

Law 286/2009 - The criminal code

ART. 65*)

The content and manner of execution of the accessory penalty of the prohibition of the exercise of certain rights

(1) The accessory penalty consists in prohibiting the exercise of the rights provided for in art. 66 para. (1) lit. a), b) and d) - o), the exercise of which was prohibited by the court as a complementary punishment.

(2) In the case of life imprisonment, the accessory penalty consists in the prohibition by the court of the exercise of the rights provided for in art. 66 para. (1) lit. a) - o) or some of them.

(3) The accessory penalty of prohibiting the exercise of certain rights shall be executed from the moment the conviction remains final and until the main penalty of deprivation of liberty has been executed or deemed to have been executed.

(...)

ART. 66

The content of the complementary penalty of prohibiting the exercise of certain rights

(1) The complementary penalty of the prohibition of the exercise of certain rights consists in the prohibition of the exercise, for a period of one to 5 years, of one or more of the following rights:

- a) the right to be elected in public authorities or in any other public positions;
- b) the right to occupy a position that involves the exercise of state authority;
- c) the foreigner's right to be on the territory of Romania;
- d) the right to choose;
- e) parental rights;**
- f) the right to be a guardian or curator;
- g) the right to occupy the position, to exercise the profession or trade or to carry out the activity that was used to commit the crime;
- h) the right to own, carry and use any category of weapons;
- i) the right to drive certain categories of vehicles established by the court;
- j) the right to leave the territory of Romania;
- k) the right to occupy a management position within a legal entity under public law;
- l) the right to be in certain localities determined by the court;
- m) the right to be in certain places or at certain sports, cultural events or other public gatherings, established by the court;
- n) the right to communicate with the victim or her family members, with the persons with whom she committed the crime or with other persons, determined by the court, or to approach them;
- o) the right to approach the home, workplace, school or other places where the victim carries out social activities, under the conditions established by the court.

(...)

CHAPTER I

The regime of criminal liability of minors

ART. 113

Limits of criminal liability

(1) The minor who has not reached the age of 14 is not criminally liable.

(2) The minor who is between 14 and 16 years old is criminally liable only if it is proven that he committed the act with discernment.

(3) The minor who has reached the age of 16 is criminally liable according to the law.

ART. 114 Consequences of criminal liability

(1) A juvenile who, at the time of the offense, is aged between 14 and 18, shall be subject to a non-custodial educational measure.

(2) The juvenile referred to in par. (1) may be subject to custodial educational measures in the following cases:

a) the juvenile committed another offense for which an educational measure was taken and served or the service of which started before the commission of the offense for which the juvenile is subject to trial;

b) the penalty required by law for the committed offense is a term of imprisonment of seven years or more, or life imprisonment.

ART. 115

Educational measures

(1) Educational measures are non-custodial or custodial.

1. The non-custodial educational measures are:

a) civic traineeship;

b) supervision;

c) weekend isolation;

d) assistance on a daily basis.

2. The custodial educational measures are:

a) confinement in an educational centre;

b) confinement in a detention centre.

(2) The educational measures to be taken against a juvenile shall be chosen in terms of Art. 114, according to the criteria stipulated in Art. 74.

ART. 116

Assessment report

(1) For the purpose of assessing a juvenile, according to the criteria laid down in Art. 74, the court shall require the Probation Service to draft a report also including justified recommendations on the nature and duration of social reintegration programs that the juvenile should follow, as well as any other obligations imposed on a juvenile by the Court.

(2) The compliance assessment report or the enforcement of educational measures and imposed obligations shall be prepared by the Probation Service in all cases in which the court orders the educational measure or the change or cessation of fulfillment of the imposed obligations, except as provided in Art. 126, when such report shall be drafted by the educational or detention centre.

CHAPTER II Rules on non-custodial educational measures

ART. 117 Civic traineeship

(1) The educational measure of civic traineeship consists of a juvenile's obligation to participate in a program not exceeding 4 months, which would help them understand the legal and social consequences they are exposed to when perpetrating offenses and would make them accountable for their future behavior.

(2) The Probation Service shall coordinate the organization, the juvenile's participation and the supervision during such civic traineeship, without affecting the juvenile's school or professional program.

ART. 118 Supervision

The educational measure of supervision consists of controlling and guiding a juvenile throughout their daily program, for a time period between two and six months, under the supervision of the Probation Service, in order to ensure their participation in school or vocational courses and to prevent them from engaging in certain activities or from contacting certain persons that might affect their reformation process.

ART. 119 Weekend isolation

(1) The educational measure of weekend isolation consists of a juvenile's obligation not to leave their domicile on Saturdays and Sundays, for a time period between 4 and 12 weeks, unless, in this period, they are required to participate in certain programs or to carry out certain activities imposed by the court.

(2) Supervision is performed under the coordination of the Probation Service.

ART. 120 Assistance on a daily basis

(1) The educational measure of assistance on a daily basis consists of a juvenile's obligation to follow a schedule set by the Probation Service, which contains the timetable and conditions for conducting activities as well as the prohibitions imposed on the juvenile.

(2) The educational measure of assistance on a daily basis is enforced for a period between 3 and 6 months and supervision is performed under the coordination of the Probation Service.

ART. 121 Obligations imposed on a juvenile

(1) During the service of non-custodial educational measures, the court may impose on a juvenile one or more of the following obligations:

- a) take classes in school or a vocational training;
- b) not to cross the territorial limit set by the Court, without the Probation Service's approval;
- c) not to be in certain places or at certain sporting cultural events or other public meetings indicated by the Court;
- d) to stay away from and not communicate with the victim or members of their family, the participants in the offense or other persons indicated by the Court;
- e) to report to the Probation Service on the dates set by the latter;
- f) to comply with medical control, treatment or care measures.

(2) In determining the obligation set forth by par. (1) lett. d), the court effectively customizes the content of such obligation, considering the circumstances of the case.

(3) Supervision of fulfillment of the obligations imposed by the Court is performed under the coordination of the Probation Service.

(4) During the service of a non-custodial educational measure, the Probation Service has to notify the court if:

- a) reasons justifying either the change of the obligations imposed by the court or cessation of some of them appeared;
- b) a supervised person violates the conditions of the educational measure's service or fails to meet their obligations, under the established terms.

(...)

CHAPTER III

Rules on custodial educational measures

ART. 124 Internment in educational centers

(1) The educational measure represented by the internment in educational centers consists of the internment of underage offenders in institutions specialized in the recovery of underage offenders, where the latter attend educational and professional training programs in accordance to their skills, as well as social reintegration programs.

(2) Internment in educational centers is ordered for a time period between one and three years.

(3) If, during the internment period, an underage offender commits a new offense or is tried for a previously committed multiple offense, the court may sustain the measure of internment in an educational center, extending the duration of such measure without exceeding the maximum duration provided by law, or may replace it by the measure of internment in a detention center.

(4) If, during the internment period, an underage offender proves a continuous interest in acquiring knowledge and professional training, and shows obvious progress in view of social reintegration, following service of at least half of the internment period, the court may order as follows:

a) replacement of the internment by the educational measure of daily assistance for a period equal to the duration of the internment still to be served, but no more than six months, if the person admitted to a medical facility has not turned 18;

b) release from the educational center, if the person admitted to a medical facility has turned 18.

(5) Simultaneously with such replacement or release, the court shall order the observance of one or several obligations provided under Art. 121, until reaching the duration of internment.

(6) If an underage offender, in ill-faith, does not observe the conditions for the service of the measure of daily assistance or the obligations ordered, the court shall reconsider the replacement or release, and shall order service of the remaining measure of internment in an educational center.

(7) If, until the completion of the internment period, the person not having turned 18, with respect to whom the measure of internment in an educational center was replaced by the measure of daily assistance, commits a new offense, the court shall reconsider the replacement and shall order as follows:

a) service of the remaining initial internment measure, with a possibility of extension until reaching the maximum provided by law;

b) internment in a detention center.

ART. 125 Internment in detention centers

(1) The educational measure of internment in detention centers consists of the internment of an underage offender in an institution specialized in the recovery of underage persons, under guard and monitoring, while attending intensive social reintegration programs, as well as educational and professional training programs tailored according to their skills.

(2) Internment is ordered for a time period between 2 and 5 years, except for the case when the penalty provided by law for the committed offense is a term of imprisonment of 20 years or more, or life imprisonment, in which case internment is ordered for no less than 5 and no more than 15 years.

(3) If, during the internment period, an underage offender commits a new offense or is tried for a previously committed multiple offense, the court shall increase the measure of internment, without exceeding the maximum provided under par. (2), established considering the most serious penalty provided by law for the committed offenses. The measure of internment served until the date of the court order shall be deducted from the educational measure.

(4) If, during the internment period, an underage offender proves a continuous interest in acquiring knowledge and professional training, and shows obvious progress in view of social reintegration, following the service of at least half of the internment period, the court may order:

a) replacement of the internment by the educational measure of daily assistance for a period equal to the duration of the internment still to be served, but no more than six months, if the interned person has not turned 18;

- b) release from the detention center, if the interned person has turned 18.
- (5) Concurrently with the replacement or release, the court shall order the observance of one or several obligations provided under Art. 121, until reaching the duration of internment.
- (6) If an underage offender, in ill-faith, does not observe the conditions for service of the measure of daily assistance or the obligations ordered, the court shall reconsider the replacement or release, and shall order service of the remaining measure of internment in a detention center.
- (7) If, until completion of the internment period, a person not having turned 18, in whose respect a measure of internment in a detention center was replaced by a measure of daily assistance, commits a new offense, the court shall reconsider the replacement and shall order:
- a) service of the remaining initial internment measure in a detention center;
 - b) extension of such internment as provided under par. (3).

