

Coordinator: Croatian Law Centre (HR). Other beneficiaries: Association for Nonviolent Communication (SI), Centre for Legal Resources (RO), Government Office For Human Rights And Rights Of National Minorities (HR), Ministry of Justice of the Republic of Croatia (HR), Patent Association (HU), and Peace Institute (SI).

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Contents

1. Foreword	2
2. Introduction	2
2.1 Legal status of the victim - Normative framework.....	2
2.2. Basic rights of victims of crime provided for by the law	5
2.3. Policy framework.....	7
3. Data collection and methods	8
4. Research findings	10
4.a. Characteristics of participation in proceedings.....	10
4.b. Information on rights	11
4.c. Information on rights – process.....	13
4.d. Information on rights – child(ren).....	14
4.e. Information on rights – assessment by the victim	15
4.f. Support services – publically provided	19
4.g. Support services – privately provided	21
4.h. Support services – assessment by the victim.....	22
5. Conclusions	23
6. Recommendations	29



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1. Foreword (short description of the VICATIS project)

The project „Victim-centred Approach to Improving Support Services – VICATIS“, funded by the Justice Programme of the European Union under the Call JUST-JACC-VICT-AG-2016, is dedicated to improving implementation of the *Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime (Victims' Directive)*.

The project is coordinated by the Croatian Law Centre, and implemented, from October 2017 to March 2019, in partnership between seven organizations and institutions (Association for Nonviolent Communication, Centre for Legal Resources, Croatian Law Centre, Ministry of Justice of the Republic of Croatia, and Office for Human Rights and the Rights of National Minorities of the Republic of Croatia, Patent and Peace Institute from four Member States (Croatia, Hungary, Romania, and Slovenia). The Romanian partner on the Project is the Centre for Legal Resources.

2. Introduction (context of the research project - victims' rights at the EU and national levels)

In recent years, significant changes have been introduced particularly at the EU-level legal framework with the aim of setting higher standards of protection and support for victims of crime. The overall goal of our research is to better understand how victims of crime perceive such measures. Specifically, we interviewed victims of domestic violence about what their interaction with representatives of law enforcement, judicial, and support institutions looked like from their perspective. The further aim of the research is to develop tools that will improve the way information and support are provided to victims of crime in the future. For the purposes of this project, we only focused on the topic of domestic violence.

2.1 Legal status of the victim - Normative framework

The main framework on domestic violence is Law 217/2003 for the prevention and combating of domestic violence. It covers the institutional and services framework, as well as the regulation of the protection/restraining order. While it provides for extensive definitions related to domestic violence, this is mainly a civil law arrangement. The only measure taken, at the decision of a civil law judge, with the participation of a prosecutor in the proceedings, is the protection/restraining order. An intermediary measure, the emergency protection/restraining order, can be issued by the police and confirmed by the prosecutor, for a period of five days.

The research herein does not include the amendments to this law done in July 2018, among which the most important is the temporary protection order (mentioned above).

According to this law, in its current form¹:

“domestic violence represents any intentional action or inaction of physical, sexual, psychological, economic, social or spiritual violence that takes place within family or domestic environment or between spouses or former spouses, as well as between current or former partners, regardless if the aggressor lives or used to live together with the victim”(art. 3).

¹ Modified through Law 174/2018



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Also, this piece of legislation provides very detailed definitions of specific forms of violence. We underline, yet once again, that these definitions do not operate in the criminal field.

Thus, according to Art. 4:

“Domestic violence takes the following forms:

- a) verbal violence – use of an offensive, brutal language, as well as use of insults, threats, degrading or humiliating words and phrases;
- b) psychological violence – imposing upon will or personal control, provoking of states of tension and psychological suffering by any manner and any means, through verbal threats or in any other way, blackmail, demonstrative violence upon objects and animals, ostentatious display of guns, neglect, control over personal life, acts of jealousy, constraints of any kind, stalking, surveillance of home, work place or other places frequented by the victim, placing phone calls or other types of communications through means at distance which through frequency, content or moment they are done they create fear, as well as other actions with similar effect;
- c) physical violence – bodily or health harm through beating, pushing, slamming, hair pulling, puncturing, cutting, burning, strangulation, biting, in any form and of any intensity, including when masked as result of accidents by poisoning, intoxication, as well as other actions with similar effect, subjecting one to exhausting physical efforts or activities with high risk for life or health and body integrity, others than the ones stipulated at letter e);
- d) sexual violence – sexual aggression, imposing of degrading acts, harassment, intimidation, manipulation, brutality with the purpose of non-consensual sexual relations, domestic rape;
- e) economic violence – forbidding professional activity, deprivation of economic means, including deprivation of primary living means, such as food, medicine, objects of first necessity, the action of intentional taking of a person’s goods, denying the right to possession, use and disposal of joint assets, un-equal control over joint assets and resources, refusal to support for the family, imposing hard labor and hurtful for one’s health, including upon a family member who is a minor, as well as other actions with similar effect;
- f) social violence – imposing isolation of the person from the family, community and friends, forbidding the attendance of educational institution or work place, forbidding/ limiting professional achievement, imposing isolation, including at the shared home, intentional deprivation of access in the living space, taking away one’s identity papers, intentional deprivation of access to information, as well as other actions with similar effect;
- g) spiritual violence – underestimation or diminishing of importance to satisfy moral-spiritual needs by forbidding, limiting, ridiculing, punishing the aspirations of the family members, of access to cultural, ethnic, linguistic or religious beliefs, forbidding one’s right to speak in their mother tongue and to teach their children to speak in their mother tongue,, imposing the adherence to unacceptable spiritual and religious beliefs and practices, as well as other actions with similar effect or repercussions.

