**Call for submissions**

***Women’s and girls’ sexual and reproductive health and rights in situations of crisis***

The Working Group on discrimination against women and girls will present a thematic report on women’s and girls’ sexual and reproductive health and rights[[1]](#footnote-1) (SRHR) in situations of crisis to the 47th session of the Human Rights Council in June 2021. The report will examine women’s and girls’ SRHR within an overarching framework of reasserting gender equality and countering roll-backs.

The Working Group will take a broad approach to crisis. In doing so, it intends not only to look at humanitarian crises, typically understood as encompassing international and non-international conflicts and occupied territories, natural disasters, man-made disasters, famine and pandemics, but it will also examine long-standing situations of crisis resulting from structural discrimination deeply embedded in histories of patriarchy, colonization, conquest and marginalization (such as in the case, for example, of indigenous women, Roma women and women of African descent), as well as other types of crisis based on the lived experiences of women, such as those induced by environmental factors, including the toxification of the planet, land grabbing, political, social and economic crises, including the impact of austerity measures, refugee and migrant crises, displacement crises, and gang-related violence, among others. The Working Group will examine how existing laws, policies, and practices can contribute to negative reproductive health outcomes for women and girls in situations of crisis and restrictions on their autonomy during their life-cycle, using an intersectional approach.

In order to inform the preparation of this report and in line with its mandate to maintain a constructive dialogue with States and other stakeholders to address discrimination against women and girls, the Working Group would like to seek inputs from all stakeholders. Submissions should be sent **by 31 August 2020** to wgdiscriminationwomen@ohchr.org and will be made public on the Working Group's web page, unless otherwise requested. The Working Groupd is particularly interested in receiving information about challenges faced in ensuring that women’s and girls’ sexual and reproductive rights are respected, protected and fulfilled in times of crisIs, and are adequately prioritized, as well as examples of good practices.

**Questionnaire**

Concept/definition of crisis

1. **What institutional mechanisms are in place for managing a crisis and how are priorities determined?**
* Ministry of Education and Research (MEC) has implemented the strategic project Crisis Management at the school level, ID 64345, financed from the European Social Fund through the Sectoral Operational Program Human Resources Development 2007-2013. The project addressed the phenomena generating crisis in the field of education - violence, dropout or school failure, difficulties in adapting to the transition from one cycle of education to another. The general objective of the project was to ensure a quality education in pre-university education by restructuring the curriculum for counseling and guidance and by developing, implementing and monitoring procedures, tools and mechanisms to ensure effective crisis management at the level of schools. The European program for preventing and combating the phenomenon of school violence (VIRIS) has been implemented, adapted to the reality in Romania.

• Law no. 221/2019 proposes the modification and completion of the National Education Law no. 1/2011, in order to prevent and combat bullying in spaces intended for education. Psychological violence - bullying is defined in the law of education as “the action or series of physical, verbal, relational and / or cyber actions, in a social context difficult to avoid, committed intentionally, involving an imbalance of power, have the consequence of dignity or the creation of an atmosphere of intimidation, hostility, degrading, humiliating or offensive, directed against a person or group of persons and concerning aspects of discrimination and social exclusion, which may be linked to belonging to a certain race, nationality, ethnicity, religion, social category or to a disadvantaged category or by beliefs, sex or sexual orientation, personal characteristics, action or series of actions, behaviors that take place in educational establishments and in all spaces intended for vocational education and training". The rules were approved by order of the Minister and published in the Official Gazette on June 10, 2020, entering into force upon its publication. The objective of the methodological norms is to facilitate the creation of a safe and positive climate in the school, based on respect for the person, non-discrimination, motivation for learning and ensuring the well-being of the preschooler / preschooler / student in the school and to provide a working tool for professionals working with preschoolers / preschoolers / students in the education system, children's families, authorities responsible for protecting children in situations of crisis.

The methodological norms define the following types of situations that could generate crisis situations at the level of the educational unit (uncertain climate, based on disrespect for the person, discrimination, demotivation for learning and severe impairment of the well-being of the preschooler / preschooler / student): psychological violence - bullying, physical violence, cyberbullying, emotional abuse, sexual violence and aggressive behavior.

• In accordance with the recommendations of the Council of the European Union "Education in situations of emergency and prolonged crisis" adopted at its 3654th meeting, held on 26 November 2018 (14719/18), which stresses the need to quality education is provided at all levels: from early childhood to primary, secondary and tertiary education, vocational and technical training, as well as the basis of quality education are qualified teachers, as well as teaching materials and infrastructures and appropriate support, the MEC prepares the National Strategic Framework for Education. It is based on a research based on a wide public debate, carried out within the national project initiated by the President of Romania, "Educated Romania" and represents one of the favorable conditions for the use of European funds related to the financial framework 2021-2017. Quality in education, equity, inclusion and counseling, resilience, digitalisation and sustainable development are pillars of this strategic framework.

• In the context of the crisis caused by the SARS-CoV-2 pandemic, MEC took urgent measures to prevent and combat the effects of the pandemic - continuing the online school / university year for pupils / students and teleworking for teachers, initiating teleschool programs for the training of students and teachers, modifications and elaboration of normative acts and methodologies for carrying out the evaluation of pupils / students for the end of the school / university year, as well as for carrying out in safe conditions the national exams (National Assessment, Baccalaureate), of the entrance exams in the university education and of the tenure examination of the professors.

• The measures continue with the preparation of the beginning of the new school / university year. The Government has adopted an emergency ordinance on the establishment of SARS-CoV-2 disease prevention measures in pre-university and university education units and institutions. Also, the normative act modifies and completes the National Education Law no. 1/2011. The new legislative measures aim to ensure the right to education and health for primary beneficiaries of pre-university education, for students and for staff in the national education system.

• Thus, in pre-university education, depending on the evolution of the epidemiological situation, the School Board may propose, after consulting the Parents Association, that the teaching activity that involves the physical presence of preschoolers, preschoolers and students, be achieved through technology and of the Internet (in compliance with the measures established by joint order of the Ministry of Health and the Ministry of Education and Research).

The county school inspectorates / The School Inspectorate of the Municipality of Bucharest will communicate weekly to the Ministry of Education and Research the measures ordered by the County Committee for Emergency Situations / The Committee of the Municipality of Bucharest for Emergency Situations

The resumption of teaching activities, in health safety conditions, suspended based on this procedure, is decided by the decision of the County Committee for Emergency Situations / Bucharest City Committee for Emergency Situations, with the approval of the County Public Health Directorate / Bucharest Public Health Directorate and informing the pre-university education unit, respectively the County School Inspectorate / School Inspectorate of Bucharest.

If the existing spaces in the educational units are not sufficient for the observance of the sanitary safety norms, established by the competent authorities, the county school inspectorates / Bucharest School Inspectorate may request the local public administration authorities to make other pre-university education units available. adequate spaces for teaching activities.

• In higher education, depending on the epidemiological situation and the specifics of each university, in the academic year 2020-2021, based on university autonomy, assuming public responsibility and respecting the quality of teaching, the teaching activity that involves the physical presence of students is established by decision of the University Senate (in compliance with the measures established by the joint order of the Ministry of Health and the Ministry of Education and Research and the general and sectoral regulations of the European Union regarding the minimum hours of practice).

The development of teaching activities involves three levels: the physical presence of students at all teaching activities; the physical presence of students at certain teaching activities, established according to the decision of the University Senate; suspension of teaching activities for which the physical presence of students in higher education institutions is required.

The resumption of teaching activities, suspended according to the above procedure, in health safety conditions, is ordered by decision of the University Senate, after obtaining the approval of the County Public Health Directorate / Bucharest Public Health Directorate, which certifies compliance with epidemiological safety conditions.

In case of limitation or suspension of teaching activities for which the physical presence of students is required, carrying out activities related to the academic year 2020 - 2021, according to law, exams to complete bachelor's, master's or postgraduate programs, defending theses doctorate, the defense of the habilitation theses for the academic year 2020 - 2021 can also be achieved through computer-assisted technology and the Internet, for the forms of organization of full-time, part-time and distance study programs. Also, the didactic and research activities provided by law will be recognized, as well as the final exams of the semesters and of the bachelor's and master's studies, the defense of the doctoral dissertations and theses, carried out through technology and internet, in the academic year 2020. - 2021, in the forms of full-time and part-time and distance education.

