



Committee of the Parties

Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention)

Recommendation on the implementation of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence by Romania

IC-CP/Inf(2022)6

Adopted on 6 December 2022

Published on 12 December 2022

The Committee of the Parties to the Convention on Preventing and Combating Violence against Women and Domestic Violence (hereinafter referred to as “the Convention”), acting under the terms of Article 68(12) of the Convention;

Having regard to the purposes of the Convention to protect women against all forms of violence, and prevent, prosecute and eliminate violence against women and domestic violence; to contribute to the elimination of all forms of discrimination against women and promote substantive equality between women and men, including by empowering women; to design a comprehensive framework, policies and measures for the protection of and assistance to all victims of violence against women and domestic violence; to promote international co-operation with a view to eliminating violence against women and domestic violence; and to provide support and assistance to organisations and law enforcement agencies to effectively co-operate in order to adopt an integrated approach to eliminating violence against women and domestic violence;

Bearing in mind the provisions of Article 66, paragraph 1 of the Convention concerning the monitoring role of the Group of Experts on Action against Violence against Women and Domestic Violence (hereinafter referred to as “GREVIO”);

Having regard to the Rules of Procedure of the Committee of the Parties;

Having regard to the instrument of ratification deposited by Romania on 23 May 2016;

Having examined the Baseline Evaluation Report concerning the implementation of the Convention by Romania adopted by GREVIO at its 26th meeting (1-4 March 2022), as well as the comments of the Government received on 9 June 2022;

Considering the overarching priorities set out in Chapter I of the Convention (purposes and scope of the Convention, definitions, equality and non-discrimination, due diligence and gender-sensitive policies);

Bearing in mind the primordial importance of the provisions set out in Chapter II of the Convention, in particular the obligations to (1) ensure a holistic response to violence against women by devising a set of comprehensive and co-ordinated policies implemented by way of effective multi-agency cooperation; (2) institutionalise and fully mandate one or more co-ordinating bodies as required by Article 10 of the Convention; (3) adequately resource policies, measures and mandates introduced to prevent and combat all forms of violence against women, including government and nongovernmental specialist support services; and (4) to collect relevant statistical data disaggregated, at a minimum, by sex, age, type of violence, relationship of the perpetrator to the victim and geographic location;

Welcoming the measures taken and progress achieved by the Romanian authorities in implementing the Convention and noting in particular:

- the national strategies on domestic violence and on sexual violence which laid the foundation for a robust multi-agency and multisectoral approach to preventing and combating domestic and sexual violence;
- the amendments to the Domestic Violence Law in 2018 which enshrined a comprehensive definition of domestic violence in full compliance with Article 3 of the convention, including also the digital dimension of domestic violence;
- the authorities’ efforts to promote awareness on domestic violence, which are translating into reduced tolerance for such violence among the Romanian population;
- the range of specific measures taken in the education sector to promote equality between women and men and to prevent gender-based violence through formal teaching on these subjects;
- the increased efforts made to prevent and respond to sexual violence, including the setting up of a first pilot centre for victims of sexual violence, conceived as a multi-disciplinary service which provides emergency medical care, forensic examinations, support in accessing legal advice and/or in reporting to police, as well as information and counselling;
- The multitude of amendments in order to ensure the rights and safety of the victims, including protection, rehabilitation, assistance and awareness raising;

- the attention paid to cyber violence;
 - the measures aimed at fighting harassment and sexual harassment at work, notably on the basis of the National Strategy for the Promotion of Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence (2018-2021); recognition afforded to the harmful effect on children who witness domestic violence in the legislation and policy documents.
 - the multitude of measures introduced in criminal procedural law with the aim of making criminal proceedings not only more gender-sensitive but also more sensitive towards the needs and rights of child victims and witnesses, in particular the procedural safeguards introduced in respect of the hearing, representation and protection of vulnerable victims of crime;
 - the enactment in law of an obligation placed on law enforcement agencies to carry out risk assessment in relation to cases of domestic violence;
 - the introduction of emergency barring orders supported by guidelines for police and prosecution services, which are being made use of frequently and in a manner that is joined up with longer-term protection orders issued by courts;
- A. Recommends in light of the considerations indicated in the preamble above, that the Government of Romania take the following measures identified in GREVIO's report¹ for immediate action to:
1. enhance the convention's implementation in relation to all forms of violence covered, beyond domestic violence, including those types of violence against women that are currently less addressed by policies, programmes and services (paragraph 12) and to align the definition of "family violence" in the Criminal Code with the definition of domestic violence contained in Article 3 of the Istanbul Convention and ensure its effective application (paragraph 13);
 2. continue to address the multiple forms of discrimination that women and girls from Roma communities face, taking measures to ensure that the provisions of the Istanbul Convention are implemented without discrimination (paragraph 29) and to integrate the perspective of such women into the design, implementation, monitoring and evaluation of policies by supporting women's NGOs representing them (paragraph 30);
 3. introduce a gender perspective into the National Strategy for the Promotion of Equal Opportunities and Treatment for Women and Men and Preventing and Combating Domestic Violence for the Period 2021-2027 and into the Domestic Violence Law (paragraph 35);
 4. ensure a state-wide effective, comprehensive and co-ordinated set of policies to prevent and combat all forms of violence covered by the Istanbul Convention, in particular by harmonising and monitoring the implementation of local plans to prevent and combat domestic violence and violence against women (paragraph 45) and by setting up institutionalised structures for co-ordination and co-operation tailored to the specific needs of victims of rape and sexual violence, forced marriage, stalking and sexual harassment (paragraph 160);
 5. increase the budget allocated for preventing and combating violence against women, while strengthening the assessment of the financial resources needed for this purpose as well as the monitoring of the actual expenditure (paragraph 55);
 6. provide greater support for the work of women's organisations specialised in preventing and combating violence against women by providing them with stable and sustainable funding opportunities on the basis of a dedicated, transparent and accountable public procedure (paragraph 63) with the aim of ensuring adequate specialist support provision throughout the country (paragraph 192);
 7. ensure that the mandate of the existing co-ordinating body comprises, on the one hand, the power to ensure co-ordination and implementation of policies and measures to prevent and combat all forms of violence covered by the convention, and to ensure, on the other hand, that