ART. 135 The conditions of criminal liability of the legal person

- (1) The legal person, with the exception of the state and public authorities, is criminally liable for crimes committed in the pursuit of the object of activity or in the interest or on behalf of the legal person.
- (2) Public institutions are not criminally liable for crimes committed in the exercise of an activity that cannot be the subject of the private domain.
- (3) The criminal liability of the legal person does not exclude the criminal liability of the natural person who contributed to the commission of the same act.

ART. 211 Trafficking in minors

- (1) Recruiting, transporting, transferring, sheltering or receiving a minor, for the purpose of exploiting them, is punishable by imprisonment from 5 to 10 years and the prohibition of the exercise of certain rights.
- (2) The penalty is imprisonment from 7 to 12 years and the prohibition of exercising certain rights when:
- a) the act was committed under the conditions of art. 210 para. (1);
 - b) the deed was committed by a civil servant in the exercise of his duties;
 - c) the act endangered the minor's life;
 - d) the act was committed by a family member or by a person who lives with the victim;
 - e) the act was committed by a person in whose care, protection, education, guard or treatment the minor was or the perpetrator abused his recognized position of trust or authority over the minor or his obviously vulnerable situation, due to a mental or physical handicap, an addiction situation, a state of physical or mental incapacity or another cause.
- (3) The consent of the victim of trafficking does not constitute a justifiable cause.

ART. 213 Pimping

- (1) Determining or facilitating the practice of prostitution or obtaining patrimonial benefits from the practice of prostitution by one or more persons is punishable by imprisonment from 2 to 7 years and the prohibition of the exercise of certain rights.
- (2) If the determination to start or continue the practice of prostitution was made by coercion, the penalty is imprisonment from 3 to 10 years and the prohibition of the exercise of certain rights.
- (3) If the acts are committed against a minor, the special limits of the punishment are increased by half.
- (3¹) If the act provided for in par. (3) was committed in one of the following circumstances:
- a) the act was committed by a family member or by a person who lives with the victim;

b) the minor is in the care, protection, education, guard or treatment of the perpetrator or the perpetrator has abused his recognized position of trust or authority over the minor;

c) by a person who has previously committed a crime against sexual freedom and integrity against a minor, a crime of child pornography or pimping against a minor, the special limits of the punishment provided for in paragraph (3) is increased by another fourth.

(4) By the practice of prostitution is understood the maintenance of sexual acts with different people in order to obtain patrimonial benefits for oneself or for another.

ART. 216 Using the services of an exploited person

The fact of using the services provided in art. 182, provided by a person whom the beneficiary knows to be a victim of human trafficking or child trafficking, is punished with imprisonment from 6 months to 3 years or a fine, if the act does not constitute a more serious crime.¹

ART. 216¹ The use of child prostitution

Any act of a sexual nature with a minor who practices prostitution is punishable by imprisonment from 3 months to 2 years or a fine, if the act does not constitute a more serious crime.

Art. 218 Rape

(1) Sexual intercourse, oral or anal sexual intercourse with a person, committed by coercion, making it impossible to defend oneself or express one's will or taking advantage of this state, is punishable by imprisonment from 5 to 10 years and prohibiting the exercise of certain rights.

(2) Any other acts of vaginal or anal penetration committed under the conditions of para. (1) are under the same punishment.

(3) The penalty is imprisonment from 7 to 12 years and the prohibition of exercising certain rights when:

a) the victim is in the care, protection, education, guard or treatment of the perpetrator;

b) the act was committed by a family member or by a person who lives with the victim;

c) the victim is a minor;

d) the act was committed for the purpose of producing pornographic materials;

e) the act resulted in bodily injury or endangered the life of the victim in any other way;

f) the deed was committed by two or more people together.

(3[^]1) The penalty is imprisonment from 7 to 15 years and the prohibition of the exercise of certain rights when the facts provided for in para. (1) and (2) are committed against a minor in the circumstances provided for in para. (3) lit. a), b) and d) - f) or by a person who has previously committed a crime against sexual freedom and integrity against a minor, a crime of child pornography or pimping against a minor.

(4) If the deed resulted in the death of the victim, the penalty is imprisonment from 9 to 18 years and the prohibition of the exercise of certain rights.

(5) The criminal action for the act provided for in para. (1) and para. (2) is set in motion upon the prior complaint of the injured person.

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ART. 182 Exploitation of a person

Exploitation of a person means:

a) submission to the execution of a job or the performance of services, by force;

b) being kept in a state of slavery or other similar procedures of deprivation of freedom or enslavement;

c) forcing to practice prostitution, to pornographic manifestations in order to produce and broadcast pornographic materials or to other forms of sexual exploitation;

d) the obligation to practice begging;

e) illegally taking organs, tissues or cells of human origin.

(6) Attempts at the offenses provided for in para. (1) - (3) shall be punished.

ART. 219 Sexual assault

(1) The act of a sexual nature, other than those provided in art. 218, with a person, committed by coercion, making it impossible to defend himself or to express his will or taking advantage of this state, is punished with imprisonment from 2 to 7 years and the prohibition of the exercise of certain rights.

(2) The penalty is imprisonment from 3 to 10 years and the prohibition of the exercise of certain rights when:

- a) the victim is in the care, protection, education, guard or treatment of the perpetrator;
- b) the act was committed by a family member or by a person who lives with the victim;
- c) the victim is a minor;
- d) the act was committed for the purpose of producing pornographic materials;
- e) the act resulted in bodily injury or endangered the life of the victim in any other way;
- f) the deed was committed by two or more people together.

(2¹) The penalty is imprisonment from 5 to 12 years and the prohibition of the exercise of certain rights when the facts provided for in para. (1) were committed against a minor in the circumstances provided for in para. (2) lit. a), b) and d) - f) or by a person who has previously committed a crime against sexual freedom and integrity against a minor, a crime of child pornography or pimping against a minor.

(3) If the deed resulted in the death of the victim, the penalty is imprisonment from 7 to 15 years and the prohibition of exercising certain rights.

(4) If the acts of sexual aggression were preceded or followed by the commission of the sexual acts provided for in art. 218 para. (1) and para. (2), the act constitutes rape.

(5) The criminal action for the act provided for in para. (1) started upon the prior complaint of the injured person.

(6) Attempts at the offenses provided for in para. (1) and para. (2) shall be punished.

ART. 220 Sexual intercourse with a minor

(1) Sexual intercourse, oral or anal sexual intercourse, as well as any other acts of vaginal or anal penetration committed with a minor between 14 and 16 years of age are punishable by imprisonment from one to 5 years.

(2) The act provided for in para. (1), committed against a minor who has not reached the age of 14, is punishable by imprisonment from 2 to 9 years and the prohibition of the exercise of certain rights.

(3) The act provided for in para. (1), committed by an adult with a minor between the ages of 16 and 18, is punishable by imprisonment from 2 to 9 years and the prohibition of the exercise of certain rights if:

- a) the minor is a family member of the major;
- b) the minor is in the care, protection, education, guard or treatment of the perpetrator or he has abused his recognized position of trust or authority over the minor or his obviously vulnerable situation, due to a mental or physical handicap, a situation of dependence, a state of physical or mental incapacity or another cause;
- c) the act endangered the minor's life;
- d) was committed for the purpose of producing pornographic materials.

(4) The act provided for in para. (1) shall be punished with imprisonment from 3 to 10 years and the prohibition of the exercise of certain rights when:

a) the act was committed by a family member of the minor or by a person who lives with him;

b) the minor is in the care, protection, education, guard or treatment of the perpetrator or he has abused his recognized position of trust or authority over the minor or his obviously vulnerable situation, due to a mental or physical handicap, a situation of dependence, a state of physical or mental incapacity or another cause;

c) the act endangered the minor's life;

d) was committed for the purpose of producing pornographic materials;

e) the perpetrator has reached the age of 18.

(5) The fact provided for in para. (2) shall be punished with imprisonment from 5 to 12 years and the prohibition of the exercise of certain rights when:

a) the act was committed by a family member of the minor or by a person who lives with him;

b) the minor is in the care, protection, education, guard or treatment of the perpetrator or he has abused his recognized position of trust or authority over the minor or his obviously vulnerable situation, due to a mental or physical handicap, a situation of dependence, a state of physical or mental incapacity or another cause;

c) the act endangered the minor's life;

d) was committed for the purpose of producing pornographic materials;

e) the perpetrator has reached the age of 18.

(6) The facts provided for in para. (1) and (2), as well as in para. (4) lit. e) it is not sanctioned if the age difference does not exceed 3 years.

(7) Attempts at the crimes provided for in para. (1) - (5) shall be punished.

ART. 221 Sexual corruption of minors

(1) Committing an act of a sexual nature, other than that provided for in art. 220, against a minor who has not reached the age of 14, as well as determining the minor to endure or carry out such an act are punishable by imprisonment from one to 5 years.

(2) The penalty is imprisonment from 2 to 8 years and the prohibition of the exercise of certain rights, when:

a) the act was committed by a family member of the minor or by a person who lives with him;

b) the minor is in the care, protection, education, guard or treatment of the perpetrator or he has abused his recognized position of trust or authority over the minor or his obviously vulnerable situation, due to a mental or physical handicap, a situation of dependence, a state of physical or mental incapacity or another cause;

c) the act was committed for the purpose of producing pornographic material;

d) the act endangered the minor's life.