Challenges and good practices

1. Please highlight any challenges faced in the provision of SRH services and good practices in ensuring women’s and girls’ SRHR in situations of crisis, including, for example, measures concerning timely access to the the following types of services and aspects of care:

**Prevention of HIV transmission, post-exposure prophylaxis and treatment for HIV/AIDS as well as the prevention and treatment of sexually transmissible infections;**

Criminal Code has specific provisions concerning this matter :

- Art. 353 – Venereal contamination;

- Art. 354 – Transmission of the acquired immunodeficiency syndrome.

*For more information, please, find the text of the two above mentioned articles in Annex 1.*

**Safe abortion services including surgical and non-surgical methods of termination of pregnancy and humane post-abortion care, regardless of the legal status of abortion;**

Criminal Code:

- Art. 201 – Termination of pregnancy;

- Art. 202 – Harming the fetus ;

- Art. 297 – Abuse in service .

Criminal Procedure Code :

- Art. 111, para (7) – Hearing of victims;

- Art. 113 – Protection of victims and civil parties;

- Art. 124 – Special cases witness hearing;

- Art. 125 – Threatened witness;

- Art. 126 – Protection measures ordered during the criminal investigation;

- Art. 127 – Protection measures ordered during the trial;

- Art. 129 – Hearing protected witnesses;

- Art. 130 – Vulnerable witnesses .

***For more information, please, find the text of the 11 above mentioned articles in Annex 2.***

**Prevention, investigation and punishment of all forms of gender-based violence, and access to timely and comprehensive medical interventions, mental health care, and psychosocial support for victims and survivors;**

From the perspective of National Authority for the Rights of the Persons with Disabilities, Children and Adoptions (NARPDCA), any form of violence against children, including gender-based violence - even if it is not treated in particular - is mandatory to be reported and investigated/ assessed. Based on assessment, services are provided according to the needs of the children victims. Preventive measures are also included in legislation.

 Government Decision (GD) no.49/2001 set up and developed a unified, coherent and comprehensive system for preventing, notifying/ reporting and intervening in cases of child abuse, neglect, exploitation and any other form of violence against children, including commercial sexual exploitation, child labour, child trafficking, illegal migration, domestic violence and particular forms as well.

Annex 1 of GD no. 49/2011 - Framework methodology for multidisciplinary and network prevention and intervention in cases of violence against children and domestic violence specifies the case management in case of violence against children:

• Reporting to General Departments for Social Assistance and Child Protection (GDSACP) is mandatory, according to Law no. 272/2004. A helpline or a dedicated phone number for reporting is established within each GDSACP, according to the law.

• Evaluation in the field is mandatory as well. In emergency cases – defined by GD no. 49/2011 (see below) – a mobile team, consisting in a social worker/ psychologist and a police officer, intervenes within an hour. Ad-hoc it is decided if the child needs medical care immediately and/ or a special protection measure is to be issued (emergency placement).

• Afterwards, the multidisciplinary team evaluates the child within his/ her family and social environment – social, medical, psychological, legal and risk evaluation – and formulates a plan of rehabilitation and social reintegration for the child and family. In case of crime, the penal investigation is initiated, as the police officer is part of the multidisciplinary team.

• Services are provided throughout the duration of the process in court and child is monitored 6 months after the completion of the plan.

According to GD no. 797/2017, GDSACP’s organization chart includes a specialized compartment for intervention in case of abuse, neglect, trafficking, migration and repatriation, ensuring the case management. Multidisciplinary teams are coordinated by case managers and consists minimum of: social worker, psychologist, pediatrician, police worker and legal counselor.

Emergency situations are defined as follows:

• Child’s life is in danger.

• Child is severe wounded.

• Child suffered a sexual abuse.

• Child under 8 years is left alone in the house.

• Child requests immediate help.

• Child refuses to go home.

• Child is severe neglected.

• Child is involved in the worst forms of child labour.

National Authority for the Rights of the Persons with Disabilities, Children and Adoptions (NARPDCA) collects every year data from GDSACP and publish on its website statistics on child abuse, neglect and exploitation (www.andpdca.gov.ro). For each of the following forms of violence against children - physical abuse, emotional abuse, sexual abuse, neglect, child labour, sexual exploitation and exploitation for committing crimes – data is disaggregated as follows:

• urban/ rural; children remained in their families/ children removed from their families with emergency placement decided by the DGASPC’s manager/ emergency placement decided by the court; penal investigation initiated; cases on-going/ closed

• cases occurred within the family/ foster family/ residential centres/ schools/ other services/ other places

• masculine/ feminine; age groups < 1 y/ 1-2 y/ 3-6 y/ 7-9 y/ 10-13 y/ 14-17 y/ over 18 y

• rehabilitation services (psychological counselling/ psychotherapy/ other therapies), medical services (other than rehabilitation), educational services (school reintegration/ professional counselling and training) and legal counselling and/or legal assistance

Prevention is ensured by Intersectoral County Teams for the prevention and combat of violence against children (ICT).

ICT is established by decision of the County council and has members from GDSACP, police, health, education, labour inspectorate and NGOs. ICTs activity is monitored by NARPDCA and also, they benefit of methodological support and coordination.

In 2019, ICTs implemented 511 preventive activities, in 32 counties and 4 districts of Bucharest, for 1,207,036 beneficiaries (double than 2018), out of which 915,532 children. Most of the preventive activities were awareness raising actions and information in schools for children, teachers and parents.

More over, Ministry of Justice reiterates that the provisions regarding the fight against violence against women and girls are found in the Criminal code, as well in the special legislation like: Law no. 217/2003 on the prevention and fight against domestic violence, republished , as further amended and supplemented, as well as in Law no. 211/2004 on certain measures ensuring the information, assistance and protection of victims of crimes , as further amended and supplemented. For example,

Criminal Code:

- Art. 77 – Aggravating circumstances;

- Art. 189 - Aggravated murder;

- Art. 193 - Battery and other acts of violence;

- Art. 194 - Bodily harm;

- Art. 197 – Ill treatments applied to underage persons;

- Art. 199 - Domestic violence;

- Art. 201 - Termination of pregnancy;

- Art. 205 - Illegal deprivation of freedom,

- Art. 206 – Threats;

- Art. 208 – Harassment;

- Art. 210 - Trafficking in human beings;

- Art. 211 - Trafficking in underage persons;

- Art. 213 - Pandering;

- Art. 218 – Rape;

- Art. 219 - Sexual assault;

- Art. 220 - Sexual intercourse with a minor;

- Art. 221 - Sexual corruption of juveniles;

- Art. 222 - Recruitment of juveniles for sexual purposes;

- Art. 223 – Sexual Harassment;

- Art. 374 – Child pornography;

- Art. 376 – Bigamy;

- Art. 379 – Failure to comply with measures taken for a juvenile’s custody;

- Art. 380 – Preventing access to compulsory public education;

- Art. 439 – Crimes against humanity, etc.

*Criminal Procedure Code:*

- Art. 19 – Purpose and use of a civil action;

- Art. 27 – Circumstances in which civil actions are settled by civil courts;

- Art. 84 – Civil party;

- Art. 255 – Return of assets;

- Art. 256 – Return to the previous condition;

- Art. 397 – Settling the civil action.

***For more information, please, find the text of the above-mentioned articles in Annex 3.***

- Chapter III of Law no. 217/2003 provides a temporary protection order.

**Measures to prevent and prohibit practices such as female genital mutilation and child, early and forced marriage;**

Female genital mutilation and child early marriage (known as engagement especially in rroma communities) are part of the sexual abuse definition (GD 49/2011, annex 1).

Consequently, measures mentioned at point 4.k. are carried out for these forms of violence too. There no special measures for them.

According to art. 271 of the Civil Code , the marriage can only be concluded by personal and free consent of the future spouses. The conclusion of the marriage without the respect of this condition determines, according to art. 293 of the Civil Code, the nullity of the respective marriage.

Also, according to art. 272 of the Civil Code, the marriage may be concluded if the future spouses are 18 years old (as an exception, if there are justified reasons, the minor who is 16 years old may conclude a marriage on the basis of a medical opinion, with the consent of the parents or, if applicable, of the guardian and with the authorization of the guardianship court where he/she is domiciled. If one of the parents refuses to authorize the marriage, the guardianship court decides regarding this divergence, considering the superior interest of the minor.