Through the July 2018 amendments that nuanced the definitions of domestic violence, a new provision was added to article 4 related to unacceptable justifications for domestic violence, namely “custom, culture, religion, tradition and honour”.



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Also, the legal definitions of family members (article 5) became more detailed (including, for instance, children from previous relationships), and the children witnesses to domestic violence are now explicitly acknowledged as victims.

In 2017, the additional condition contained in the phrasing „if cohabiting” was declared to be unconstitutional by the Romanian Constitutional Court (Decision 264/2017²) which came to this conclusion by making use of the Istanbul Convention³ definitions, Convention that Romania ratified by Law no.30/2016.

Another relevant piece of legislation which includes relevant definitions is Law 202/2002 on the equality of chances between women and men. It defines, among others, harassment, sexual harassment, psychological harassment and gender violence (the latter definition was added to this law in 2018). According to article 4 I, „gender violence is understood to mean the deed of intentional violence against a woman or, as the case may be, against a man, motivated by the person’s sex. Gender violence against women is the violence which affects women disproportionately. Gender violence includes, without being limited to these, the following deeds: domestic violence, sexual violence, female genital mutilation, forced marriage, forced abortion and forced sterilization, sexual harassment, trafficking in human beings and forced prostitution.”

The newly introduced definition of “gender violence” which mainly includes criminal behavior (also criminalized in Romania), no longer shows up in any other place in the Law, than the Article on definitions. Again, however, this is mainly a civil law arrangement. The sanctions foreseen in this law are mainly in the civil/ administrative area (complaint in civil court, the equality body, disciplinary complaints, labor inspection) and a number of them (**harassment, sexual harassment or psychological harassment**) are considered **contraventions in the competence of the police**.

There is a specific crime in the Criminal Code on family violence, but its content is actually a qualified form of other crimes, limited in number, and linked to killing and physical violence.

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 Decision available at (Romanian language only): <https://www.juridice.ro/wp-content/uploads/2017/04/Decizia-1.pdf>, accessed on 23.06.2018. According to this decision “Art.3 letter b) [of Law no.30/2016] stipulates that “domestic violence” means all actions of physical, sexual, psychological or economic violence, that take place within family or domestic environment between former or current spouses or partners, “regardless if the aggressor shares or shared the same domicile as the victim”. Therefore, the Court ascertains that the requirement of co-habiting – imposed by stipulations 14 art.5 letter c) of Law no.217/2003 upon persons who established relations similar to those between spouses or between parents and children, in order for a protection order to be issued - , constitutes a discrepancy within the meaning of art.20, para (2) of the Constitution, between the domestic law and a treaty on fundamental human rights.”

³ Available at: <https://www.coe.int/fr/web/conventions/full-list/-/conventions/rms/090000168008482e>



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(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.

The relevant crimes specified are: murder (188), qualified murder (189), assault and other violence (193), bodily harm (194) – when there are permanent consequences to the crime under 193; assault or other harm causing death (195), bodily harm without intent (196).

Other relevant crimes for gender-based violence/vulnerable victims, some introduced/modified in 2016, are: Art. 208: Harassment; Art. 210 Trafficking in human beings; Art. 211: Trafficking in underage persons; Art. 213: Pandering; Art. 216: Use of an exploited person's services; Art.216: use of child prostitution; Art.218: Rape; Art. 219: Sexual assault; Art. 220: Sexual intercourse with a juvenile; Art. 221: Sexual corruption of juveniles; Art. 222: Recruitment of juveniles for sexual purposes; Art. 223: Sexual harassment.

2.2. Basic rights of victims of crime provided for by the law

According to **Law 217/2003** for the prevention and combating of domestic violence:

Art.6 The victim of domestic violence has the right to: a) respect for their personality, dignity and private life; b) information on exercising their rights; c) special protection, adequate to their situation and needs; d) services of counselling, rehabilitation, social reinsertion, as well as free medical assistance, within the provisions of the present law; e) free legal counselling and assistance, within the provisions of the present law.