(2¹) The act provided for in para. (1), committed by an adult with a minor between the ages of 14 and 18, is punishable by imprisonment from two months to 3 years and the prohibition of the exercise of certain rights if:

a) the minor is a family member of the major;

b) the minor is in the care, protection, education, guard or treatment of the perpetrator or he has abused his recognized position of trust or authority over the minor or his obviously vulnerable situation, due to a mental or physical handicap, a situation of dependence, a state of physical or mental incapacity or another cause;

c) the act endangered the minor's life;

d) was committed for the purpose of producing pornographic materials.

(3) The sexual act of any nature committed by an adult in the presence of a minor who has not reached the age of 14 is punishable by imprisonment from 6 months to 3 years or a fine.

(4) The determination by an adult of a minor who has not reached the age of 14 to assist in the commission of acts of an exhibitionist nature or at shows or performances in which sexual acts of any nature are committed, as well as making it available to him of materials of a pornographic nature are punishable by imprisonment from 3 months to 2 years or a fine.

(5) The facts provided for in para. (1) it is not sanctioned if the age difference does not exceed 3 years.

(6) Attempts at the crimes provided for in para. (1), (2) and (2¹) is punishable.

ART. 222 Recruitment of juveniles for sexual purposes

(1) The act of an adult proposing to a minor who has not reached the age of 16 to meet, in order to commit an act from those provided in art. 220 or art. 374, including when the proposal was made by means of remote transmission, is punishable by imprisonment from 6 months to 3 years or a fine.

(2) The act of an adult proposing to a minor who has not reached the age of 14 to meet, in order to commit an act from those provided in art. 221, including when the proposal was made by means of remote transmission, is punishable by imprisonment from 6 months to 3 years or a fine.

(...)

ART. 227 Disclosure of professional secrecy

(1) Unrightfully disclosure of data or information regarding a person's private life, likely to cause harm to a person, by the person who became aware of them by virtue of their profession or position and who has the obligation to maintain confidentiality with regarding these data, shall be punished with imprisonment from 3 months to 3 years or with a fine.

(2) The criminal action is initiated upon the prior complaint of the injured person.

(...)

ART. 266 Non-reporting

(1) The deed of the person who, having become aware of the commission of a deed provided for by the criminal law against life or which resulted in the death of a person, does not immediately notify the authorities shall be punished with imprisonment from one to 3 years.

(1¹) The deed of the person who, becoming aware of the commission of an act 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 of at 6 months to 2 years.

(2) Failure to report by a family member is not punishable.

(3) The person who, before initiating the criminal action against a person for committing the unreported act, informs the competent authorities about it or who, even after the initiation of the criminal action, facilitated the prosecution of the perpetrator is not punished or the participants.

(..)

ART. 268 Misleading the judicial bodies

(1) Criminal notification, made by denunciation or complaint, regarding the existence of a deed provided by the criminal law or in connection with the commission of such a deed by a certain person, knowing that it is unreal, is punishable by imprisonment from 6 months to 3 years or with a fine.

(2) The production or falsification of unreal evidence, in order to prove the existence of an act provided for by the criminal law or its commission by a certain person, is punishable by imprisonment from one to 5 years.

(3) The person who misled the judicial bodies shall not be punished, if he declares, before the apprehension, arrest or initiation of the criminal action against the person against whom the denunciation or complaint was made or the evidence was produced, that the denunciation, complaint or evidence is unreal.

(..)

ART. 297 Abuse in service

(1) The act of the civil servant who, in the exercise of his duties, does not fulfill an act provided for by a law, a Government ordinance, an emergency Government ordinance or another normative act that, at the time of its adoption, had the force of law or fulfills it in violation of a provision included in such a normative act, thus causing damage or an injury to the rights or legitimate interests of a natural person or a legal entity, shall be punished with imprisonment from 2 to 7 years and the prohibition exercising the right to hold a public office.

(2) The act of the civil servant who, in the exercise of his duties, hinders the exercise of a right of a person or creates a situation of inferiority for him on the basis of race, nationality, ethnic origin, language, religion, sex, is sanctioned with the same penalty. , sexual orientation, political affiliation, wealth, age, disability, chronic non-contagious disease or HIV/AIDS infection.

ART. 298 Negligence in service

The act of the civil servant who, through fault, in the exercise of his duties, does not fulfill an act provided for by a law, a Government ordinance, an emergency Government ordinance or another normative act that, at the time of its adoption, had the force of law or fulfills it in violation of a provision contained in such a normative act and thereby causes damage or an injury to the rights or legitimate interests of a natural person or a legal person shall be punished with imprisonment from 3 months to 3 years or with a fine.

ART. 308 Corruption and service offenses committed by other persons

(1) The provisions of art. 289 - 292, 295, 297 - 300 and art. 304 regarding civil servants is also applied accordingly to the acts committed by or in connection with the persons who exercise, permanently or temporarily, with or without remuneration, an assignment of any nature in the service of a natural person provided for in art. 175 para. (2) times within any legal entity.

(2) In this case, the special limits of the punishment are reduced by one third.

ART. 374 Child pornography

(1) Producing, possessing, procuring, storing, exhibiting, promoting, distributing, as well as making available, in any way, pornographic materials with minors are punishable by imprisonment from one to 5 years.

(1¹) With the penalty provided for in para. (1) urging or recruiting a minor for the purpose of his participation in a pornographic show, obtaining benefits from such a show in which minors participate or exploiting a minor in any other way for the performance of pornographic shows is also punishable.

(1²) Watching pornographic shows in which minors participate is punishable by imprisonment from 3 months to 3 years or a fine.

(2) If the facts provided for in para. (1) were committed through a computer system or other means of storing computer data, the penalty is imprisonment from 2 to 7 years.

(3) Unauthorized access to pornographic materials with minors, through computer systems or other means of electronic communication, is punishable by imprisonment from 3 months to 3 years or a fine.

(3¹) If the facts provided for in para. (1), (1¹), (1²) and (2) were committed in the following circumstances:

- a) by a family member or by a person who lives with the victim;
- b) by a person in whose care, protection, education, guard or treatment the minor was or by a person who abused his recognized position of trust or authority over the minor;
- c) the act endangered the minor's life;
- d) by a person who has previously committed a crime against sexual freedom and integrity against a minor, a crime of child pornography or pimping against a minor, the special limits of punishment are increased by one third.

(4) Pornographic materials with minors means any material that presents a minor or an adult person as a minor, having explicit sexual behavior or that, although it does not present a real person, simulates, in a credible way, a minor having such behavior, as well as any representation of a child's genitals for sexual purposes.

(4¹) By pornographic performance is meant the direct exposure addressed to an audience, including through information and communication technology, of a child involved in explicit sexual behavior or of a child's genital organs, with a sexual purpose.

(5) The attempt is punishable.

(..)

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Art. 7 The obligation to initiate and exercise the criminal action

(1) The prosecutor is obliged to initiate and exercise the criminal action ex officio when there is evidence from which a crime has been committed and there is no legal reason to prevent it, other than those provided in paragraph (2) and (3).

(2) In the cases and under the conditions expressly provided by the law, the prosecutor may abandon the exercise of the criminal action if, in relation to the concrete elements of the case, there is no public interest in achieving its object.

(3) In the cases expressly provided by the law, the prosecutor sets in motion and exercises the criminal action after the prior complaint of the injured person or after obtaining the authorization or notification of the competent body or after fulfilling another condition provided by the law.

(...)

ART. 11 Respect for human dignity and private life

(1) Any person who is under criminal investigation or trial must be treated with respect for human dignity.

(2) Respect for private life, the inviolability of the domicile and the secrecy of correspondence are guaranteed. The restriction of the exercise of these rights is only allowed under the conditions of the law and if it is necessary in a democratic society.

ART. 93 Legal assistance of the injured person, the civil party and the civilly responsible party

(1) During the criminal investigation, the lawyer of the injured person, the civil party or the civilly responsible party has the right to be informed under the conditions of art. 92 para. (2), to assist in the performance of any act of criminal prosecution under the conditions of art. 92, the right to consult the documents of the file and to formulate requests and submit memoranda. The provisions of art. 89 para. (1) shall apply accordingly.

(2) The lawyer of the injured person, the civil party or the civilly responsible party has the right provided for in art. 92 para. (8).

(3) During the trial, the lawyer of the injured person, of the civil party or of the civilly responsible party exercises the rights of the assisted person, except for those that he exercises personally, and the right to consult the file documents.

(4) Legal assistance is mandatory when the injured person or the civil party is a person without legal capacity or with limited legal capacity.

(5) When the judicial body assesses that for certain reasons the injured person, the civil party or the civilly responsible party would not be able to defend themselves, it orders the taking of measures for the appointment of an ex officio lawyer.

ART. 94 File consultation

(1) The lawyer of the parties and the main procedural subjects has the right to request consultation of the file throughout the criminal process. This right cannot be exercised or restricted in an abusive manner.

(2) Consulting the file implies the right to study its documents, the right to write down data or information from the file, as well as to obtain photocopies at the client's expense.

(3) During the criminal investigation, the prosecutor establishes the date and duration of the consultation within a reasonable period. This right can be delegated to the criminal investigation body.

(4) During the criminal investigation, the prosecutor may restrict the consultation of the file with reasons, if this could affect the proper conduct of the criminal investigation. After the initiation of the criminal action, the restriction can be ordered for a maximum of 10 days.

(5) During the criminal prosecution, the lawyer has the obligation to preserve the confidentiality or secrecy of the data and documents he became aware of during the consultation of the file.