The independence of the spouses is guaranteed by the law; according to art. 310 of the Civil Code, a spouse is not entitled to censure the correspondence, the social relations and the professional choice of the other spouse.

**Other pertinent information that may affect the availability accessibility, affordability, acceptability and quality of SRH services and information.**

 Ministry of Health highlights the fact that within the context of the SARSCoV2 / COVID19 pandemic, measures were required in order to facilitate:

- access of pregnant women to consultations and treatments,

- breast-feeding of newborns, including those whose mothers are suspected or confirmed of SARSCoV2 / COVID19 infection,

- women's access to abortions on request.

were elaborated by OBSTETRICS-GYNECOLOGY and NEONATOLOGY COMMISSIONS of Ministry of Health

A METHODOLOGY REGARDING BIRTH for WOMEN WITH INFECTION SUSPECTED / CONFIRMED WITH SARS-COV-2 / COVID-19 were posted on the Ministry of Health website on front page from the beginning of the crisis in Romania.

A lot of pieces of legislation were elaborated specific for the SARSCoV2 / COVID19 context.

The most comprehensive was ORDER no. 555 of April 3, 2020 on the approval of the Plan of Action for preparing the hospitals for the SARSCoV2 / COVID19 context with a lot of specific amendments.

 In order to insure proper access, depending on the local epidemiological evolution, the hospitals that provide medical care to patients tested positive or suspected with the SARS-CoV-2 virus can provide, with the approval of the local health departments, medical care for non-COVID-19 patients with completely separate functional circuits, without the need to discharge / transfer all hospitalized patients to other hospitals. "

The HIV surveillance system in Romania is carried out by nine Regional HIV Centers in Bucharest, Constanta, Iasi, Cluj, Timisoara, Craiova, Brasov, Targu Mures which provide the clinical and biological assessment for all patients in active surveillance, as well as the establishment of the treatment schemes.

The specific antiretroviral therapy is released through 51 infectious diseases hospitals and wards. HIV pregnant women are provided with specific cares and services offered by the nine regional centers and infectious diseases hospitals and wards that refer these patients to maternities in order for them to give birth properly and in safe conditions. Newborns to HIV positive mothers are under surveillance and monitoring for 18 months, via the nine Regional HIV Centers that ensure clinical and biological assessment, prophylaxis and treatment for those who remain with detectable viral load after the prophylaxis period.

In terms of monitoring instruments, starting with 2013 Romania has implemented the National Registry of HIV infected pregnant women and of HIV perinatally exposed newborns.

The Registry stores data on mothers and children, in dynamics, among which:

* maternal time of HIV diagnostics
* virological and immunological evaluations close to the time of delivery
* disease and therapeutic history
* maternal coinfections
* risk factors

Evaluation in children consists in:

* data on birth
* baseline CD4 count and HIV-RNA and in dynamics
* diseases progression under treatment (for those with detectable viral load)

Antiretroviral treatment for HIV women and pregnant women is provided based on the recommendations of the European AIDS Clinical Society’s recommendations through EACS Guidelines. Prophylaxis in children exposed to HIV is given based on the national Surveillance Protocol for HIV exposed children, based on the recommendations released by the Paediatric European Network for treatment of AIDS (PENTA).

The development of integrated and comprehensive community health care services aimed mainly at the rural population and vulnerable groups, including Roma, is a priority of the Ministry of Health, in the context of the implementation of the National Health Strategy 2014-2020.

Community health care comprises all programs, health services and public health actions, provided at the community level with the aim of increasing the population's access to health services, especially those focused on prevention.

Community healthcare is provided by community nurses and health mediators.

Staff providing community care services work in an integrated system with staff providing social services at the community level, with family doctors' offices, with other health, social, educational service providers, including non-governmental organizations providing profile services.

The development of health services at Community level is a cost-effective alternative to ensure the access of the population, especially in rural areas and vulnerable populations, including the Roma population, to basic health care services, as well as a necessary condition for restructuring specialized services.

Experiences of crisis

 What was the impact of those crises on women and girls? Please provide information in particular on the following aspects:

**Which actors or institutions played a role in the provision of emergency responses? Please describe their role and explain what roles were played, if any, by national women’s rights or human rights mechanisms, or other similar bodies as well as civil society organisations.**

The National Agency for Equal Opportunities between Women and Men (NAEOWM) is a specialized body of central public administration, with legal personality, subordinated to the Ministry of Labour and Social Protection.

By Law no. 30/2016, Romania ratified the Istanbul Convention and at present, the harmonization of internal legislation with the provisions of the Istanbul Convention is finalized highlighting the ambitious and complex approach of the reform of the legislation on domestic violence and violence against women. As response to the requirements imposed by the harmonization of the national legislation with the provisions of the Istanbul Convention, during 2018 and in the first months of 2019, the complex legislative package containing primary, secondary and tertiary normative acts in the field of preventing and combating domestic violence and violence against women was adopted. Also, within the legislative package drafted to fully ratify the Istanbul Convention, the draft law on the modification and completion of Law no. 217/2003 on the prevention and combating of domestic violence, republished, introduced a new article which stipulates, that the emergency integrated centres in case of sexual violence are mandatory to ensure medical and legal-medical examination, post-traumatic assistance and counselling for the victims of sexual violence.

Promoting the principle of gender equality and gender mainstreaming in all fields is a current and ongoing concern of the Romanian Government which is reflected as a transversal principle in effective measures foreseen in the Governance Program for the period 2018-2020, by integrating, for the first time in Romania, a distinct segment, Paragraph 8 - Respect and dignity for women, within the framework of the Public Policies chapter on labour and social justice.

The National Strategy on Promoting Gender Equality and Preventing and Combating Domestic Violence for the Period 2018-2021 adopted by GD no. 365/2018, has as one of the operational objectives, raising awareness of young people and students on the legal provisions regarding the gender equality. One of the measures is introducing into the school curricula notions like gender equality and gender based violence. NAEOWM established a working group on introducing the gender equality perspective into the school curriculum. The working group was composed of representatives from both governmental and non-profit based organisations (National Education Ministry, Educational Studies Institute, National Centre for Examination and Evaluation, Romanian Agency for Quality Assessment in the Higher Education System (ARACIS) Centre for Curricular development and gender studies – FILIA, Society for Contraceptive and Sexual Education (SECS), Youth for Youth Foundation, UNICEF, Transcena Association, Feminist Analysis Association ANA, Centre for Health Policy and Services Foundation).

The Strategy provides as measures for the specific objective sexual and reproductive health of women and men raising awareness two campaigns, first regarding the importance of education for this rights inclusively for girls or boys with disabilities and the second for the importance of prenatal screening or reproductive cancers.

In the context of COVID-19 pandemic, NAEOWM elaborated a Measures Plan, through which we diversified the type of information’s provided at the national emergency help line for the victims of domestic violence (free of charge, 24 hours per 7 day). In collaboration with NGO eLiberare we also held specific training sessions for the persons operating the help line, including themes like trauma and the way the victims are affected, the development of resilience, etc. During this pandemic period we intensified the dialogue with the local public administration authorities in order to ensure the good level of the social services for the victims of domestic violence.

Having into regard the 25 years Anniversary of the Beijing Platform, NAEOWM intends to finalize this year the National Strategy for preventing and combating sexual violence SINERGIE 2020-2030, by including concrete measures at local level.

**How were the emergency responses funded and to what extent did they rely on foreign aid or assistance, if any? Please also indicate how in your State adequate financing of women’s sexual and reproductive health is ensured more generally on an ongoing basis.**

The National Agency for Equal Opportunities for Women and Men, between 2015 and 2017 implemented the EAA grant project called "National campaign of raising awareness on domestic violence", the 211.446 EUR budget is funded by RO20 "Domestic violence and gender-based violence" funded by the Norwegian Financial Mechanism 2009-2014. The overall objective of the project is to prevent the phenomenon of domestic violence and promoting equal opportunity and treatment between men and women and combating gender stereotypes and gender discrimination. For these purposes a national raising awareness campaign was organised in 2016. 8 national public debates were held attended by representatives from institutions and organizations responsible with the prevention and combating domestic violence. NAEOWM operates the free help-line for domestic violence victims with a unique number 0800 500 333. Thus, domestic violence victims and potential witnesses or other persons who have knowledge of such violence and who need support, information and advice, can call for free, both in Romania and abroad, this number available 24/7.