¹ The number of the paragraph setting out GREVIO's proposals and suggestions in the report is indicated in brackets.

independent monitoring and evaluation of these policies and measures be carried out on the basis of predefined indicators established to measure success; all the while ensuring that these functions are exercised in close consultation with civil society organisations, including independent women's rights organisations (paragraph 74);

8. strengthen the collection of administrative data on the different forms of violence against women by introducing harmonised data categories which make it possible to trace the progress of cases throughout the criminal justice chain (paragraph 85); by collecting data on contacts made with healthcare providers by women and girls for reasons related to experiences of gender-based violence (paragraph 87); by collecting data on reports made to and interventions proposed by social services (paragraph 91);
9. address, through further research and population-based surveys, all forms of violence against women (paragraph 97) as well as violence affecting vulnerable groups of women such as Roma women and girls, migrant women, LGBTI women and women with disabilities; support research in order to study the effects on children of witnessing domestic violence and the access of women victims to support, protection and justice (paragraph 101);
10. ensure systematic and mandatory initial and in-service training on the prevention and detection of all forms of violence against women covered by the Istanbul Convention, on equality between women and men, on the needs and rights of victims and on the prevention of secondary victimisation for all professional groups, in particular law enforcement, the healthcare sector and the judiciary (paragraph 135);
11. ensure that family courts observe their duty to consider all issues related to violence against women through a systematic process when determining custody and visitation rights and assess whether such violence would warrant restricting custody and visitation rights, while incorporating a systematic process for the screening of cases related to the determination of custody and visitation rights in order to identify a history of violence in the relationship and whether it has been reported. (261);
12. amend the provisions of the Criminal Code covering rape and sexual assault and to fully incorporate the notion of the lack of freely given consent as required by Article 36 of the Istanbul Convention, and to ensure that such provisions are effectively applied in practice by law enforcement agencies, prosecutors and the judiciary, including in the absence of proof of resistance by the victim and where the circumstances of the case preclude valid consent (paragraphs 289 and 290);
13. take measures to eradicate harmful and discriminatory gender stereotypes around sexual violence, including within criminal justice systems, by conducting training for all relevant professionals, in particular the judiciary and developing appropriate guidelines for effective implementation (291);
14. step up efforts to ensure prompt, appropriate and standard responses from law-enforcement agencies in relation to all forms of violence against women covered by the Istanbul Convention by providing them with the necessary resources, knowledge and means, on the basis of an evaluation of the implementation in practice of the already adopted guidelines on domestic violence; encourage reporting of all forms of violence against women, while ensuring parallel improvements in investigation and prosecution, including by reducing secondary victimisation during the legal process (350);
15. on the basis of data, research and assess legislation, swiftly identify and address any/all factors which may contribute to attrition in cases of rape, domestic violence and any other forms of violence against women (361) and align national legislation in order to conform with the convention's requirements regarding *ex parte* and *ex officio* prosecution in cases of rape and sexual assault (400);

16. enhance co-operation and co-ordination between the stakeholders involved in asylum on identification, prevention and response to the needs of victims of gender-based violence and domestic violence in the reception facilities across Romania, ensuring that gender-based violence, gender-sensitive interviewing techniques and specific gender-based persecution are included as mandatory topics in training for asylum officials and legal professionals (447).
- B. Requests the Government of Romania to report to the Committee of the Parties on the measures taken to improve the implementation of the Convention in the above-mentioned areas by 4 December 2025.
 - C. Recommends that the Government of Romania take measures to implement the further conclusions of GREVIO's baseline evaluation report.