(6) In all cases, the lawyer cannot be restricted in his right to consult the statements of the party or the main procedural subject whom he assists or represents.

(7) In order to prepare the defense, the defendant's lawyer has the right to learn about the entire material of the criminal investigation file in the proceedings conducted before the judge of rights and freedoms regarding the privative or restrictive measures of rights, in which the lawyer participates.

(8) The provisions of this article shall be applied accordingly with regard to the right of the parties and the main procedural subjects to consult the file.

Article 111 The hearing of the injured person

(1) At the beginning of the first hearing, the judicial body addresses to the injured person the questions provided in art. 107, which shall apply accordingly.

(2) The injured person shall be informed of the following rights and obligations:

- a) the right to be assisted by a lawyer, and in cases of compulsory assistance, the right to be appointed a lawyer ex officio;
- b) the right to appeal to a mediator in the cases allowed by law;

- c) the right to propose the administration of evidence, to raise exceptions and to draw conclusions, under the conditions provided by law;
 - d) the right to be informed about the conduct of the procedure, the right to file a prior complaint, as well as the right to become a civil party;
 - e) the obligation to appear at the summonses of the judicial bodies,
 - f) the obligation to communicate any change of address;
- (3) The provisions of art. 109 para. (1) and (2) and of art. 110 shall apply accordingly.
- (4) During the criminal investigation, the hearing of the injured person shall be recorded by audio or audio-video technical means, when the criminal investigation body deems it necessary or when the injured person has expressly requested it, and the recording is possible.
- (5) The injured person shall be informed at the first hearing that, if the defendant is deprived of his liberty or sentenced to imprisonment, he may be informed of his release in any way. or its escape.
- (6) In the case of injured persons for whom the existence of specific protection needs has been established in accordance with the law, the judicial body may order one or more of the following measures, where possible and when it considers that the proper conduct of the proceedings or the rights and interests of the parties are not affected:
- a) hearing them in rooms designed or adapted for this purpose;
 - b) hearing them through or in the presence of a psychologist or other specialist in victim counselling;
 - c) the hearing, as well as their eventual re-hearing is carried out by the same person, if this is possible and if the judicial body considers that this does not affect the good development of the process or the rights and interests of the parties.
- (7) The hearing by the criminal investigation bodies of the injured persons who were victims of the crime of domestic violence, provided by art. 199 of the Criminal Code, of the crimes of rape, sexual assault, sexual intercourse with a minor and sexual corruption of minors, provided in art. 218-221 of the Criminal Code, of the crime of ill-treatment applied to the minor, provided in art. 197 of the Criminal Code, harassment, provided by art. 208 of the Criminal Code, and sexual harassment, provided by art. 223 of the Criminal Code, as well as in other cases where, due to the circumstances of the crime, this is deemed necessary, is carried out only by a person of the same sex as the injured person, at request, except for the cases when the judicial body considers that this is prejudicial to the proper conduct of the proceedings or to the rights and interests of the parties.
- (8) If the injured person is a minor, the recording of his hearing by audio or audio-video technical means is mandatory in all cases. Where registration is not possible, this shall be recorded in the injured party's statement, giving a specific indication of why registration was not possible.
- (8¹) The hearing of the injured person aged up to 14 takes place in the presence of one of the parents, the guardian or the person or the representative of the institution to which the minor is entrusted for growth and education, as well as in the presence of a psychologist, established by the judicial body. The psychologist will provide specialized counseling to the minor throughout the judicial proceedings.
- (8²) If the persons referred to in par. (8¹) cannot be present or have the capacity of suspect, defendant, injured person, civil party, civilly responsible party or witness in the case or there is reasonable suspicion that they can influence the minor's statement, his hearing takes place in the presence of a representative of the authority guardianship or of a relative with full legal capacity, as well as in the presence of a psychologist, established by the judicial body. The psychologist will provide specialized counseling to the minor throughout the judicial proceedings.

(8^3) If the hearing of the minor injured person concerns the activity of the institution to which he is entrusted for growth and education, the representative of this institution shall be replaced by the representative of the guardianship authority or by a relative with full legal capacity, as well as by a psychologist, established by the judicial body. The psychologist will provide specialized counseling to the minor throughout the judicial proceedings.

(9) The hearing of the injured person by the judicial body that registered a complaint regarding the commission of an offense shall take place immediately, and, if this is not possible, it shall take place after the complaint has been lodged, without undue delay.

(10) The statement given by the injured person under the conditions of par. (9) constitutes evidence if it was administered before the beginning of the criminal investigation.

Art. 113 Protection of the injured party and the civil party

(1) When the conditions provided by law regarding the status of threatened or vulnerable witness or for the protection of privacy or dignity are met, the criminal investigation body may order for the injured person or for the civil party the protection measures provided in art. 124-130, which shall apply accordingly.

(2) Child victims, victims who are dependent on the perpetrator, victims of terrorism, organized crime, trafficking in human beings, close relationship violence, sexual violence or exploitation, victims of hatred crimes and victims affected by a crime because of prejudice or discrimination that could be related in particular to their personal characteristics, victims with disabilities, and victims who have suffered considerable harm as a result of the seriousness of the crime are presumed vulnerable.

(3) If the injured person or the civil party is in any of the situations provided in par. (2), the criminal investigation body shall inform him them of the protection measures that may be taken, their content and the possibility to waive them. The waiving of the injured person or the civil party to the protective measures shall be recorded in writing and signed by them, in the presence of the legal representative, if applicable.

(4) The re-hearing of the injured person is done only if this is strictly necessary for the conduct of the criminal trial.

(5) At the hearing, the injured party may be accompanied, at his request, by his legal representative and by another person designated by the injured party, unless the judicial body decides otherwise, motivated.

(6) Whenever the judicial body cannot determine the age of the injured person and there are reasons to consider that he is a minor, the injured person will be presumed to be a minor.

ART. 124 The special cases of hearing the witness

(1) The hearing of the minor witness up to 14 years of age takes place in the presence of one of the parents, the guardian or the person or the representative of the institution to which the minor is entrusted for growth and education, as well as in the presence of a psychologist, established by the body judicial. The psychologist will provide specialized counseling to the minor throughout the judicial proceedings.

(2) If the persons indicated in para. (1) they cannot be present or have the capacity of suspect, defendant, injured person, civil party, civilly responsible party or witness in the case or there is a reasonable suspicion that they can influence the statement of the minor, his hearing takes place in the presence of a representative of the guardianship authority or of a relative with full legal capacity, as well as in the presence of a psychologist, established by the judicial body. The psychologist will provide specialized counseling to the minor throughout the judicial proceedings.

(2¹) If the hearing of the minor witness concerns the activity of the institution to which he is entrusted for growth and education, the representative of this institution shall be replaced by the representative of the guardianship authority or by a relative with full legal capacity, as well as by a psychologist, established by the judicial body. The psychologist will provide specialized counseling to the minor throughout the judicial proceedings.

(3) (...)

(4) The hearing of the minor witness must avoid any negative effect on his mental state.

(5) The minor witness who, on the date of the hearing, has not reached the age of 14, shall not be notified of the obligations provided for in art. 120 para. (2) lit. d) and does not take an oath, but attention is drawn to tell the truth.

ART. 126 Protective measures ordered during the criminal investigation

(1) During the criminal investigation, once the threatened witness status is granted, the prosecutor orders the application of one or more of the following measures:

- a) supervising and guarding the witness's home or providing a temporary home;
- b) accompanying and ensuring the protection of the witness or his family members during the journeys;
- c) protection of identity data, by granting a pseudonym with which the witness will sign his statement;
- d) hearing the witness without him being present, by means of audiovisual means of transmission, with the voice and image distorted, when the other measures are not sufficient.

(2) The prosecutor orders the application of a protection measure ex officio or at the request of the witness, one of the parties or a main procedural subject.

(3) In the case of the application of the protection measures provided for in para. (1) lit. c) and d), the witness's statement will not include his real address or his identity data, these being recorded in a special register to which only the criminal investigation body, the judge of rights and freedoms, the judge of the preliminary chamber or the court will have access, under conditions of confidentiality.

(4) The prosecutor orders the granting of threatened witness status and the application of protective measures by means of a reasoned ordinance, which shall be kept confidential.

(5) The prosecutor verifies, at reasonable time intervals, whether the conditions that determined the taking of protective measures are maintained, and otherwise orders, by a reasoned ordinance, their termination.

(6) The judge of the preliminary chamber, within 15 days of receiving the file, and the court, before the start of the judicial investigation, as well as before each hearing of a witness who benefits from a protection measure from those provided for in paragraph . (1), verifies ex officio if the grounds that determined its taking still exist and orders by conclusion, as the case may be, the maintenance or termination of the measure. The provisions of art. 128 para. (4) - (6) and para. (7) the first sentence applies accordingly.

(7) If the state of danger appeared during the preliminary chamber procedure, the preliminary chamber judge, ex officio or upon referral to the prosecutor, orders the protective measures provided for in art. 127. The provisions of art. 128 applies accordingly.

(8) The protective measures provided for in para. (1) lit. a) and b) are communicated to the designated authority with the implementation of the measure.

ART. 127 Protective measures ordered during the trial

During the trial, once the threatened witness status is granted, the court orders the application of one or more of the following measures:

- a) supervising and guarding the witness's home or providing a temporary home;

- b) accompanying and ensuring the protection of the witness or his family members during the journeys;
- c) non-publicity of the court hearing during the hearing of the witness;
- d) listening to the witness without him being present in the courtroom, by means of audiovisual means of transmission, with the voice and image distorted, when the other measures are not sufficient;
- e) the protection of the identity data of the witness and the granting of a pseudonym under which he will testify.