NAEOWM implements between 2019 - 2023, the project POCU/465/4/4/128038 - "Venus - Together for a safe life!", having a budget of 11.000.000 EUR, in partnership with 42 of local public administration authorities (County Councils - General Directorates of Social Assistance and Child Protection / Local Councils - Social Assistance Directorates). The activities proposed within the project include specific measures that can generate the improvement of the social status of women - victims of domestic violence, by ensuring the transfer to an independent life, and, as the case may be, vocational guidance, vocational training and social and professional insertion, through the development of skills as well as by increasing employment opportunities. By implementing this project, at the national level, 126 specialized social services for victims of domestic violence will be created (42 protected houses, 42 support groups, 42 vocational orientation cabinets), as part of the structural reform process initiated by the Romanian Government in the field of preventing and combating domestic violence.

NAEOWM also implements a predefined project, "Support for The Implementation of the Istanbul Convention in Romania", for a period of three years (2019-2021), financed by the Norwegian Financial Mechanism 2014-2021, within the "Justice" project, and managed by the Ministry of Justice of Romania as Program Operator, in total value of 2.500.000 EUR. The project main objective is to reduce domestic violence and violence against women, and a specific one to ensure support and counselling for the victims of sexual violence. The project is focused on the development of at least 10 crisis centres for cases of rape and 8 support centres for aggressors at regional level, the improvement of interinstitutional intervention tools, the elaboration of standardized tools and uniform methodologies for social service providers dealing with victims of domestic violence, as well as the development of campaigns to prevent domestic violence and violence against women.

**Please indicate the main challenges, if any, encountered by women and girls to access justice and obtain reparations for violations of their SRHR, including any procedural barriers, and the types of assistance available to access legal and other remedies. Please also indicate the groups of women and girls most affected. Where applicable, please indicate the role played by a national truth and reconciliation commission (or a similar body) in ensuring the recognition of human rights violations in relation to women’s and girls’ SRHR and reparations.**

The access to justice is a fundamental right guaranteed to all citizens, without being limited to a certain category of citizens.

In this respect, according to art. 21 para (1) “Free access to justice” of the Romanian Constitution, as republished, “(1) Every person is entitled to bring cases before the courts for the defence of his legitimate rights, liberties and interests (…)”.

The free access to justice is provided, on one side, in civil matters, namely in art. 30 “Requests in justice” of the Civil Procedure Code , republished, respecting the “equality of citizens before the law and the public authorities, so that any exclusion that would represent the violation of the equality of legal treatment is unconstitutional ”.

On the other side, in criminal matters, the Criminal Procedure Code provides the possibility of lodging a criminal complaint by any person according to art. 288 para (1) and (2) “Avenues for referral ”.

Similar provisions regarding the access to justice, provided for all parties, without any discrimination based on various reasons (for example, race, nationality, ethnic origin, language, religion, sex or affiliation to other disadvantaged groups etc.) are also comprised in art. 6 and 7 of Law no. 304/2004 on the judicial organization , republished, as further amended and supplemented, stating that anyone ”may address justice in defence of his/her rights, freedoms, and legitimate interests in the exercise of his/her right to a fair trial” [in conditions of equality, as provided by art. 7 of the law].

The free access to justice is also guaranteed within the administrative procedures. Thus, by Law no. 554/2004 on the administrative contentious , as further amended and supplemented, any person whose rights/legitimate interest have been violated by the public authorities is allowed to lodge a complaint in this respect (art. 1).

The free access to justice is also ensured to the persons whose financial means prevent their access to court and to its procedures, by granting the necessary support in order to exercise this fundamental right, within the concept of legal aid, granted according to the special legislation in the field, respectively: Law no. 51/1995 on the organization and exercise of the profession of lawyer , republished, Decision of the National Bar Association no. 64/2011 on the adoption of the Statute of the lawyer’s profession , as further amended and supplemented, respectively Government Emergency Ordinance no. 51/2008 , the latter establishing since 2008 a public system of legal assistance in civil matters in order to ensure a real access to justice. This system complies with the requirements of Council Directive 2002/8/EC of 27 January 2003 to improve access to justice in cross-border disputes by establishing minimum common rules relating to legal aid for such disputes.

According to art. 26 of Law no. 217/2003, the request for a protection order is exempted from judicial taxes.

Also, the provisions of Government Ordinance no. 137/2000 on the prevention and sanctioning of all forms of discrimination , republished, as further amended and supplemented, ensure the premises of carrying out an uniform interpretation of general principles of equality and nondiscrimination established by the Constitution of Romania, as well as by the international instruments aiming at the elimination of discriminations, ratified by Romania, that form the general framework in the field; the persons that consider themselves discriminated having at their disposal actual legal provisions based on which they may ask the cease of discriminatory manifestations and the reparation of the damage.

The provisions of Government Ordinance no. 137/2000 sanction, as contravention, any difference, exclusion, restriction or preference, based on race, nationality, ethnic origin, language, religion, social status, beliefs, sex, sexual orientation, age, disablement, non-infectious chronic diseases, HIV infection, affiliation to a deprived category, as well as any other criterion that has as purpose or effect the restriction, removal of recognition, use or exercise, under equal terms, of the human rights and fundamental freedoms or of the lawful rights, in the public, economic, social and cultural filed or in any other branches of public life.

*Unofficial translation*

***Annex 1***

**Criminal Code:**

**Art. 353**

**Venereal contamination**

(1) The transmission of a venereal disease by sexual intercourse or other sexual relations, by a person who is aware that they suffer from such a disease, shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine.

(2) The court shall order compulsory medical treatment as a security measure.

**Art. 354**

**Transmission of the acquired immunodeficiency syndrome**

(1) The transmission, by any means, of the acquired immunodeficiency syndrome – AIDS – by a person who is aware that they suffer from this disease, shall be punishable by no less than 3 and no more than 10 years of imprisonment.

(2) The transmission, by any means, of the acquired immunodeficiency syndrome - AIDS – by a person other than the one specified in par. (1), shall be punishable by no less than 5 and no more than 12 years of imprisonment.

(3) When the acts set out in par. (1) and par. (2) resulted in the victim's death, they shall be punishable by no less than 7 and no more than 15 years of imprisonment.

(4) When the act set out in par. (2) was committed with basic intent, it shall be punishable by no less than 6 months and no more than 3 years of imprisonment, and if it caused the victim's death, it shall be punishable by no less than 2 and no more than 7 years of imprisonment.

(5) The attempt to commit the offenses set out in par. (1) and par. (2) shall be punishable.

***Annex 2***

**Criminal Code:**

**Art. 201**

**Termination of pregnancy**

(1) Termination of pregnancy committed under any of the following circumstances:

a) outside medical facilities or offices authorized for this purpose;

b) by a person who does not have the capacity as physician specialized in obstetrics and gynecology and a license for medical practice in this specialty;

c) if the length of pregnancy exceeded fourteen weeks, the punishment shall be of no less than 6 months and no more than 3 years of imprisonment or a fine and a ban on the exercise of certain rights.

(2) Termination of pregnancy, committed under any circumstances, without the consent of the pregnant woman, shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

(3) If the acts set under par. (1) and par. (2) caused bodily harm to a pregnant woman, the penalty shall be no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights, and if such acts resulted in a pregnant woman’s death, the penalty shall be no less than 6 and no more than 12 years of imprisonment and a ban on the exercise of certain rights.

(4) When such acts were committed by a physician, in addition to the imprisonment penalty, a prohibition to practice their profession shall apply.

(5) The attempt to commit the offenses set under par. (1) and par. (2) shall be punishable.

(6) Termination of pregnancy for therapeutic purposes performed by a physician specialized in obstetrics and gynecology, up to the pregnancy length of twenty-four weeks, or subsequent termination of pregnancy for therapeutic purposes, in the interest of the mother or of the fetus, shall not constitute an offense.

(7) A pregnant woman who terminates her own pregnancy shall not be punishable.