According to the **Criminal Procedure Code, as modified in 2016⁴**, article 81, the injured party (the victim), has the following rights within the criminal proceedings:

- a) to be informed of its rights;
- b) to propose the production of evidence by the judicial bodies, to raise objections and to make submissions;
- c) to file any other applications related to the settlement of the criminal part of the case;
- d) to be informed, within a reasonable term, on the status of the criminal investigation, upon explicit request, provided that they indicate an address on the territory of Romania, an e-mail address or an electronic messaging address, to which such information can be communicated;
- e) to consult the case file, under the law;
- f) to be heard;
- g) to ask questions of the defendant, witnesses and experts;
- g¹) to receive an interpreter, free of charge, when they cannot understand, cannot express themselves properly or cannot communicate in the Romanian language. In urgent cases technical means of communication can also be used, if this is deemed necessary and does not affect the exercise of her rights by the victim;

⁴ Through Government Emergency Ordinance 18/2016.



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g²) to have any decision not to pursue the case communicated to her in a language she understands, when she does not understand Romanian;

- h) to be assisted or represented by a counsel;
- i) to use a mediator, in cases permitted by law;
- j) other rights set by law.

Also, specific provisions were adopted in 2016 related to the hearings of a victim, namely:

Art. 111 – Hearing of victims

“(6) In the case of victims where a special protection need has been established according to the law, the judicial body may decide on one or several of the following measures, when this is possible and when the judicial body considers that this does not affect the proper handling of the trial or the rights and interests of the parties;

- (a) their hearing in places designed or adapted to this purpose;
- (b) their hearing through or in the presence of a psychologist or of another professional in providing counselling to victims;
- (c) their hearing, as well as their potential re-hearing is done by the same person, if this is possible and if the judicial body considers that this does not affect the proper handling of the trial or the rights and interests of the parties.

(7) The hearing by the criminal investigation bodies of the injured parties who have been victims of the crime of domestic violence, as defined under Art. 199 of the Criminal code, of the crime of rape, sexual assault, sexual intercourse with a juvenile, and sexual corruption of juveniles, defined under art. 218-221 of the Criminal code, of the crime of ill treatments applied to an underage person, defined under art. 197 of the Criminal code, harassment, defined under art. 208 of the Criminal code and sexual harassment, defined under art.223 of the Criminal code, as well as in other cases where, on account of the circumstances of the crime, this is deemed as necessary, is only done by a person of the same sex with the victim, at the latter’s request, with the exception of the case when the judicial body considers this would affect the proper handling of the trial or the rights and interests of the parties.

(8) If the victim is a minor, the recording of the hearing through audio or audio-video link is compulsory in all cases. When the recording is not possible, this is mentioned in the declaration of the victim, with a clear mentioning on why this was not possible.

(9) The hearing of the injured party by the judicial body who recorded the complaint on a crime is to be undertaken immediately, and, if this is not possible, it will be done after the complaint is lodged, without unjustified delays.

(10) The statement of the victim under the conditions of para. (9) is a means of evidence even if it has been taken before the start of the criminal investigation.”

Witness protection measures are also available for victims, if they are threatened or vulnerable. Modifications from 2016 added some specific provisions under art. 113 on the protection of the victim and the civil party:

(2) Children, victims who are in a relation of dependence on the offender, terrorism victims, victims of organized crime, of trafficking in persons, of violence in close relationships, of sexual violence or



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exploitation, of hate crimes, and victims affected by a crime on account of bias or committed with discriminatory motives that might be especially connected to their personal characteristics, victims with disabilities, as well as the victims who suffered a considerable damage as a result of the seriousness of the crime, are presumed to be vulnerable victims;

(3) If the victim or the civil party is in any of the situations foreseen under para. (2), the criminal investigation body informs her of the protection measures which are to be taken, their content and the possibility to waive them. The waiving of the protection measures by the victim or the civil party is noted down in writing and signed by the victim, in the presence of the legal representative, if this may be the case.

(4) The rehearing of the victim is only done if strictly necessary for the handling of the criminal trial.

(5) At the hearing, the victim may be accompanied, at her/his request, by her/his legal representative and by another person designated by the victim, with the exception of the situation where the judicial body decides, providing reasons, to the contrary.

(6) Whenever the judicial body cannot establish the age of the victim and there are reasons to consider her/him a minor, the victim will be presumed to be a minor.”

These modifications mainly transpose provisions in relation to the EU Victims Directive (Directive 2012/29/EU). However, we note the many caveats introduced, such as providing certain protection measures “if they are available”, and quite a lot left at the discretion of judicial bodies.