ART. 142 Execution of the technical supervision mandate

(1) The prosecutor executes the technical supervision or may order that it be carried out by the criminal investigation body or by specialized workers from the police.

(1[^]1) To carry out the activities provided for in art. 138 para. (1) lit. a) - d), the prosecutor, criminal investigation bodies or specialized police workers directly use the appropriate technical systems and procedures, likely to ensure the integrity and confidentiality of the data and information collected.

(2) Providers of public electronic communications networks or providers of electronic communications services intended for the public or of any type of communication are obliged to collaborate with the prosecutor, criminal investigation bodies or specialized police workers, within the limits of their competences, for putting in execution of the technical supervision mandate.

(3) The persons who are called to give a technical contest for the execution of the surveillance measures have the obligation to keep the secret of the operation carried out, under the penalty of the criminal law.

(4) The prosecutor has the obligation to immediately terminate the technical supervision before the expiration of the term of the mandate if the grounds that justified the measure no longer exist, immediately informing the judge who issued the mandate.

(5) The data resulting from the technical surveillance measures can also be used in another criminal case if they contain conclusive and useful data or information regarding the preparation or commission of another crime from those provided for in art. 139 para. (2).

(6) The data resulting from surveillance measures that do not concern the fact that forms the object of the investigation or that do not contribute to the identification or location of persons, if they are not used in other criminal cases according to paragraph (5), it is archived at the prosecutor's office, in special places, ensuring confidentiality. Ex officio or at the request of the parties, the judge or the vested panel may request the sealed data if there is new evidence from which it follows that some of it still concerns the fact that forms the object of the investigation. One year after the final settlement of the case, they are destroyed by the prosecutor, who prepares a report to this effect.

ART. 202 The purpose, general application conditions and categories of preventive measures

(1) Preventive measures can be ordered if there is evidence or solid indications from which there is a reasonable suspicion that a person has committed a crime and if they are necessary for the purpose of ensuring the proper conduct of the criminal process, of preventing the suspect or defendant from evading criminal prosecution or from the trial or the prevention of the commission of another crime.

(2) No preventive measure can be ordered, confirmed, prolonged or maintained if there is a cause that prevents the initiation or exercise of the criminal action.

(3) Any preventive measure must be proportional to the seriousness of the accusation brought to the person against whom it is taken and necessary to achieve the purpose pursued by its disposition.

(4) The preventive measures are:

- a) detention;
- b) judicial review;
- c) judicial control on bail;
- d) house arrest;
- e) preventive arrest.

ARTICLE 215 Contents of the judicial control

(1) While under judicial control, the defendant must comply with the following obligations:

- a) To appear before the prosecution services, the pre-trial judge or before the court of law, anytime summoned;
- b) To inform at once the judicial authorities who ordered the measure or before whom the case is presented, in respect of the change of address;
- c) To appear before the police authority appointed with his/her supervision by the judicial authority ordering the measure, according to the supervision schedule made by the police authority or anytime he/she is summoned.

(2) The judicial authority ordering the measure may order the defendant that, during the judicial control, to comply with one or several duties, as follows:

- a) Not to go beyond a certain territorial limit, set by the judicial authority, except upon the prior approval of the judicial authority;
- b) Not to go in certain places, set by the judicial authority or to go only in the places set by the judicial authority;
- c) To wear a tracking device at all times;
- d) Not to return to the family home, not to approach the injured person or his family members, other participants in the commission of the crime, witnesses or experts or other specific persons designated by the judicial body and not to communicate with them directly or indirectly, by no means;
- e) Not to practice the profession, occupation or the activity performed while he/she committed the offence;
- f) To communicate periodically relevant information concerning his/her means of subsistence;
- g) To comply with certain control measures, care and medical treatment, especially for the purpose of detoxification;
- h) Not to attend sports or cultural events or other public meetings;
- i) Not to drive certain vehicles established by the judicial authority;
- j) Not to hold, use and wear any weapons;
- k) Not to issue cheques.

(3) The document ordering the judicial control shall provide expressly the duties the defendant must comply with throughout the period of judicial control and shall mention that if violating in bad faith the incumbent duties, the measure of judicial control may be replaced with the measure of house arrest or the measure of provisional arrest.

(4) The supervision of the compliance by the defendant with the duties incumbent upon him/her during the judicial control shall be conducted by the institution, authority or department appointed by the judicial authority who ordered the measure, according to the law.

(...)

ART. 223 The conditions and cases of application of the measure of preventive arrest

(1) The measure of preventive arrest can be taken by the judge of rights and liberties, during the criminal investigation, by the judge of the preliminary chamber, in the procedure of the preliminary chamber, or by the court in front of which the case is, during trial, only if the evidence shows reasonable suspicion that the defendant has committed a crime and one of the following situations exists:

a) the defendant ran away or hid, in order to avoid prosecution or trial, or made preparations of any kind for such acts;

b) the defendant tries to influence another participant in the commission of the crime, a witness or an expert or to destroy, alter, hide or steal material evidence or to cause another person to have such behavior;

c) the defendant exerts pressure on the injured person or tries to make a fraudulent agreement with him;

d) there is a reasonable suspicion that, after the initiation of the criminal action against him, the defendant intentionally committed a new crime or is preparing to commit a new crime.

(2) The measure of the defendant's preventive arrest can also be taken if, from the evidence, there is a reasonable suspicion that he has committed an intentional crime against life, a crime that caused bodily injury or the death of a person, a crime against national security provided by The Criminal Code and other special laws, a crime of drug trafficking, a crime of the regime regarding doping substances, of carrying out illegal operations with precursors or other products likely to have psychoactive effects, a crime regarding non-compliance with the regime of weapons, ammunition, materials nuclear, explosive materials and precursors of restricted explosives, trafficking and exploitation of vulnerable persons, acts of terrorism, money laundering, forgery of coins, stamps or other valuables, blackmail, rape, illegal deprivation of liberty, tax evasion, outrage, judicial outrage, a crime of corruption, a crime committed through computer systems or means of electronic communication or another crime for which the law provides a prison sentence of 5 years or more and, based on the assessment of the seriousness of the act, the manner and the circumstances of committing it, the entourage and the environment from which he comes, the criminal antecedents and other circumstances regarding his person, it is found that his deprivation of liberty is necessary to remove a state of danger for public order.

(3) In relation to the defendant who, in the same case, during the criminal investigation, the preliminary chamber procedure or the trial, was previously arrested or for whom house arrest was previously ordered, the measure of preventive arrest can be ordered only if new grounds have intervened that make it necessary to deprive him of his freedom.

ART. 285 The object of the criminal investigation

(1) The object of the criminal investigation is to collect the necessary evidence regarding the existence of crimes, to identify the persons who have committed a crime and to establish their criminal liability, in order to determine whether or not it is necessary to order the referral to court.

(2) The procedure during the criminal investigation is non-public.

ART. 352

Publicity of the court session

(1) The court session is public, except for the cases provided by law. The meeting held in the council chamber is not public.

(2) Minors under the age of 18 may not attend the court session, unless they have the capacity of parties or witnesses, as well as armed persons, with the exception of personnel who ensure security and order.

(3) If the trial in open session could harm some state interests, morals, dignity or private life of a person, the interests of minors or justice, the court, at the request of the prosecutor, the parties or ex officio, may declare a non-public session for the whole course or for a certain part of the trial of the case.

(4) The court can also declare a non-public hearing at the request of a witness, if his hearing in public hearing would harm the safety or dignity or intimate life of him or his family members, or at the request of the prosecutor, of the injured person or the parties, in the event that a public hearing would endanger the confidentiality of some information.

(5) The non-public meeting is declared in public, after hearing the parties present, the injured person and the prosecutor. The order of the court is enforceable.

(6) While the meeting is closed to the public, only the parties, the injured person, their representatives, lawyers and other persons whose presence is authorized by the court are admitted to the meeting room.

(7) The parties, the injured person, their representatives, lawyers and experts appointed in the case have the right to learn about the documents and the contents of the file.

(8) The president of the panel has the duty to inform the persons who participate in the judgment held in closed session of the obligation to preserve the confidentiality of the information obtained during the process.

(9) During the trial, the court may prohibit the publication and dissemination, by written or audiovisual means, of texts, drawings, photographs or images likely to reveal the identity of the injured person, the civil party, the civilly responsible party or witnesses, under the conditions provided in para. (3) or (4).

(10) Information of public interest in the file is communicated in accordance with the law.

Law nr. 272/2004 on child protection and the promotion of the rights of the child

CHAPTER V Protection of the child who has committed a criminal act and is not criminally liable

ART. 59

The special child protection measures are:

- a) placement;
- b) emergency placement;
- c) specialized supervision.

ART. 60

The special protection measures, established by this law, are destined to:

- a) the child whose parents are deceased, unknown, lapsed from the exercise of parental rights or to whom the punishment of the prohibition of parental rights has been applied, who benefits from judicial counseling if they cannot exercise, according to the law, parental authority or special guardianship, declared by the court dead or missing, when guardianship could not be established;
- b) the child who, in order to protect his interests, cannot be left in the care of his parents for reasons beyond their control;
- c) abused or neglected child;
- d) the child found or the child abandoned in health facilities;
- e) the child who committed an act provided for by the criminal law and who is not criminally liable;

f) the unaccompanied child, foreign citizen or stateless, including the one who applies for asylum or benefits from international protection in Romania, under the terms of Law no. 122/2006, with subsequent amendments and additions.

(...)