**Art. 202**

**Harming the fetus**

(1) Harming the fetus during birth, which prevented installation of extrauterine life shall be punishable by no less than 3 and no more than 7 years of imprisonment.

(2) Harming the fetus during birth, which subsequently caused a bodily harm to the baby, shall be punishable by no less than 1 and no more than 5 years of imprisonment, and if it resulted in the baby’s death, the penalty shall be no less than 2 and no more than 7 years of imprisonment.

(3) Harming the fetus during pregnancy, which subsequently caused a bodily harm to the baby, shall be punishable by no less than 3 months and no more than 2 years of imprisonment, and if it resulted in the baby’s death, it shall be punishable by no less than 6 months and no more than 3 years of imprisonment.

(4) Harming the fetus during birth by a mother who is in a state of mental disorder shall be punished by the penalty set at par. (1) and par. (2), the limits of which shall be reduced to one-half.

(5) If the acts set by par. (1) - (4) were committed with basic intent, the special limits of the penalty shall be reduced to one-half.

(6) The acts listed under par. (1) - (3) performed by a physician or by a person authorized to assist to birth or to monitor pregnancy, if performed during a medical act, in compliance with the stipulations specific to this practice and were performed in the interest of a pregnant woman or a fetus as a result of the risks inherent to the medical profession, shall not constitute offenses.

(7) A fetus injury during pregnancy by a pregnant woman shall not be punishable.

**Art. 297**

**Abuse in office**

(1) The action of the public servant who, while exercising their professional responsibilities, fails to implement an act or implements it faultily, thus causing damage or violating the legitimate rights or interests of a natural or a legal entity, shall be punishable by no less than 2 and no more than 7 years of imprisonment and the ban from exercising the right to hold a public office.

(2) The same punishment applies to the action of a public servant who, while exercising their professional responsibilities, limits the exercise of a right of a person or creates for the latter a situation of inferiority on grounds of race, nationality, ethnic origin, language, religion, gender, sexual orientation, political membership, wealth, age, disability, chronic non-transmissible disease or HIV/AIDS infection.

**Criminal Procedure Code:**

**Art. 111,** para (7)

**Hearing of victims**

(7) The hearing by the bodies of criminal investigation of the injured persons that were victims of the offences of domestic violence provided in art. 199 of the Criminal Code, of the offenses of rape, sexual aggression, sexual act with a minor and sexual corruption of minors, provided in art. 218-221 of the Criminal Code, of the offenses of ill treatments applied to minors provided in art. 197 of the Criminal Code, harassment, provided in art. 208 of the Criminal Code, and sexual harassment provided in art. 223 of the Criminal Code, as well as in other cases in which, due to the circumstances of the act, it is deemed necessary, is carried out only by a person of the same sex as the injured person, at her/his request, except for the case that the judicial body considers that this affects the good organization of the trial or the rights and interest of the parties.

**Art. 113**

**Protection of victims and civil parties**

(1) When the requirements provided by the law in respect of the status of threatened or vulnerable witnesses are met, or for the protection of private life or dignity, the criminal investigation body may order protection measures, for the injured party or civil party, specified under the art. 124 – 130, that shall apply accordingly.

(2) Are presumed vulnerable the victims that are children, the victims that are in a dependant relationship with the perpetrator, the victims of terrorism, of organised crime, of trafficking in human beings, of violence within close relationships, of sexual violence or of exploitation, the victims of hate crimes and the victims affected by a crime due to prejudice or to discrimination that may be connected especially with their personal characteristics, the victims with disabilities, as well as the victims that suffered a considerable damage due to the gravity of the offense.

(3) If the victim or the civil party is in one of the situations provided for in paragraph (2), the judicial body shall inform him/her of the protective measures that may be taken, their content and the possibility to dismiss them. Dismissal of the victim or the civil party in taking protective measures shall be recorded in writing and signed by the victim or the civil party in the presence of the legal representative, as the case may be.

(4) Hearing again the victim is done only if it is absolutely necessary for carrying out the criminal trial.

(5) At the hearing, the victim may be accompanied, at her/his request, by the legal representative and by another person designated by the victim, except for the case that the judicial body decides, in a justified manner, otherwise.

(6) Each time the judicial body cannot establish the age of the victim and there are reasons to consider that she/he is an underage person, the victim shall be presumed as being an underage person.

**Art. 124**

**Special cases of witness hearing**

(1) Hearing of underage witnesses up to 14 years of age shall take place in the presence of one of the parents, of the guardian or of the person or representative of the institution to which the minor is entrusted for raising and education.

(2) If the persons mentioned under par. (1) cannot be present or have the capacity of suspect, defendant, victim, civil party, party with civil liability or witness in the case, or if there is a reasonable suspicion that these can influence the minor’s statement, their hearing shall take place in the presence of a representative of the guardianship authority or of a relative having full legal capacity, established by the judicial bodies.

(3) If they deem it necessary, upon request or *ex officio*, criminal investigation bodies or the court may order that a psychologist be present during the hearing of underage witnesses.

(4) Hearing of underage witnesses must avoid the causing of any negative impact on their psychological state.

(5) Underage witnesses who, on the hearing date, has not 14 years of age shall not be communicated the obligations listed under art. 120 par. (2) item d), but shall be cautioned that they need to tell the truth.

**Art. 125**

**Threatened witness**

If there is a reasonable suspicion that the life, physical integrity, freedom, assets or professional activity of a witness or of a member of their family could be jeopardized as a result of the data provided by them to judicial bodies or of their statements, the judicial bodies of competent jurisdiction shall grant them the status of threatened witness and shall order one or more of the protection measures set by arts. 126 or 127, as applicable.

**Art. 126**

**Protection measures ordered during the criminal investigation**

(1) During the criminal investigation, once that the status of threatened witness was granted, the prosecutor shall order the application of one or more of the following measures:

a) surveillance and guard of the witness’ residence or providing of a temporary dwelling space;

b) accompanying and ensuring protection to the witness or to their family members during travels;

c) protection of identity data, by issuing them a pseudonym under which the witness shall sign their statement;

d) hearing of a witness without them being physically present, through audio-video transmission devices, with their voice and image distorted, when the other measures are not sufficient.

(2) The prosecutor orders the application of protection measures *ex officio* or upon request by the witness, one of the parties or a main trial subject.

(3) In case of application of the protection measures listed under par. (1) items c) and d), witness statements shall not include their real address or their identity data, these being recorded in a special register to which only criminal investigation bodies, the Judge for Rights and Liberties, the Preliminary Chamber Judge or the court have access, under confidentiality terms.

(4) The prosecutor orders the granting of the status of threatened witness and the application of protection measures through a reasoned order, which is stored under confidentiality terms.

(5) The prosecutor checks, at reasonable time intervals, whether the conditions having imposed the taking of protection measures continue to exist, and if not, they shall order, through a reasoned order, their termination.

(6) Repealed.

(7) If a state of danger occurred during preliminary chamber procedure, the Preliminary Chamber Judge, *ex officio* or upon notification by the prosecutor, shall order protection measures set by art. 127. The provisions of art. 128 shall apply accordingly.

(8) The protection measures set under par. (1) item a) and b) shall be communicated to the authority appointed to enforce such measures.

**Art. 127**

**Protection measures ordered during the trial**

During the trial, once that the status of threatened witness was granted, the court shall order the application of one or more of the following measures:

a) surveillance and guard of the witness’ residence or providing of a temporary dwelling space;

b) accompanying and ensuring protection to the witness or to their family members during trips;

c) closed court sessions during the hearing of witnesses;

d) hearing of witnesses without them being physically present in the court room, through audio-video transmission devices, with their voice and image distorted, when the other measures are not sufficient;

e) protection of identity data, by issuing a pseudonym under which the witness shall testify.

**Art. 129**

**Hearing protected witnesses**

(1) In the situations listed under art. 126 par. (1) item d) and art. 127 item d), the hearing of witnesses may be conducted through audio-video devices, without the physical presence of the witness at the venue where judicial bodies are.

(2) Repealed

(3) Main trial subjects, parties and their counsels may cross examine witnesses who testify under the terms set by par. (1). Judicial bodies shall deny questions that may lead to a witness' identification.