2.3. Policy framework

Romania had a Strategy on combating domestic violence for the period 2013-2017, together with a strategy on gender equality⁵. The strategy on domestic violence mainly focused on increasing institutional capacity and extending services. Its financing provisions were inadequate as they mentioned all potential budgetary sources without actually specifying clear financial commitments.

In June 2018, another strategy (both on gender equality and combating domestic violence) was adopted for the period 2018-2021, as well as an action plan.⁶ Its objectives are: 1. Consolidating the legal framework in the field of preventing and combating domestic violence; 2. The development of adequate measures for support and protection for the victims; Preventing domestic violence and its reoccurrence as well as sexual violence; Monitoring and evaluation. In this Strategy various budgetary sources are enumerated (state and local budgets, external grants, external loans, etc), again without actual cost estimations. Furthermore, it states explicitly that budgetary projections are to be elaborated each year for the following year⁷. The action plan mentions explicitly as funding sources, among others, the Norwegian Funding mechanism 2014-2021.⁸ The institution in charge for

⁵ Government Decision 1156/2012.

⁶ Government Decision 365/2018.

⁷ Chapter IX of the Strategy on preventing and combating domestic violence of the Strategy, available here: <http://anes.gov.ro/wp-content/uploads/2018/06/Strategia-Nationala-ES-si-VD.pdf> (accessed at 13.02.2019)

⁸ Action plan available here: <http://anes.gov.ro/wp-content/uploads/2018/06/Plan-operational-2018-2021-SN-PILON-ES-SI-VD.pdf> (accessed at 13.02.2019)



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the Strategy is the National Agency for Equality of Chances between Women and Men, a governmental body under the Ministry of Labour.⁹

3. Data collection and methods:

- research questions/topics;
- research ethics and informed consent procedures;
- methodology/research instrument;
- sample characteristics (demographic characteristics, characteristics in terms of judicial procedures);

The partners in the project developed together a set of unitary instruments to be applied to all the partner countries, as well as a procedure regarding the selection of the interviewees, establishing contact, obtaining consent and carrying out the interviews.

The main research instrument used was a **questionnaire**. This was translated into Romanian language. This version also included, only for the use of interviewers, legislative information applicable in Romania about the role and available support of various bodies and institutions.

In more detail, the main sections of the questionnaire ask about:

- Multiple proceedings directly dealing with domestic violence, type of the proceeding(s). Previous interactions that did not result in proceedings and why
- Part 2- right to information – first interactions with the police, state attorney and judge – if information was given, what information, how, usefulness of the information in getting support as victim of domestic violence, attitude and what lacked.
- Interaction and support provided from services, state run or private, which provide general or specialized assistance and support to victims of crime – information on the referral system and then information provided by these services, type of support received and accessed, evaluation of the support by the victim, what lacked.
- Involvement of the children in the judiciary proceedings – if it existed and how exactly it happened, also in terms of information received about children’s participation in justice, as well as procedure used for informing/ involving the children
- Assessment of protection needs of the victim -if it was done and by whom
- Personal evaluation of the victim in reference to what information is the most important for victims of domestic violence, who should be providing that information to victims, and when; availability of support for victims and what kind of support is the most important for victims of domestic violence; who helped most during the participation in the criminal/civil proceeding.

⁹ See website of the Agency at: <http://anes.gov.ro>



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Other instruments used were:

Information letter – a letter on behalf of the project, informing the potential interviewees about the scope of the project and the aim of the research, about the interviewing process, as well as contact data of the researcher going to do the interview and the national partner.

Consent form – including the express agreement to participate in the research, information on rights to protection of personal data and how this is going to be done, according to the legislation in place, agreement to record the interview, agreement to obtain additional data on the case from people involved (i.e.: lawyer, NGO worker who assisted the person).

Background information form – an additional document used along with the questionnaire, and containing further information about them and the proceedings they participated in. If the interviewee did not know all the information herself (eg: type and number of proceeding and dates) and if she agreed, we also obtained such background relevant information from other sources indicated by the interviewee (such as an NGO that assisted them for instance).

All of the instruments were translated into Romanian language and adapted to the national context.

In April-May 2018, in Romania, 22 individual interviews were conducted by 5 qualified interviewers, with background in work with vulnerable people (5 interviewers from 4 regions of the country: the capital, west, east and central Romania; all of them working in human rights or gender equality NGOs, and experienced in this area - majority of them also psychologists- and all women). The interviewers received a session of training on the legal background and the use of research instruments, as well as specific information on the working procedure for carrying out the research and selection/sampling of the interviewees (all this information made available also in writing).

