needed in interactions with citizens, including managing and addressing various forms of violence against women, not limited exclusively to domestic and sexual violence.

Thus, the initial training process covers topics that ensure respect for human rights in staff members' professional activities, as well as the development of ethical conduct, including in relation to various social, cultural, and ethnic groups.

In line with these aspects, the training objectives follow:

- the ability to analyze the logic of legal documents in order to correctly interpret legal texts;
- the competence to manage legal information in order to apply it judiciously in investigative and operational contexts;
- the identification, investigation, and sanctioning of administrative and criminal offenses falling within the jurisdiction of the police;
- compliance with the domestic, European, and international legal frameworks regarding the fair application of working procedures related to respect for human rights and the improvement of methods for intervening in and managing professional situations, including situations of violence against women;
- communicating with victims, witnesses, and perpetrators to resolve various professional situations, etc.

To ensure the appropriate training of future police officers, the training curriculum includes dedicated modules on the protection of human rights, respect for diversity, the prevention of torture and ill-treatment, the investigation of hate crimes, inter-institutional cooperation, domestic violence, cybercrime, professional ethics and integrity, as well as the analysis and combating of trafficking in human beings and illicit substances, among other relevant topics.

These subjects are completed by all students enrolled in the post-secondary police schools.

In addition, the post-secondary police schools organize complementary training activities for students in relevant fields, such as:



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

- Preventing Discrimination, Combating Gender Inequality, Antisemitism and Xenophobia in Police Work;
- Discriminatory Abuse and Ill-Treatment;
- Identification of Victims of Trafficking in Human Beings by Police Officers Performing Street-Level Duties;
- Practical Aspects of Criminal Offences Affecting Social Coexistence - Hate Crimes - Police Intervention in Cases Involving Hate-Motivated Offences;
- Practical Aspects of Preventing and Combating Domestic Violence - Preventing Discrimination, Combating Gender Inequality, Antisemitism and Xenophobia in Police Work.

Furthermore, within the training institutions of the Ministry of Internal Affairs a number of professional training programmes are organized that address topics relevant to the field under review.

These programmes include, inter alia, the following topics:

- The intervention of the Romanian Police in relation to specific categories of persons;
- Police intervention in cases involving hate crimes; the impact of hate crimes on communities and the role of the police in preventing them; identification of bias indicators (including antisemitism, racism and xenophobia); bias indicators; barriers to the investigation of hate crimes; and police response to hate crimes;
- Prevention and combating of domestic violence;
- Prohibition of torture and ill-treatment;
- Cultural interaction and inter-ethnic conflicts; stereotypes concerning Roma communities in oral traditions; racism and xenophobia;
- Contemporary history of the Roma; approaches and solutions for developing effective dialogue between police officers and members of Roma communities; and good practices for effectively combating discrimination against Roma by the police and improving police-Roma community relations;
- Respect for human rights in police activities; protection of human rights in the exercise of core law enforcement powers; and organizations and bodies responsible for investigating human rights violations;
- Fundamentals of international humanitarian law; the provisions of the Geneva Conventions relating to the prohibition of torture; and domestic legal instruments prohibiting torture and ill-treatment;



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRU FEMEII ȘI BĂRBAȚI

- Investigation, analysis and reporting of traumatic injuries; the practice of the European Committee for the Prevention of Torture (CPT), the UN Subcommittee on Prevention of Torture (SPT), and the Istanbul Protocol.

Furthermore, the General Inspectorate of the Romanian Police coordinated the participation of police officers in training sessions organized by the National Agency for Equal Opportunities between Women and Men (NAEO) under the "VioGen RoJust" Project, implemented in partnership with four non-governmental organisations with extensive expertise in the prevention and combating of domestic violence and the protection of human rights: the FILIA Centre, TRANSCENA Association, ANAIS Association, and GRADO Association.

With regard to the continuous training of personnel, the Ministry of Internal Affairs, through its specialized units, ensures the continuous training of police officers to continuously improve their professional performance.

According to the existing legal framework, participation in a continuing professional development program, organized by specialized professional training institutions, is evaluated in relation to the skills necessary to perform job duties; it is carried out in close connection with the occupation and the job requirements and focuses on acquiring professional competencies applicable in the workplace.

Furthermore, on-the-job continuing professional training is organized and conducted based on an assessment of training needs, following an analysis of how current activities are carried out, the fulfillment of duties, the results of periodic reviews, inspections, and audits, as well as data provided by annual performance evaluations.