(4) Statements of protected witnesses shall be recorded using audio and video technical devices and shall be fully transcribed in a written format.

(5) During the criminal investigation, statements are signed by criminal investigation bodies or, as applicable, by the Judge for Rights and Liberties and by the prosecutor who attended the hearing of witnesses, and shall be included in the case file. Transcribed witness statements shall also be signed by these and shall be stored with the case file submitted to the prosecutors’ office, in a special place, under confidentiality terms.

(6) During the trial, witness statements are signed by the judicial panel’s presiding judge.

(7) The medium on which witness statements were recorded, in original, sealed with the seal of the prosecutors’ office or, as applicable, of the court before which the statement was given, shall be stored under confidentiality terms. The medium containing the recordings made during the criminal investigation shall be submitted at the end of the criminal investigation to the court of competent jurisdiction, together with the case file, and shall be stored under the same confidentiality terms.

**Art. 130**

**Vulnerable witnesses**

(1) The prosecutor or, as applicable, the court may decide to grant the status of vulnerable witness to the following categories of persons:

a) witnesses who suffered a trauma as a result of the committed offense or of the subsequent behavior of a suspect or defendant;

b) underage witnesses.

(2) At the moment of granting the status of vulnerable witness, the prosecutor and the court may order protection measures set by art. 126 par. (1) items b) and d) or, as applicable, by art. 127 items b) - e), which apply accordingly. Distortion of the voice and image is not mandatory.

(3) Provisions of arts. 126 and 128 shall apply accordingly.

***Annex 3***

**Criminal Code:**

**Art. 77**

**Aggravating circumstances**

The following constitute aggravating circumstances:

(…)

d) the offence was committed by an adult, if it was committed with a minor;

e) the offense was committed by taking advantage of a clear state of vulnerability of the victim, caused by age, health, impairment or other reasons;

(…)

h) the offense was committed for reasons related to race, nationality ethnicity, language, gender, sexual orientation, political opinion or allegiance, wealth, social origin, age, disability, chronic non-contagious disease or HIV/AIDS infection, or for other reasons of the same type, considered by the offender to cause the inferiority of an individual from other individuals.

**Art. 189\*)**

**Aggravated murder**

(1) Murder committed under any of the following circumstances:

a) with premeditation;

b) for a material interest;

c) in order to avoid or to help another individual avoid criminal liability or the service of a sentence;

d) in order to facilitate or conceal the commission of another offense;

e) by an individual who committed other murders or attempted murders previously;

f) against two or more individuals;

g) against a pregnant woman;

h) with cruelty,

shall be punished by life imprisonment or no less than 15 and no more than 25 years of imprisonment and a ban on the exercise of certain rights.

(2) The attempt shall be also punishable.

**Art. 193**

**Battery and other acts of violence**

(1) Battery or any other acts of violence causing physical suffering shall be punishable by no less than 3 months and no more than 2 years of imprisonment or by a fine.

(2) An act causing traumatic injuries or affecting the health of an individual, the seriousness of which is assessed based on medical-care days of maximum 90 days, shall be punishable by no less than 6 months and no more than 5 years of imprisonment or by a fine.

(3) The criminal action shall be initiated based on a prior complaint filed by the victim.

**Art. 194**

**Bodily harm**

(1) The act set by art. 193, which caused any of the fallowing consequences:

a) an impairment;

b) traumatic injuries or health impairment of an individual the healing of which required more than 90 medical care days;

c) a serious and permanent aesthetic injury;

d) miscarriage;

e) endangering of an individual’s life,

shall be punishable by no less than 2 and no more than 7 years of imprisonment.

(2) When such act was committed for the purpose of causing any of the consequences listed under par. (1) lett. a), lett. b) and lett. c), it shall be punishable by no less than 3 and no more than 10 years of imprisonment.

(3) The attempt to commit the offense set under par. (2) shall be punishable.

**Art. 197**

**Ill treatments applied to underage persons**

Serious jeopardy, through measures or treatments of any kind, of the physical, intellectual or moral development of an underage person, by parents or by any person under whose care the underage person is, shall be punishable by no less than 3 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

**Art. 199**

**Domestic violence**

(1) If the acts set by art. 188, art. 189 and art. 193– 195 are committed against a family member, the special maximum term of the penalty set by law shall be increased by one-fourth.

(2) In case of offenses set by art. 193 and art. 196 committed against a family member, a criminal action may be initiated also ex officio. Reconciliation shall eliminate criminal liability.

**Art. 201**

**Termination of pregnancy**

(1) Termination of pregnancy committed under any of the following circumstances:

a) outside medical facilities or offices authorized for this purpose;

b) by a person who does not have the capacity as physician specialized in obstetrics and gynecology and a license for medical practice in this specialty;

c) if the length of pregnancy exceeded fourteen weeks, the punishment shall be of no less than 6 months and no more than 3 years of imprisonment or a fine and a ban on the exercise of certain rights.

(2) Termination of pregnancy, committed under any circumstances, without the consent of the pregnant woman, shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

(3) If the acts set under par. (1) and par. (2) caused bodily harm to a pregnant woman, the penalty shall be no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights, and if such acts resulted in a pregnant woman’s death, the penalty shall be no less than 6 and no more than 12 years of imprisonment and a ban on the exercise of certain rights.

(4) When such acts were committed by a physician, in addition to the imprisonment penalty, a prohibition to practice their profession shall apply.

(5) The attempt to commit the offenses set under par. (1) and par. (2) shall be punishable.

(6) Termination of pregnancy for therapeutic purposes performed by a physician specialized in obstetrics and gynecology, up to the pregnancy length of twenty-four weeks, or subsequent termination of pregnancy for therapeutic purposes, in the interest of the mother or of the fetus, shall not constitute an offense.

(7) A pregnant woman who terminates her own pregnancy shall not be punishable.

A**rt. 205**

**Illegal deprivation of freedom**

(1) Illegal deprivation of freedom of an individual shall be punishable by no less than 1 and no more than 7 years of imprisonment.

(2) The kidnapping of an individual unable to express their will or to defend themselves shall also constitute deprivation of freedom.

(3) If such act is committed:

a) by an armed person;

b) against an underage person;

c) by jeopardizing the victim’s health or life, it shall be punishable by no less than 3 and no more than 10 years of imprisonment.

(4) If such act resulted in the victim’s death, it shall be punishable by no less than 7 and no more than 15 years of imprisonment and a ban on the exercise of certain rights.

(5) The attempt to commit the offenses set under par. (1) - (3) shall be punishable.

**Art. 206 Threats**

(1) The act of threatening an individual with the commission of an offense or of a prejudicial act against them or other individual, if this is of nature to cause a state of fear, shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine; however, the applied penalty may not exceed the penalty established by law for the offense that was the subject matter of the threat.

(2) Criminal action shall be initiated based on a prior complaint filed by the victim.

**Art. 208**

**Harassment**

(1) The act of an individual who repeatedly, with or without a right or legitimate interest, pursues an individual or supervises their domicile, working place or other places attended by the latter, thus causing to them a state of fear, shall be punishable by no less than 3 and no more than 6 months of imprisonment or by a fine.

(2) Making of phone calls or communications through remote communication devices which, through their frequency or content, cause a state of fear to an individual, shall be punishable by no less than 1 and no more than 3 months of imprisonment or by a fine, unless such act represents a more serious offense.

(3) Criminal action shall be initiated based on a prior complaint filed by the victim.

**Art.210**

**Trafficking in human beings**

(1) Recruitment, transportation, transfer, harboring or receipt of persons for exploitation purposes:

a) by means of coercion, abduction, deception, or abuse of authority;

b) by taking advantage of the inability of a person to defend themselves or to express their will or of their blatant state of vulnerability;

c) by offering, giving and receiving payments or other benefits in exchange for the consent of an individual having authority over such person,

shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(2) Trafficking in human beings committed by a public servant in the exercise of their professional duties and prerogatives shall be punishable by no less than 5 and no more than 12 years of imprisonment.

(3) The consent expressed by an individual who is a victim of trafficking does not represent an acceptable defense.