SECTION 2 Placement

ART. 62

(1) The placement of the child constitutes a special protection measure, having a temporary nature, which can be ordered, under the terms of this law, as the case may be, in the following order, at:

- a) a person or family;
- b) a maternal assistant;
- c) a residential service, provided for in art. 123, and licensed under the law.

(2) The person or family that receives a child in foster care must be domiciled in Romania and be evaluated by the general direction of social assistance and child protection in whose administrative-territorial radius its domicile is located or, as the case may be, by an accredited private provider, regarding the moral guarantees and the material conditions that must be met in order to receive a child in foster care. The person or family can also receive a child whose domicile is in another administrative-territorial unit, if the best interest of the child requires it.

ART. 63

During the entire placement, the child's domicile is, as the case may be, with the person, family, maternal assistant or residential service that takes care of him.

ART. 64

(1) The placement of the child who has not reached the age of 7 can only be arranged with the extended, substitute family or with a maternal assistant, his placement in a residential service being prohibited.

(2) By way of exception to the provisions of para. (1), the placement in a residential type service can be ordered for the child between the ages of 3 and 7 years old, for whom the habilitation/rehabilitation in other types of services cannot be ensured, if it presents both functional deficiency/impairment. complete, as well as activity limitations and complete participation restrictions, confirms the complex assessment service within the general direction of social assistance and child protection.

(3) When establishing the placement measure, the following will be observed:

- a) placing the child, with priority, with the extended family or the substitute family;
- b) keeping brothers together;
- c) facilitating the exercise by the parents of the right to visit the child and to maintain contact with him.

ART. 65

(1) The placement measure is established by the child protection commission, in the situation where there is the consent of the parents, for the situations provided for in art. 60 lit. b) and e).

(2) The placement measure is established by the court, at the request of the general directorate of social assistance and child protection:

(...)

b) in the case of the child provided for in art. 60 lit. b) and e), when there is no consent of the parents or, as the case may be, of one of the parents, for the institution of this measure.
(...)

ART. 68

(1) Emergency placement is a special protection measure, of a temporary nature, which is established for the child in the following situations:

- a) abused, neglected or subjected to any form of violence;
- b) found or abandoned in health facilities.

(2) Emergency placement can also be ordered in the case of the child whose sole legal guardian or both have been detained, arrested, hospitalized or in the situation where, for any other reason, they cannot exercise their parental rights and obligations regarding the child.

(3) The authority, institution or unit that decided or ordered one of the measures provided for in paragraph (2) who has led to a minor being left without parental protection or who, as the case may be, receives or hosts a person whom he knows is the sole legal guardian of a child has the obligation to inform, as soon as possible, the general direction of social assistance and child protection in whose constituency the child lives, about his situation and that of his legal guardian.

(4) The provisions of art. 62 - 64 apply accordingly.

(5) During the entire duration of the emergency placement, the exercise of parental rights is legally suspended, until the court decides on the replacement or termination of this measure and on the exercise of parental rights. During the suspension period, the parental rights and obligations regarding the child are exercised and fulfilled, respectively, by the person, the family, the maternal assistant or the head of the residential service who received the child in emergency foster care, and those regarding the child's assets are exercised and, respectively, fulfilled by the director of the general directorate of social assistance and child protection.

ART. 69

(1) The emergency placement measure is established by the director of the general directorate of social assistance and child protection in the administrative-territorial unit where the child is found in the situations provided for in art. 68 para. (1), if there is no opposition from the representatives of the legal entities, as well as the natural persons who take care of or ensure the protection of the respective child. For the child in the situations provided for in art. 68 para. (2), the measure of emergency placement is established by the director of the general directorate of social assistance and child protection.

(2) The measure of emergency placement is established by the court under the conditions of art. 100 para. (3)

ART. 70

(1) In the case of emergency placement ordered by the director of the general directorate of social assistance and child protection, he is obliged to notify the court within 5 days from the date on which he ordered this measure.

(2) In the situation where the circumstances that were the basis for the establishment of the emergency placement measure are no longer maintained, the director of the general directorate of social assistance and child protection can order, within the term provided for in par. (1), the revocation of the emergency placement measure.

(3) The court will analyze the reasons that were the basis of the measure adopted by the general direction of social assistance and child protection and will order the termination of emergency placement and, as the case may be, the reintegration of the child into his family,

the replacement of foster placement emergency with guardianship or placement measure. The court will also rule on the exercise of parental rights.

(4) In the situation where emergency placement is ordered by the court, it will be pronounced under the conditions of art. 100 para. (4).

CHAPTER V Protection of the child who has committed a criminal act and is not criminally liable

ART. 84

(1) For the child who has committed an act provided for by the criminal law and who is not criminally liable, upon the proposal of the general directorate of social assistance and child protection in whose administrative-territorial unit the child is located, one of the measures provided for in art. 59 lit. a) and c).

(2) In ordering one of the measures provided for in art. 59 lit. a) and c), the child protection commission, when there is the consent of the parents or another legal representative of the child, or, as the case may be, the court, when this consent is missing, will consider:

- a) the conditions that favored the commission of the act;
- b) the degree of social danger of the deed;
- c) the environment in which the child grew up and lived;
- d) the risk of the child again committing an act provided for by the criminal law;
- e) any other elements likely to characterize the child's situation.

(3) The parents of the child who commits criminal acts and is not criminally liable have the obligation to participate in the counseling sessions conducted by the general direction of social assistance and child protection, based on a personalized psychological counseling program.

ART. 85

(1) The measure of specialized supervision consists in keeping the child in his family, under the condition that he complies with certain obligations, such as:

- a) attending school courses;
- b) use of daycare services;
- c) following medical treatments, counseling or psychotherapy;
- d) prohibition to visit certain places or to have connections with certain people.

(2) If family maintenance is not possible or when the child does not fulfill the obligations established by the measure of specialized supervision, the commission for the protection of the child or, as the case may be, the court, according to the distinctions provided in art. 84 para. (2), may order his placement in the extended or substitute family, as well as the fulfillment by the child of the obligations provided for in paragraph. (1).

ART. 86

If the act provided for by the criminal law, committed by the child who is not criminally liable, presents a high degree of social danger, as well as if the child for whom the measures provided for in art. 85 continues to commit criminal acts, the commission for the protection of the child or, as the case may be, the court orders, for a determined period, the placement of the child in a specialized residential service.

ART. 87

It is forbidden to publish any data related to the commission of criminal acts by the child who is not criminally liable, including data regarding his person.

ART. 88

(1) Throughout the duration of the application of the measures intended for the child who commits criminal acts and is not criminally liable, specialized services will be provided to assist the children in the process of reintegration into society.

(...)

(3) The child who has committed an act provided for by the criminal law and who is not criminally liable will be accompanied and assisted by a psychologist or social worker, designated by the general direction of social assistance and child protection at any stage of the criminal investigation.

ART. 100

(1) The representatives of legal entities, as well as natural persons who care for or ensure the protection of a child, are obliged to collaborate with the representatives of the general directorate of social assistance and child protection and to provide all the necessary information for the resolution of complaints.

(2) In the event that, following the checks carried out, the representatives of the general directorate of social assistance and child protection establish that there are solid reasons to support the existence of a situation of imminent danger for the child, due to abuse and neglect, and there is no opposition from the persons referred to in para. (1), the director of the general directorate of social assistance and child protection institutes the emergency placement measure. The provisions of art. 62 - 64, art. 68 para. (5) and of art. 70 applies accordingly.

(3) In the event that the persons referred to in para. (1) refuses or prevents in any way the checks by the representatives of the general direction of social assistance and child protection, and they establish that there are solid reasons to support the existence of a situation of imminent danger for the child, due to abuse and neglect, the general direction of social assistance and child protection notifies the court, requesting the issuing of a presidential ordinance to place the child in an emergency regime with a person, with a family, with a maternal assistant or in a residential type service, licensed under the law. The provisions of art. 62 - 64 and of art. 68 para. (5) shall apply accordingly.

(4) Within 5 days from the date of execution of the presidential ordinance by which emergency placement was ordered, the general direction of social assistance and child protection shall notify the court to decide on: replacing emergency placement with the measure placement, forfeiture from the exercise of parental rights, as well as regarding the exercise of parental rights. The court also rules on the obligation of the child's parents to attend counseling sessions.

Law 287/2009 - The civil code

CHAPTER IV Loss of parental rights

ART. 508

(1) The guardianship court, at the request of the public administration authorities with attributions in the field of child protection, can pronounce the forfeiture of the exercise of parental rights if the parent endangers the life, health or development of the child by ill-treatment applied to him, by the consumption of alcohol or narcotics, by abusive behavior, by serious negligence in the fulfillment of parental obligations or by seriously affecting the best interests of the child.

(2) The application is judged urgently, with the summons of the parents and on the basis of the psychosocial investigation report. The participation of the prosecutor is mandatory.

Law no. 134/2010 - The civil procedure code

ART. 58 Special guardianship

(1) In case of emergency, if the natural person lacking the capacity to exercise civil rights does not have a legal representative, the court, at the request of the interested party, will appoint a special curator, who will represent him until the appointment of the legal representative, according to the law. Also, the court will appoint a special curator in case of conflict of interests between the legal representative and the represented or when a legal person or an entity from those provided for in art. 56 para. (2), summoned to appear in court, has no representative.

(2) The provisions of para. (1) applies accordingly to persons with limited exercise capacity.

(3) The appointment of these trustees will be made by the court that hears the case, from among the lawyers appointed for this purpose by the bar for each court. The special curator has all the rights and obligations provided by law for the legal representative.