Sample characteristics

For identifying the interviewees, CLR and the researchers reached out and used varied referral mechanisms and channels, such as: victim support service organizations, social workers the interviewers knew/had worked with before, civil society organizations, shelters, as well as other professionals, such as psychologists. An additional letter was sent presenting the project and the aim of the research and introducing the specific regional interviewer, with the request to disseminate the information among their beneficiaries and finally refer interviewees who want to participate and are relevant for the research purposes.

As result of the selection process, the characteristics of the 22 interviewees are as follows:

- Almost half of the interviewees came from the capital and the rest from other regions of the country, both rural and urban (regions from center, north-eastern and north-western Romania).



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- They were all over 18 years old. The age varies from 33-year-old to 50-year-old, with an average of 41.
- Filing of a complaint was not treated as a mandatory pre-condition of eligibility (there was an interview with a victim of domestic violence who has not filed a complaint and has not participated in any proceedings) as long as there were relevant details in the case. However, given the objectives of the research, such an interview was the exception. The interviewees selected went through different stages of legal proceedings, covering almost all types of proceedings connected to or resulting from domestic violence.
- The deciding criterion for inclusion/exclusion of victims whose cases are still open, but not only, was the victim's sense of security and comfort to be interviewed on this topic, both objective as assessed by the gatekeeper (i.e: NGO/social service/psychologist who referred the person to the research team), and subjective - self-assessed by the victim.

During the entire research process, there has been permanent feedback and communication with the CLR project team. The interviews lasted, in average, for about an hour. Each interview was synthesized in a report. The present report is based on the 22 interview reports synthesized.

Methodologically, as the number of 22 is too low to generalise statistically, we did not use numbers in the conclusions, but we mainly reflected situations that appeared, with variations, in a significant number of cases, if not in the majority of cases.

4. Research findings

4.a. Characteristics of participation in proceedings (type and duration of proceedings; previous proceedings; underreporting)

The majority of the cases included at least one protection order per case and the typology of all, besides the protection orders, also include other types of judicial proceedings such as divorce (cases varied with domestic violence mentioned or not mentioned as reason for divorce within the case file), criminal complaints against the aggressor, custody trials (officially connected or not to domestic violence), asset distribution trials.

The situations covered include older cases, dating from 2012-2015 (as starting point-ending point), but most of them are more recent, from 2016 till 2018 (the last interviews took place in May 2018), of which, in a number of cases, some proceedings were still ongoing at the moment of the interview (meaning in 2018).

In the overwhelming majority of cases there were several to many instances of domestic violence previous to the moment when the woman turned to justice, instances that did not result in judicial proceedings, either on account of not reporting them to the police or because women withdrew



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their complaints due to a variety of reasons. Many times these reasons combined¹⁰ describing a situation of acute vulnerability determined by: lack of information on how the complaint proceeding works; psychological reasons (fear of the aggressor, who would also use threats against the victim and/or children/ extended family, fear of losing their children or, alternatively, they stayed for what they believed to be better for the children, still hoping the aggressor would change his ways); lack of information on their rights and their support options enabling them to get out of the domestic violence situation; the attitude of the police officers and later on during the process, mistrust in the police; not receiving actual help from the police when reporting and thus having to return to the same situation of abuse; lack of evidence considered as enough and requested from the victims (audio-video materials, proof of physical abuse, witnesses who did not want to come forward, etc.); financial reasons (lack of options to be able to live separate from the aggressor); very bad physical and/ or psychological state of the victim.

There were also the situations of victims who did both, when it came to the same aggressor: they did not report in some of the instances but did file complaints for other instances and later withdrew these complaints.

All of these reasons appeared recurrently and also during the time when the victims were going through the proceedings.

We could infer from almost all the interviews that that the police did not carry out any assessment of their protection needs, during the women's interactions with the police.

4.b. Information on rights

(provided, during proceedings, by officials with a legal mandate to inform the victim; role of other actors)

According to the law 217/2003 on combating domestic violence, victims of domestic violence have to be informed on and by: "(2) The central and local public administration authorities have the obligation to ensure the exerting of the right to information by the domestic violence victims, according to their competences referring to, depending on the case: a) institutions and non-governmental organizations that provide psychological counselling or any other forms of victim's protection and assistance, according to the victim's needs; b) the prosecuting body to where they may file a complaint; c) the right to legal assistance and the institution to which they can request the exerting of this right; d) the conditions and procedure for provision of free legal assistance; e) the legal proceedings rights of the victim, of the injured party and of the civil party; f) the conditions and procedure for financial compensation by the State, according to the law; g) the measures that can be taken by emergency protection order and, depending on the case, the protection order, the necessary steps to have these orders issued and the trial procedure"(art.7).

Letter g) was added in July 2018, when five new paragraphs regarding various obligations of authorities were also included.