Therefore, with regard to the continuing training of personnel relevant to the subject matter of this case, we note that such programs are attended by police officers who have duties in the relevant field and who come into direct contact with victims of violence.

Within the framework of the continuous in-service training system the following mandatory subjects are included:

- Code of Ethics and Professional Conduct for Police Officers;
- Respect for human rights in police activities;
- Prevention and combating of gender-based violence, including the prevention and investigation of offences involving child victims of violence and abuse;
- Hate crimes;
- Prohibition of torture and ill-treatment;
- Prevention and combating of antisemitism, xenophobia, radicalization and hate speech, particularly against Roma communities, and improving the quality of police services.



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

For the 2024-2025 training year, a list of mandatory training topics to be studied by police officers was established according to a predefined timetable. By way of example, the group of cases under consideration, together with other relevant subjects, was scheduled as follows:

- Use of firearms; Use of police service weapons - May 2024;
- Soare and Others v. Romania - May 2024;
- Communication techniques and strategies for conflict de-escalation in police work - June 2024;
- Lingurar and Others v. Romania - July 2024;
- Code of Ethics and Professional Conduct for Police Officers - August 2024;
- Respect for human rights in police activities - December 2024;
- Prevention and combating of gender-based violence, including the prevention and investigation of offences involving child victims of violence and abuse - January 2025;
- Disinformation - February 2025.

Beginning with the 2025-2026 training year, all police officers serving in both operational and non-operational structures will study the following mandatory topics:

- Respect for human rights in police activities - November 2025;
- Prevention and combating of gender-based violence, including the prevention and investigation of offences involving child victims of violence and abuse - December 2025;
- Case-law of national courts and the European Court of Human Rights concerning the protection of the right to life, the prohibition of torture, the right to liberty and security, the right to respect for private and family life, and the prohibition of discrimination - January to March 2026.

The quality and effectiveness of the training are assessed through the professional competency evaluation process applicable to police officers. The results obtained during these assessments are taken into account by the officers' immediate supervisors when preparing their annual performance evaluations.

With regard to ongoing professional training within the unit, on the job, for specialized training, department heads select and determine the topics necessary for training staff to prevent and combat violence against women and domestic violence.

The professional training of MIA staff, structured by levels, forms, and categories of training, has as its primary objective the reinforcement of ethical, principled, and non-discriminatory attitudes and behavior in professional activities.



AGENȚIA NAȚIONALĂ
PENTRU EGALITATEA DE ȘANSE
ÎNTRE FEMEI ȘI BĂRBAȚI

At the same time, to implement the Romanian Government's Strategy for the Inclusion of Romanian Citizens Belonging to the Roma Minority for the period 2022-2027, approved by Government Decision No. 560 of April 28, 2022, the Ministry of Internal Affairs contributes to the implementation of the measures outlined in Specific Objective 2 – Ensuring access for Romanian citizens of Roma ethnicity to a high-quality, inclusive education system – and Specific Objective 6 – Combating discrimination, anti-Roma discourse, and attitudes that lead to hate speech or hate crimes.

To successfully implement the key actions outlined for Specific Objective 6, the Ministry of Internal Affairs has signed two cooperation agreements with the National Agency for Roma, namely:

- Cooperation Protocol between the “Alexandru Ioan Cuza” Police Academy and the National Agency for Roma, signed on February 28th 2023;
- Cooperation Protocol between the Ministry of Internal Affairs and the National Agency for Roma, signed on January 11th 2024 and January 16th 2024.

These aim to carry out activities in the field of vocational training to familiarize teachers and students with elements of social awareness in order to promote tolerance and civic education, as well as to prevent and combat discrimination, anti-Semitism, xenophobia, radicalization, and hate speech.

Point 113 - Migration

Regarding the statement at paragraph 113, which refers to “migrant women accommodated in overcrowded centres who do not have access to professional interpreters and culturally adapted support”, we mention that the Regional Centres for Accommodation and Procedures for Asylum Seekers administered by the GII have not experienced a high occupancy rate in recent years. Over the past five years, the average occupancy rate has been 41.61%. Furthermore, persons applying for or granted international protection benefit from counselling and information sessions, cultural adaptation activities and Romanian language courses, during which interpreters approved by the GII or intercultural mediators from migrant communities or persons with a migration background are used.

With regard to the statement that “trans and queer victims are generally marginalized and excluded from support”, we would like to clarify that, following the transposition of the Pact for Migration and Asylum, the category of vulnerable cases among persons applying for or granted international protection has been expanded to include these persons as well. Consequently, appropriate assistance measures are provided, both from a procedural perspective and in terms of their specific reception needs.