(4) The provisional remuneration of the curator thus appointed shall be fixed by the court, by means of an agreement, establishing at the same time the method of payment. At the curator's request, with the termination of his capacity, considering the activity carried out, the remuneration may be increased.

DECISION No. 220/2011 of February 24, 2011 regarding the Audiovisual Content Regulatory Code

Art. 4

(1) It is prohibited to broadcast any clues that could lead to the identification of the minor under the age of 14, in the situation where he is a victim of sexual abuse or is accused of committing crimes or was a witness to their commission.

(2) In the situation where the minor under the age of 14 is a victim of some crimes, other than the situations provided for in para. (1), or has been subjected to physical or mental abuse, the dissemination of images or statements is possible only with the consent of the minor, as well as with the written consent of the parents, another legal representative or, as the case may be, of the person under their care the minor.

(3) In the situation where the minor under the age of 14 has been subjected to physical or mental abuse by the parents or legal representatives, the dissemination of images or statements is possible only with the consent of the minor, as well as with the written consent of the parent who is not the alleged author of the abuse or, as the case may be, of an authority responsible for the protection of minors.

ART. 6

(1) The minor aged between 14 and 16 accused of committing a crime or victim of a crime or physically, mentally or sexually abused can be presented in news programs, in debate shows or audiovisual reports, with the cumulative fulfillment of the following conditions:

- a) the existence of his written consent;
- b) the prior existence of the parents' or legal representative's consent, in written form;
- c) assistance during the transmission or recording by a parent or by the legal representative, respectively by the lawyer in case of criminal investigation or arrest. The minor cannot be assisted by the alleged perpetrator of the abuse;
- d) removing any elements that can lead to the identification of the minor.

(2) In the case of minors over the age of 16 accused of committing a crime, their explicit consent, written or recorded, and their assistance by a lawyer in the situation where they are criminally investigated, detained or arrested, are required.

(3) In the case of a minor over the age of 16 who is a victim or witness to the commission of crimes or who has been physically, mentally or sexually abused, the following are required:

a) his explicit consent, written or recorded;

b) the elimination of any elements that can lead to the identification of the minor, at his request, the parents or the legal representative.

Governmental Decision no. 49/2011, annex 1:

„Confidentiality

a) The professional who evaluates the child and/or adult victim, as well as the reference persons, disclose to the case manager and the multidisciplinary team the relevant information that can lead to relevant conclusions and decision-making.

b) The results of the assessment are documented and disclosed to the family and the child depending on their level of maturity, respectively to the adult victim depending on discernment. The disclosure of this data is made after the completion of the detailed evaluation process. The case manager determines together with the team whether the provision of information will be done by each member of the team, depending on the type of assessment, or by the case manager.

c) The case manager may disclose data from the assessment process to other professionals within the intervention network if they need to participate in the detailed assessment or the provision of services for the child and/or adult victim, family and other reference persons. The data that can be disclosed is decided by mutual agreement in the multidisciplinary team.

d) All information related to the case is confidential to the general public, the media and other professionals who are not involved in the respective case, in accordance with the provisions of Law no. 677/2001 for the protection of individuals regarding the processing of personal data and the free movement of such data, with subsequent amendments and additions, except for the control/inspection teams provided for by law.

e) There are data that cannot be disclosed either to the multidisciplinary team or to the other professionals involved in solving the case, such as, for example, the name of the person who reported the suspicion or situation of violence against the child, respectively of violence in the family. This type of information can only be disclosed to the court, upon its express request.”

Law 211/2004 regarding measures to ensure information, support and protection of crime victims

ART. 1[^]1

(1) Any person who is a victim of a crime has the right to be recognized as such from the moment of identification, to be treated with respect and professionalism, to benefit from individualized protection and support, to obtain financial compensation and to have their rights restored. Her family members benefit from the same rights.

(2) The measures of information, support and protection, including the assessment, granted under the terms of this law are not conditioned by the filing of a complaint before the criminal investigation bodies.

ART. 3⁹

(1) Victim assessment is the process of identifying assistance and protection needs, as well as appropriate support and protection services.

(2) The evaluation is based on the following criteria:

- a) the type of crime and the circumstances of its commission to the extent that they are available or can be provided by the competent bodies;
- b) the physical and mental impact that the commission of the crime had on the victim;
- c) personal characteristics of the victim;
- d) data on the perpetrator of the crime, to the extent that they are available;
- e) the type of relationship or state of dependence towards the perpetrator of the crime;
- f) possible communication difficulties of the victim;
- g) criminal history and, as the case may be, information regarding the victim's membership in criminal groups;
- h) any other relevant aspects.

(3) The evaluation of the victims is carried out by the Service for the Support of Victims of Crimes, respectively the departments and providers of social services provided for in art. 3¹, in order to ensure the victims' access as quickly as possible to psychological, medical, social assistance, legal advice, depending on the individual needs of the victim.

ART. 3¹⁰

(1) The evaluation results are recorded in an evaluation report, which will contain:

- a) identification data of the victim;
- b) the type of injury suffered by the victim by committing the act;
- c) her physical and mental condition;
- d) the specific protection needs of the victim;
- e) the types of support and protection services that the victim can benefit from and their duration. The duration can be extended, when necessary;
- f) the decision to refer the victim to other specialized services, when appropriate.

(2) Storage of identification data provided for in para. (1) it is done for a period of 1 year, for the purpose of using them in the activity of supporting and protecting victims of crimes or of supplying them to the judicial bodies, at their request. At the end of the 1-year term, the stored data will be deleted.

(3) By way of exception to the provisions of para. (2), in cases where the victim benefits from support and protection measures according to this law, the identification data provided in paragraph (1) will be kept for the entire period of granting the respective measures and 3 months after their conclusion.

ART. 3¹¹

(1) The institution that made the evaluation report has the obligation to make it available to the judicial bodies, at their request, in copy, under the law, when the victim participates in the criminal process as a witness, injured person or civil party.

(2) The judicial bodies may request a new evaluation report when the one originally prepared is no longer relevant for the current state of the victim or has been destroyed due to the fulfillment of the term for storing identification data, according to art. 3¹⁰ para. (2) and (3).

ART. 7

(1) The support and protection services provided to the crime victim or his family members are provided by the general directorates, free of charge, at the request of the victim or his family members, and can also be provided by public social assistance services at the level of

cities, municipalities, communes, as well as private social service providers, under the conditions provided for in art. 3¹.

(2) The request for the provision of support and protection services is addressed to the general directorate, but it can also be addressed directly to a private or public provider of social services, in which case the provider has the obligation to inform, in writing, the general directorate of which territorial radius the domicile or residence of the beneficiary of the respective service.

(3) Victims can be referred, depending on the identified needs, to social, educational, medical services or to other services of general interest, existing in the vicinity, granted under the law.

(4) Support and protection services provided both to crime victims and to their family members can be:

- a) information on the rights of the victim;
- b) psychological counseling, counseling regarding the risks of secondary and repeated victimization or of intimidation and revenge;
- c) counseling regarding the financial and practical aspects subsequent to the crime;
- d) social insertion/reinsertion services;
- e) emotional and social support for the purpose of social reintegration;
- f) information and counseling regarding the role of the victim in criminal proceedings, including preparation for participation in the trial. These information and counseling services do not include the free legal assistance of victims of crimes provided for in art. 14 - 20 times the legal assistance of the injured person provided for in Law no. 135/2010 regarding the Criminal Procedure Code, with subsequent amendments and additions;
- g) referring the victim to other specialized services, when appropriate: social services, medical services, employment services, education services or other services of general interest granted under the law.

ART. 35¹

(1) Starting from June 1, 2018, the newly built courthouses will be equipped with separate waiting rooms for crime victims.

(2) Starting from January 1, 2019, separate waiting areas for victims of crimes will be set up in court premises.

Law 217/2003 on preventing and combating domestic violence

ART. 31

(1) Through the provisional protection order, one or more protection measures are available for a period of 5 days, able to contribute to reducing the imminent risk identified, among the following obligations or prohibitions:

- a) temporary eviction of the aggressor from the common home, regardless of whether he is the owner of the property right;
- b) reintegration of the victim and, as the case may be, the children into the common home;
- c) obliging the aggressor to maintain a determined minimum distance from the victim, from her family members, as defined according to the provisions of art. 5, or to the residence, workplace or educational unit of the protected person;
- d) obliging the aggressor to permanently wear an electronic surveillance device;
- e) obliging the aggressor to hand over the possessed weapons to the police.

(2) The protective measures provided for in para. (1) lit. a) and b) are available together.

(3) The protection measure provided for in para. (1) lit. d) it is ordered if the following conditions are met:

a) the measure provided for in para. (1) lit. c);

b) when the aggressor has been ordered to keep a minimum distance from the victim and, as the case may be, her family members, the protected persons express their agreement to wear an electronic surveillance device that allows verification of compliance with the aggressor's obligation.

(4) The provisional protection order will include the mention that the violation of any of the measures provided for in para. (1) constitutes a crime, according to the provisions of art. 47 para. (2).

(5) If, through the provisional protection order, the temporary evacuation of the aggressor has been taken, and he does not have accommodation secured from another source, he will be immediately informed and directed, at his request, to residential centers that offer accommodation for people without shelter or night shelters, managed by local public administration authorities, or any other suitable place. In the event that the aggressor requests accommodation in a residential center in the category of those mentioned above, he will be directed and taken immediately to the residential centers managed by the local public administration authorities or, as the case may be, to other appropriate social centers by the mobile team provided for in art. 51.