**Art. 211**

**Trafficking in underage persons**

(1) Recruitment, transportation, transfer, harboring or receipt of a juvenile for the purpose of their exploitation shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(2) The punishment is the imprisonment from 5 to 12 years and the ban on the exercise of certain rights when:

a) the deed was committed under the conditions of art. 210 paragraph (1);

b) the deed was committed by a public official in the exercise of his duties;

c) the deed endangered the life of the minor;

d) the deed was committed by a family member of the minor;

e) the deed was committed by a person in whose care, care, education, guard or treatment the minor was or by a person who abused his or her recognized position of trust or authority over the minor.

(3) The consent expressed by an individual who is a victim of trafficking does not represent an acceptable defense.

**Art 213**

**Pandering**

(1) The causing or facilitation of the practice of prostitution or the obtaining of financial benefits from the practice of prostitution by one or more individuals shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

(2) In the event that a person was determined to engage in or continue the practice of prostitution through coercion, the penalty shall be no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(3) If such acts are committed against an underage person, the special limits of the penalty shall be increased by one-half.

(4) Practicing prostitution means having sexual intercourse with various individuals for the purpose obtaining financial benefits for oneself or for others.

**Art 218**

**Rape**

(1) Sexual intercourse, oral or anal intercourse with a person, perpetrated by constraint, by rendering the person in question unable to defend him/herself or to express his/her will or by taking advantage of such state, shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.

(2) The same penalty shall apply to any act of vaginal or anal penetration perpetrated under par. (1).

(3) It shall be punishable by no less than 5 and no more than 12 years of imprisonment and a ban on the exercise of certain rights, when:

a) the victim is entrusted to the perpetrator for care, protection, education, safeguarding or treatment;

b) the victim is a first degree relative, i.e. brother or sister;

c) the victim is a minor;

d) the act was perpetrated for the production of pornography;

e) the act resulted in bodily injury;

f) the act was perpetrated by two or more individuals, acting together.

(4) If such act resulted in the victim's death, it shall be punishable by no less than 7 and no more than 18 years of imprisonment and a ban on the exercise of certain rights.

(5) Criminal action for the act set by par. (1) and par. (2) shall be initiated based on a prior complaint filed by the aggrieved party.

(6) An attempt to perpetrate the offenses set out in par. (1) - (3) shall be punished.

**Art 219**

**Sexual assault**

(1) An act that is sexual in nature, other than those set out under art. 218, with a person, committed by constraint, by rendering the person in question unable to defend themselves or to express their will or by taking advantage of such state, shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

(2) The penalty shall be no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights, when:

a) the victim is entrusted to the perpetrator for care, protection, education, guard or treatment;

b) the victim is a direct-line relative, a brother or sister;

c) the victim is a minor;

d) the act was committed for the production of pornographic material;

e) the act resulted in bodily harm;

f) the act was committed by two or more individuals, acting together.

(3) If such act resulted in the victim's death, it shall be punishable by no less than 7 and no more than 15 years of imprisonment and a ban on the exercise of certain rights.

(4) If the sexual assault acts were preceded or followed by the commission of the sexual intercourse set out in art. 218 par. (1) and par. (2), such act shall constitute rape.

(5) Criminal action for the act set by par. (1) shall be initiated based on a prior complaint filed by the victim.

(6) The attempt to commit the offenses set out in par. (1) and par. (2) shall be punishable.

**Art. 220**

**Sexual intercourse with a minor**

(1) Sexual intercourse, oral or anal sex, as well as any act of vaginal or anal penetration committed with a juvenile aged 13 to 15 shall be punishable by no less than 1 and no more than 5 years of imprisonment.

(2) The act set by par. (1), committed on a minor who has not turned 13 years of age, shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.

(3) The act set by par. (1), committed by a person of age with a minor aged 15 to 18, shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights if.

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

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 particularly vulnerable situation, as a result of a mental or physical disability or as a result of a situation of addiction;

c) the act endangered the life of the minor;

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

(4) The act provided in par. (1) and (2) shall be punished by imprisonment from 3 to 10 years and the prohibition of the exercise of certain rights, when: a) the minor is a member of the family; 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; c) the act endangered the minor's life; d) was committed for the purpose of producing pornographic materials.

(5) The facts provided in par. (1) and para. (2) shall not be sanctioned if the age difference does not exceed 3 years.

(6) Attempt to the offenses provided in par. (1) - (4) shall be punished.

**Art. 221**

**Sexual corruption of juveniles**

(1) The commission of an act that is sexual in nature, other than the one set out in art. 220, against a juvenile who has not turned 13 of age, as well as determining a juvenile to endure or carry out such an act shall be punishable by no less than 1 and no more than 5 years of imprisonment.

(2) The penalty shall be no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights, when:

a) the juvenile is a direct-line relative, a brother or sister;

b) the juvenile is entrusted to the perpetrator for care, protection, education, guard or treatment;

c) the act was committed for the production of pornographic materials.

d) the act endangered the life of the minor.

(3) The sexual act of any nature, committed by a person of age in the presence of a juvenile who has not turned 13 shall be punishable by no less than 6 months and no more than 2 years of imprisonment or by a fine.

(4) Determination of a juvenile who has not yet turned 13 years of age, by a person of age, to assist to the commission of acts that are exhibitionist in nature or to shows or performances in which sexual acts of any kind are committed, and making materials that are pornographic in nature available to the juvenile shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine.

(5) The acts set out in par. (1) shall not be punishable if the age difference does not exceed 3 years.

(6) Attempt to the offenses provided in par. (1) - (2) shall be punished.

**Art. 222**

**Recruitment of juveniles for sexual purposes**

The act of an individual of age to propose that a juvenile who has not yet turned 13 years of age to meet for the purposes of the commission of one of the acts set out in art. 220 or art. 221, including when such proposal has been made using remote communication means, shall be punishable by no less than 1 month and no more than 1 year of imprisonment or by a fine.

**Art. 223**

**Sexual Harassment**

(1) Repeatedly soliciting sexual favors as part of an employment relationship or a similar relationship, if by so doing the victim was intimidated or placed in a humiliating situation, shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine.

(2) Criminal action shall be initiated based on a prior complaint filed by the victim.

**Art. 374**

**Child pornography**

(1) The production, possession, procurement, storage, exposure, promotion, distribution, as well as the provision, in any way, of pornographic material with minors shall be punished by imprisonment from one year to 5 years.

(1 ^ 1) With the punishment provided in par. (1) urging or recruitment of a minor for the purpose of his participation in a pornographic show, the obtaining of benefits from such a show in which minors participate or the exploitation of a minor in any other way for performing pornographic performances shall be punished.

(1 ^ 2) Watching pornographic shows in which minors participate is punished by imprisonment from 3 months to 3 years or with a fine.

(2) If the facts provided in par. (1) were committed by means of a computer system or other means of storing computer data, the punishment is imprisonment from 2 to 7.

(3) Access, without right, of pornographic materials with minors, through computer systems or other electronic means of communication, shall be punished with imprisonment from 3 months to 3 years or with a fine

(3 ^ 1) If the facts provided in par. (1), (1 ^ 1), (1 ^ 2) and (2) were committed in the following circumstances:

a) by a family member;

b) by a person in whose care, care, education, guard or treatment is the minor or a person who has abused his recognized position of trust or authority over the minor;

c) the act has endangered the life of the minor, the special limits of the penalties are increased by one third.

(4) By pornographic material with minors is meant any material that presents a minor or a major person as a minor, having an explicit sexual behavior or who, although not presenting a real person, credibly simulates a minor having such behavior, as well as any representation of the genital organs of a child for sexual purposes.

(4 ^ 1) By pornographic spectacle is meant the direct exposure to a public, including information and communication technology, of a child involved in explicit sexual behavior or the genital organs of a child, for sexual purposes.

5) The attempt shall be punished.

**Art. 376**

**Bigamy**

(1) Entering of a new marriage by an individual who is still legally married to another shall be punishable by no less than 3 months and no more than 2 years of imprisonment or by a fine.

(2) An unmarried individual who gets married to an individual about whom they know is married, shall be punishable by no less than 1 month and no more than 1 year of imprisonment or by a fine.

**Art. 379**

**Failure to comply with measures taken for a juvenile’s custody**

(1) If a parent withholds their juvenile child without the approval of the other parent or of the individual to whom the juvenile was entrusted under the law, they shall be punishable by no less than 1 month and no more than 3 months of imprisonment or by a fine.