¹⁰ Enumerated here in no particular order of occurrence



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According to the law 211/2004 on the protection of victims of crime:

CHAPTER II: Informing the victims of the crimes

Art. 4 (1) The judiciary bodies shall inform the victims of the crimes in regard to the following:

a) the services and organizations that ensure psychological counselling or any other forms of assistance for the victim, according to the victims' needs; b) the prosecuting body to where they may file a complaint; c) the right to legal assistance and the institution to which they can request the exercising of this right; d) the conditions and procedure for provision of free legal assistance; e) the procedural rights of the injured person and of the civil party; f) the conditions and procedure to benefit from provisions of art 113 of Criminal Procedure Code, as well of Law no. 682/2002 on witness protection, with subsequent amendments; g) the conditions and procedure for financial compensation by the State; h) the right to be informed if the defendant shall be deprived of liberty, respectively sentenced to imprisonment, regarding his release in any way, according to the Criminal Procedure Code; i) the right to make recourse to a mediator in the cases foreseen by law; j) the law enforcement/judicial authority they can contact in the future in order to obtain information on the status of the case, as well as its contact data if the victim files a complaint.

(2) The information foreseen at para (1) shall be made known to the victim by the first law enforcement/judicial body that the victim comes to.

(3) The victim shall be informed of the information foreseen at para (1) in a language she understands. The victim shall be handed out a form with all the information foreseen at para (1). In case she cannot or she refuses to sign, an official note shall be drafted noting this situation.

(4) If the victim is a Romanian citizen belonging to a national minority, she can be informed of the information foreseen in para (1) in her mother tongue.

(5) The fulfilment of the obligations stipulated in para (1)-(3) is to be recorded in a memo, officially registered at the institution to where the judiciary body belongs to.

(6) On the occasion of the first contact with the authorities, the victim can be accompanied by a person of her own choosing in order to facilitate communication with these.

(7) Upon filing a complaint, as per Art. 289 of Law 135/2010 on the Criminal Procedure Code, with subsequent amendments, the victim shall receive a written confirmation of this. The confirmation shall comprise the registration number of the complaint, as well as information on the deed for which the complaint was filed.

(8) If the victim does speak or does not understand Romanian, she can ask to receive, later on, also the translation of the confirmation under para. (7).¹¹

Except for one case, all the interviewees interacted with the police, this institution being the first to which they reported a situation of domestic violence (sometimes a member of the family or a neighbour would also call the police), also during the proceedings, and the implementation and/ or violation of the protection order. Almost all of the victims said, mainly at the time of the reporting and first interactions, that the police gave them none to limited and partial information on their

¹¹ Para (1), letters i) and j) as well as paras. (6)-(8) were added through a law adopted by Parliament at the end of April 2018 (Law 97/2018)



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rights as victims of domestic violence. The situation continued during the interactions they had with the police throughout their cases.

Many victims reported that the main advice given repeatedly by the police was to separate themselves from the aggressor, but they were not provided with/told of alternatives (i.e.: support services) to be able to do so.

The rights on which the police gave information but, based on the victims' stories, only partially in most of the cases are: the procedures for filing complaints with regard to a criminal offence and their role in connection with such procedures; the contact details for communications about their case. In extremely few cases, the victims mentioned receiving some information on how and under what conditions they can obtain protection, including protection measures; and the type of support they can obtain and from whom, namely basic information about any specialist support (NGO), and alternative accommodation.

There were very few interactions with a state attorney and in less than half of these, the prosecutors provided information (either verbally or in writing) on the rights of victims of domestic violence. However, the interviewees could not specify what rights exactly they had been informed about. In the majority of the interactions, no information was provided (in the same cases, before getting to the prosecutor, the police had provided no information or limited information to the victims also). in the other cases, the victims did not actually interact with a prosecutor.

The interactions with the judges were more than the ones with the prosecutors, but significantly less than the ones with the police, and in almost all of them no information on the rights of victims of domestic violence was given. In one case the victim does not recall and one where the interviewee says she received information from the judge, verbally, in the beginning of the interaction, mainly concerning the child, where she could go for support.

4.c. Information on rights – process (timely, understandable information, interactive process, attitude of officials)
(provided, during proceedings, by officials with a legal mandate to inform the victim; role of other actors)

Due to repeated interactions of the victims with the police and apparently absent a standard procedure of adequately informing victims on all occasions, a recurrent feature in the cases is the fact that, when information was given, it came in pieces, fragmented during the period of interactions with the police, partially in terms of what rights a victim has or availability of support. It also depended on the person, the police officer who responded to the call or took the case on.



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Except for one case when the victim received written material on her rights from the police, in all the other situations the information (when provided) was transmitted verbally.

There is a worrying high number of instances, as they come out from the interviews we conducted when the police appeared to be reluctant to help the victims file a complaint, at times also trying to discourage the victim to do so or even blaming the victim or pressuring her to stop going to the police. The victims often described the police attitude towards them as “indifferent” or “not caring” or not wanting to have more workload on account of their cases.