(6) If the aggressor does not want to benefit from the accommodation made available according to para. (5) and chooses to live with a relative or any other person, he will be required to give a statement regarding the address where he will live and the person who will provide him with accommodation. If the aggressor refuses to give the said statement, this fact will be recorded in the minutes drawn up according to the provisions of art. 33 para. (4).

(7) Competent public authorities and institutions have the obligation, ex officio or at the request of police units or any interested person, to implement urgent and specific protection measures regarding minors, persons with disabilities or persons with special needs, covered by the provisional protection order.

ART. 38

(1) The person whose life, physical or mental integrity or freedom is endangered by an act of violence on the part of a family member may request the court to, in order to remove the state of danger, issue a protection order by which to order, on a provisional basis, one or more of the following measures - obligations or prohibitions:

a) temporary eviction of the aggressor from the family home, regardless of whether he is the owner of the property right;

b) reintegration of the victim and, as the case may be, the children, into the family home;

c) limiting the aggressor's right to use only a part of the common home when it can be shared in such a way that the aggressor does not come into contact with the victim;

d) accommodation/placement of the victim, with her consent, and, as the case may be, of the children, in an assistance center among those provided for in art. 19;

e) obliging the aggressor to keep a certain minimum distance from the victim, from her family members, as defined according to the provisions of art. 5, or to the residence, workplace or educational unit of the protected person;

f) the prohibition for the aggressor to move to certain localities or determined areas that the protected person frequents or visits periodically;

g) obliging the aggressor to permanently wear an electronic surveillance device;

h) prohibition of any contact, including telephone, correspondence or in any other way, with the victim;

i) obliging the aggressor to hand over the possessed weapons to the police;

j) entrusting minor children or establishing their residence;

k) the prohibition for the aggressor to collect the state allowance for children and the approval of its collection by the parent/person to whom/to whom the child was entrusted for growth and education or with whom his residence was established. The ban is communicated immediately to the county agency for payments and social inspection or to the municipality of Bucharest, as the case may be. The allowance is collected by the parent/beneficiary of the protection measure during the validity of the protection order and as long as the child was entrusted to him/her or in the situation where the child has established residence with him/her.

(2) The measure provided for in para. (1) lit. g) it is ordered if the following conditions are met:

a) one of the measures provided for in para. (1) lit. e) or f);

b) when the aggressor has been ordered to keep a minimum distance from the victim and, as the case may be, her family members, the protected persons express their agreement to wear an electronic surveillance device that allows verification of compliance with the aggressor's obligation.

(3) By the same decision, the court can also order that the aggressor bear the rent and/or maintenance for the temporary home where the victim, minor children or other family members live or will live due to the impossibility of staying in the family home.

(4) In addition to any of the measures ordered according to para. (1), the court can also order the aggressor to undergo psychological counseling, psychotherapy and can recommend voluntary hospitalization or, as the case may be, request involuntary hospitalization, under the conditions of the Law on Mental Health and the Protection of Persons with Mental Disorders no. 487/2002, republished. If the aggressor is a user of psychoactive substances, the court can order, with his consent, his integration into an assistance program for drug users, according to art. 22 of Law no. 143/2000 on the prevention and combating of illicit drug trafficking and consumption, republished, with subsequent amendments and additions.

Law no. 118/2019 regarding the automated national register regarding persons who have committed sexual crimes, exploitation of certain persons or minors, as well as for the completion of Law no. 76/2008 regarding the organization and operation of the National Judicial Genetic Data System

ART. 1

(1) In order to prevent and combat acts of a sexual nature, exploitation of persons or minors, provided for and punished by the criminal law, as well as to avoid the risk of recidivism, the automated national register is organized regarding the persons who have committed crimes sexual, exploitation of some people or minors, hereinafter referred to as the Register.

(2) The register represents a means of knowledge, supervision and operative identification of persons who have committed the following crimes provided for by Law no. 286/2009 on the Criminal Code, with subsequent amendments and additions, as follows:

a) the crime of human trafficking provided for in art. 210;

b) the offense of trafficking in minors provided for in art. 211;

c) the offense of pimping provided for in art. 213;

d) the crime of exploitation of begging provided for in art. 214;

e) the offense of using a minor for the purpose of begging provided for in art. 215;

f) the crime of using the services of an exploited person provided for in art. 216;

g) the crime of using child prostitution provided for in art. 216¹;

h) the crime of rape provided for in art. 218;

- i) the crime of sexual assault provided for in art. 219;
- j) the crime of sexual intercourse with a minor provided for in art. 220;
- k) the crime of sexual corruption of minors provided for in art. 221;
- l) the crime of recruiting minors for sexual purposes provided for in art. 222;
- m) the crime of sexual harassment provided for in art. 223;
- n) the crime of abusive use of the position for sexual purposes provided for in art. 299;
- o) the crime of child pornography provided for in art. 374;
- p) the crime of outrage against good morals provided for in art. 375;
- q) the crime of incest provided for in art. 377;
- r) the crimes provided for in letter a) - q), as provided for in Law no. 15/1968 regarding the Criminal Code of Romania or in special laws, having the same constitutive elements.

ART. 12

(1) The persons registered in the Register have the obligation to report periodically to the police authorities within the radius of which they are domiciled or have their residence, but no later than once every 3 months, in order to communicate to them relevant information regarding:

- a) the profession, the job or the activity he carries out;
- b) the means of existence;
- c) minors, elderly, disabled or vulnerable persons with whom they live or with whom they have come into direct and systematic contact;
- d) school or preschool education units, children's camps, children's hospitals or any place frequented predominantly by children to which they had access during this period;
- e) the address where I live;
- f) the method of communication with the police bodies.

(2) Persons registered in the Register have the obligation to:

- a) to notify, in advance, the police body within whose radius they live, in the case of the intention of making any trips from the place of residence longer than 15 days, including regarding the destination town, the purpose of the trip, the period of travel and the means of used transport;
- b) to appear at the police body within whose radius they establish their residence in order to communicate about it and be recorded, within a maximum of 3 days.

(3) The police bodies have the obligation to periodically, but not later than once every 3 months, carry out checks at the home, the residence or the building where the persons registered in the Register actually live, in order to obtain data and information on the behavior of these persons and the way of obtaining the means of existence, as well as the updating, as the case may be, of the data from the Registry or from the other databases of the Romanian Police.

(4) The checks provided for in para. (3) it is carried out under conditions of confidentiality.

(5) The data and information obtained according to para. (1) - (3), as well as any data of police interest collected regarding the persons in question are processed in the databases of the Romanian Police, in compliance with the legal provisions regarding the protection of personal data.

(6) When removing from the Register, the data and information provided for in para. (5) are deleted, except in cases where they are used in a judicial procedure.

Law No. 254/2013 of July 19, 2013 regarding the execution of punishments and custodial measures ordered by judicial bodies during the criminal process

ART. 59

The right to information

(1) The right of convicted persons to have access to information of public interest cannot be limited.

(2) Convicted persons have access to information of public interest in accordance with the law.

(3) The National Administration of Penitentiaries and the administration of the penitentiary have the obligation to take all necessary measures to ensure the application of legal provisions regarding free access to information of public interest for convicted persons.

(4) The right of convicted persons to information of public interest is ensured through publications, radio and television broadcasts or any other authorized means.

(5) Convicted persons will be allowed to communicate with the mass media, in compliance with the security measures in the penitentiary and only if there are no valid reasons to prohibit this for reasons related to the protection of the injured party, other convicted persons or prison staff.

LAW No. 51/1995 for the organization and exercise of the lawyer profession

ART. 39

(1) The lawyer is obliged to thoroughly study the cases entrusted to him, employed or ex officio, to appear at each term at the courts or at the criminal investigation bodies or at other institutions, according to the entrusted mandate, to show conscientiousness and professional probity, to plead with dignity before the judges and the parties in the trial, to submit written conclusions or meeting notes whenever the nature or difficulty of the case requires it or the court orders to this effect. Imputable non-compliance with these professional duties constitutes disciplinary misconduct.

(2) The lawyer is obliged to do all the diligence to defend the rights, freedoms and legitimate interests of the clients and to use the means provided by the law, which he considers favorable to them.

(3) The lawyer is obliged to refrain from assisting and advising a client in carrying out acts or deeds that could constitute crimes.

(4) The lawyer is entitled to withdraw immediately and give up assisting and representing the client if his actions and goals, apparently legal at the beginning of the assistance and/or representation, prove, during the course, to be criminal.

Law 53/2003 regarding the Labor code

ART. 50

The individual employment contract is suspended by law in the following situations:

- a) maternity leave;
- b) leave for temporary work incapacity;
- c) quarantine;
- d) exercising a function within an executive, legislative or judicial authority, for the entire duration of the mandate, unless the law provides otherwise;
- e) performing a salaried leadership position in the union;

- f) force majeure;
- g) if the employee is under preventive arrest, under the conditions of the Code of Criminal Procedure;
- h) from the date of expiry of the period for which the notices, authorizations or attestations necessary for the exercise of the profession were issued. If, within 6 months, the employee has not renewed the permits, authorizations or attestations necessary for the exercise of the profession, the individual employment contract terminates by law;
- i) in other cases expressly provided by law.

ART. 52

(1) The individual employment contract can be suspended at the initiative of the employer in the following situations:

- a) during the preliminary disciplinary investigation, according to the law;
 - b) if he was sent to court for criminal acts incompatible with the position held, until the court decision remains final;
- (...)

ART. 89

(...)

(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 or ill-treatment have the obligation to notify the general direction of social assistance and child protection urgently.