(2) The same penalty shall apply to the act of an individual to whom the juvenile was entrusted by Court order, to be raised and educated, in order to repeatedly prevent any of the parents from having personal interactions with the juvenile, according to the conditions agreed upon by the parties or by the authorized body.

(3) Criminal action shall be initiated based on a prior complaint filed by the victim.

**Art. 380**

**Preventing access to compulsory public education**

(1) A parent or a person to whom a juvenile was entrusted by law and who withdraws the juvenile from school or prevents them, by any means, from attending compulsory public education, shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine.

(2) The act shall not be punishable if, before the criminal investigation is complete, the defendant submits evidence that the juvenile has resumed attendance.

(3) If, before the Court order remains final, the defendant ensures the resumption of attendance to courses by the juvenile, the Court shall order, as applicable, the deferred enforcement of the penalty or the suspended service of the sentence under supervision, even if the requirements provided by the law for such action are not met.

**Art. 439**

**Crimes against humanity**

(1) The act of committing, as part of a generalized or systematic attack on a civilian population, one of the following offenses:

a) killing persons;

b) subjecting a population or parts of it to living conditions of a nature that will lead to their physical destruction in whole or in part, with the goal of destroying it;

c) slavery or trafficking in human beings, especially women or children;

d) deportation or forced transfer, in violation of the general rules of international law, of persons legally located on a certain territory, by expelling them to another state or territory or by using other means of constraint;

e) torturing persons who are under the perpetrator’s guard or under control in any other form, causing them to sustain physical or psychological harm, or grave physical or psychological suffering, that goes beyond the consequences of penalties accepted by international law;

f) rape or sexual assault, compelling to engage in prostitution, forced sterilization or illegal detention of a woman who was forced to become pregnant, with a goal to change a population’s ethnic composition;

g) harming certain persons’ physical or psychological integrity;

h) causing certain persons to go missing, by force, with a goal to deprive them of the protection of the law, for an extended period, by kidnapping, arresting or detention, on orders or authorization, support or endorsement, from a state or a political organization, followed by refusal to admit that the person is deprived of freedom or to provide genuine information on the intentions concerning them or on their location, as soon as such information is requested;

i) imprisonment or any other form of serious deprivation of freedom, in violation of the general rules of international law;

j) persecution of a specific group or community, by deprivation of fundamental human rights or by grave restriction of their exercise of those rights, on political, racial, national, ethnic, cultural, religious, or sexual grounds or based on other criteria recognized as inadmissible under international law;

k) other similar inhuman acts that cause grave suffering or physical or psychological harm,

shall be punishable by life imprisonment or no less than 15 and no more than 25 years of imprisonment and a ban on the exercise of certain rights.

(2) The same penalty applies to acts stipulated in par. (1) and committed as part of an institutionalized regime of systematic oppression and domination of one racial group over another, with the goal of maintaining the existence of that regime.

**Criminal Procedure Code:**

**Art. 19**

**Purpose and use of a civil action**

(1) A civil action initiated in criminal proceedings seeks to establish the civil liability in tort of the persons liable under the civil law for damages caused by having committed an act that is the subject matter of criminal action.

(2) A civil action is used by a victim or by their successors, who become a civil party against the defendant and, as applicable, against the party with civil liability.

(3) When a victim lacks mental competence or has a limited mental competence, a civil action shall be initiated on their behalf by their legal representative or, as applicable, by the prosecutor, under the terms of art. 20 par. (1) and (2), and pursues, depending on the interests of the person whose behalf this is initiated, to hold the responsible persons person with civil liability in tort.

(4) A civil action is settled within the criminal proceedings, if this does not lead to exceeding the reasonable duration of the trial.

(5) Material and moral damages shall be remedied according to the stipulations of civil law.

**Art. 27**

**Circumstances in which civil action are settled by civil courts**

(1) If it does not become a civil party in criminal proceeding, a victim or its successors may file an action for the remedy of damages caused by an offense with a civil court.

(2) A victim or its successors who became civil parties in criminal proceedings may file an action with a civil court if, through a final sentence, the criminal court left the civil action unsettled. Evidence produced during the course of criminal proceedings may be used before that civil court.

(3) A victim or its successors who became civil parties in criminal proceedings may file action with a civil court if the criminal trial was suspended. If criminal proceedings are resumed, the action filed with the civil court shall be suspended under the terms specified by par. (7).

(4) A victim or its successors who initiated an action before a civil court may leave this court and address the criminal investigation body, the judge or the court, if the criminal action was initiated subsequently or if criminal proceedings were resumed following suspension. A civil court may not be abandoned if it rendered a court decision, even a non-final one.

(5) In the event that civil action was initiated by the prosecutor, if from the evidence it results that damages were not fully covered through the final sentence of the criminal court, the difference may be claimed through action filed with a civil court.

(6) A victim or its successors may file an action with a civil court for the remedy of damages resulted or discovered after they became a civil party in criminal proceedings.

(7) In the situation specified by par. (1), the trial before the civil court shall be suspended after the initiation of criminal action and until settlement of the criminal case by the court of first instance, but no longer than a year.

**Art. 84**

**Civil party**

(1) A victim who initiates a civil action within criminal proceedings is party to the criminal proceedings and is called a civil party.

(2) The heirs of a victim also have the capacity of civil parties, if they initiate a civil action within criminal proceedings.

**Art. 255**

**Return of assets**

(1) If the prosecutor or the Judge for Rights and Liberties, during the criminal investigation, the Preliminary Chamber Judge, during preliminary chamber procedure or the Court, ascertain, upon request or ex officio, that the assets seized from a suspect or defendant or from any other person who received such assets for safekeeping are owned by the victim or by any other person or have been abusively taken from their holders or owners, they shall order the return of such assets. Art. 250 shall apply accordingly.

(2) Seized assets are returned only if this does not impede the establishing of the de facto situation and the fair settlement of the case, and by compelling the person to whom they are returned to keep them until a final judgment is returned in the criminal trial.

**Art. 256**

**Return to the previous condition**

During trial the Court can take steps to provide a return to the condition that prevailed before the commission of the criminal offense, wherever the change in that original condition was the result of the commission of the criminal offense and the return is feasible.

**Art. 397**

**Settling the civil action**

(1) The court shall decide in the same ruling on the civil action as well.

(2) When it sustains the civil action, according to art.249 - 254, the court shall examine the need to order asset freezing concerning the civil redress, unless such measures have already been taken previously.

(3) At the same time, the court in its ruling shall also take a decision the restitution of things and the reinstatement of the previous condition, according to the provisions under article 255 and 256.

(4) The provisions in the ruling concerning the asset freezing and the restitution of things shall be enforceable.

(5) When, according to the provisions under article 25 par. (5), the court leaves the civil action unsettled, the asset freezing shall be maintained. These measures shall terminate as such if the victim does not file an action in the civil court no later than 30 days since the court ruling becomes final.

(6) When, during the criminal investigation, the preliminary chamber procedure or the trial, the preventive measure of the judicial control on bail was taken against the defendant or the decision was taken to replace another preventive measure with the preventive measure of the judicial control on bail and the civil action is sustained, the court shall order such payment of damages to repair the consequences of the crime be taken from the bail, according to the provisions under article 217.

1. SRHR include women’s right to make free and responsible decisions and choices, free of violence, coercion and discrimination, regarding matters concerning one’s body and sexual and reproductive health, as well as entitlements to unhindered access to a whole range of health facilities, goods, services and information on sexual and reproductive health, such as maternal health, contraceptives, family planning, sexually transmitted infections, HIV prevention, safe abortion and post-abortion care, infertility and fertility options, and reproductive cancer. Women’s right to sexual and reproductive health further encompasses the “underlying determinants” of sexual and reproductive health, including access to safe and potable water, adequate sanitation, adequate food and nutrition, and adequate housing, among others, and effective protection from all forms of violence, torture and discrimination and other human rights violations that have a negative impact on the right to sexual and reproductive health. Moreover, it covers social determinants, notably social inequalities in society, poverty, unequal distribution of power based on gender, ethnic origin, age, disability and other factors, systemic discrimination, and marginalisation, which affect people’s patterns of sexual and reproductive health. [↑](#footnote-ref-1)