“I stayed for 10 months filing complaints every week. Why haven’t I been told from the beginning how I should do things?” (woman, age 41, Romania)

In the interactions with the prosecutor and the judges, there were almost no cases where the victims were informed by the prosecutor or by the judge concerning their rights. In the extremely few cases where information was provided, this came mainly verbally. They apparently also did not make sure that the victims had been informed by the police.

“Nothing. Just that you swear by the Bible, and that’s it.” (woman, age 42, Romania)

Interaction with two different judges *“They only asked me to tell them about what had happened, they didn’t intervene to tell me about my rights.” (woman, age 36, Romania)*

Some of the victims mentioned very clearly (while in other cases it was visible from the timeframe) their dissatisfaction with the length and, therefore, inefficiency of the procedures. This does not include the cases of obtaining a protection order in which, when having all means and information to obtain it, it happened more quickly than the other types of the proceedings. It is also true that in the case of protection order proceedings, the law sets a clear dead-line (72 hours) for the court to rule on the request.

4.d. Information on rights – child(ren)

In the cases where the interviewees declared that children have been involved in proceedings, it was noticed that not all these proceedings were connected or officially linked to domestic violence (such as the divorce or custody). In just a few of these situations, the child, one of the children or all children (situations vary) were included in the Protection Order issued for the mother. There are also a number of cases where the proceedings related to domestic violence and involving the child/ren did not include a protection order.

As it came out from the interviews, the children were generally not informed of their rights or of the proceedings (only a few of them were too very little at the time to be informed) and neither were the mothers. Direct interactions with the children were mentioned in few cases, but few interviewees



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recall any questions to the children about domestic violence or information on this or any special measure when hearing/ questioning a child.

The additional conclusions that we could draw from the interviews are that seemingly the existence of domestic violence in family with children is not correlated with the way children's custody is being decided in a divorce. More exactly, we did not identify the existence of an automatic/ standardised procedure to verify if domestic violence is present, even when this could be easily determined (such as the existence of a protection order) when custody of a child is in question. In general, the interviews reveal serious deficiencies at level of courts of law in what regards taking children and children's interest into consideration in such proceedings and determining, prioritizing and respecting the child's superior interest. Thus, we encountered a variety of situations: the victims divorced at the notary (as a method mothers identified to possibly escape the domestic violence situation more quickly than going to court) when all terms are agreed, non-conflictual, and the custody remains joint; the victim divorced in court, with or without a separate trial for changing custody arrangements, but still it remained joint custody (the victims did not request for full custody or they were not informed this would be a possibility or they did not mention the domestic violence to the judge; or the judge and other professionals involved did not seem to have taken that into account). There were also a few mentions of joint custody, even where the mother had already had protection orders, thus a situation of domestic violence had already been legally recognized, but did not seem to be automatically taken into account by the judge when deciding for custody. At the same time, in the few cases of full custody to the mother, most of these had been through legal proceedings for domestic violence (protection order issued or divorce where reasons of domestic violence were also invoked). In the cases of the women interviewed, there are still pending cases on custody and manifestation of intention to sue for full custody.

4.e. Information on rights – assessment by the victim

In almost all the cases involving interactions with the police, in terms of being informed of their rights, the interviewees assessed the police with a very poor to poor evaluation. For the few evaluations marked as „ok“, the reasons varied and were not necessarily related to the information on rights given by the police, but to the comparisons women made: the victims had interactions with police officers from different police stations or with different police officers and some gave no information, while the others provided some information; or there was very little information provided, but the police officer was friendly. There were a few not very clear evaluations of the interactions with the police, as the interviewees did not seem to believe that the police should play a crucial role or they had no expectations from the police, in general, because they perceive the police as enforcing a thinking in terms of “blame the victim”. Thus, the interviewees either considered that police has limited powers to intervene anyway or the interviewees believed that it was clear to the police that the women, the victims themselves, did not want to get out of the abusive relationship so why bother; or simply because it depends on the interaction with individuals at human level, and women were not able to evaluate the police officers they met from the perspective of information received.



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An important mention in the situations evaluated as relatively ok is the fact that when interviewees say they received information from the police, they have as reference point previous situation(s) when the police informed them of nothing. They also base their evaluation on a difference in attitude of different police officers they interacted with; if they meet a police officer whom they describe as friendly or open or giving “friendly advice”, in comparison to others who informed them of nothing or behaved indifferent or badly, then they make an overall evaluation of all the police agents/officers they interacted with and increase the evaluation to ok for those who were better than the rest.

Very few instances of disparate situations when victims mentioned actual help from the police were mentioned and no commonalities were established between these (such as the possibility of a new procedure to be in place in a certain region or that might constitute a shift in paradigm).

The main reasons mentioned by the victims in connection to their poor evaluation of police support were:

- Lack of any information in most of the cases and of useful information for them, as victims of domestic violence

“I did not receive any information from the police that would have been useful to me. Not even one”.
(woman, age 35, Romania)

When asked by the police officers if she was sure she wants to remain in the home shared with her husband. *“But I was thinking where I could go with the child. It was winter time, the child very young... [...] but the police did not tell me then about shelters where I could stay or how I could better protect the child.”* (woman, age 36, Romania)

“[the police] Making me sign some papers and telling me to contact them in case something bad happens” (woman, age 41, Romania)

- Mainly receiving, very often, the advice from the police, to divorce the aggressor or leave him, but without being provided information/told of alternatives.

“Why are the woman and the children supposed to leave their residence when they don’t know where to go, to stay in the street, to be scared to leave the home because they have no money for paying rent and provide for the children, for school and anything else they would need?” (woman, age 50, Romania)

- Lack of information provided in due time, when needed, and in a proper, clear manner, for the victims to be able to understand and use it

“Nobody tells you that you can benefit of legal assistance, or what you should do legally, the steps, or how to protect yourself. They tell you to move out and get out of his life. But why am I the one supposed to run away?” (woman, age 35, Romania)

- Lack of actual support and intervention to escape the domestic violence situation or guidance on starting to do that. There was often mentioned the lack of prompt intervention from the police, when they first intervene, and no removal of the aggressor (this situation



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can be solved by an effective implementation of the emergency protection order recently included in the legislation)

“The police only told me one thing and I won’t forget it for as long as I live. They told me that if I don’t get along well with my husband, the only thing that I can do is to file for divorce. That’s the only thing they said, day by day, year by year. I don’t like how they do their job.” (woman, age 41, Romania)

“They [the police] did not intervene at all. They said they don’t have a warrant to get in the house. They told me there was nothing they could do and that I could go to the police precinct to file a complaint”; “[...] They did not even tell me [about Child Protection]”; “The police don’t care [about victims of domestic violence]. Maybe 1% of them, but I haven’t met those so far”. “The police should arrest the aggressor, put him in jail for few days and investigate and start a file on him. And even if the woman withdraws her complaint, the police to continue the investigation [...] because I am sure I am not the only one in this situation. [...] because when he returns home, the woman knows that in the best case scenario she will be beaten up and in the worst she will be kaput [dead]. I mean, the police should do something. Not as in my case, when they stood in the doorframe”. (woman, age 39, Romania)

“I asked [for a protection order]. Other people told me about it, not the police. And then the police told me that I don’t need a protection order, since I’m leaving the locality anyway [to go live in the shelter in a different locality].” (woman, age 36, Romania)

- Male solidarity, siding with the aggressor, intimidation, sometimes even felt threatened. Often, cases of “blame the victim” attitude.

“And I find it absurd that the police come and say: “Well, you will reconcile, you’ll see; maybe you did something to provoke him. For sure you will reconcile”. (woman, age 37, Romania)

“At that moment I was down, mentally and physically, with wounds and in pain. I am not saying I would have wanted a glass of cold water, but at least the police to have talked to me and made me understand that is not normal in a civilized society, in our age and time, to get to such rudimentary violence [...] first of all they [the police] should be educated and trained to provide us [the victims] human support, first of all [...] at least to tell me to go for 24 hours to a center where there is specialized staff to teach you each step one should take. And not like they did: to judge me, to say that if my hair is dyed blonde, I look like a whore, that if I have polish on my nails, again it means I look like a whore... these are the words they used. Unfortunately, the Romanian police officers believe that women are whores” (woman, age 35, Romania)

- Attitude of indifference and/ or diminishing the importance of the crime. Often the interactions with the police are described as “not human”, in terms of behavior towards the victims, lacking any empathy



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"[...] I was semi-conscious and wounds on my face...[...] I called them twice and asked them to call an ambulance [...] and they said I could manage, that I could go alone. From my point of view that was a bit un-human, considering that I asked them for help [...] and they did not provide it to me". (woman, age 35, Romania)

"I said: [to the police] Sir, I am very afraid, afraid even of my shadow when I walk in the street, I can't take this anymore. And they asked me why I don't do anything, for me and for my children, as they were fed up with always coming by the house and being called there often. They told me: we have to do something and succeed in solving the situation". (woman, age 47, Romania)

- Many situations of police actually trying to discourage the victims to submit complaints or even refusing to register their complaints (at least not right from the beginning or in the case of repeat complaints)

[the police told her:] *"We usually don't put too much effort (this is exactly what they said) in this type of complaints as in most of the times, almost all times, the victim withdraws the complaint. This is what they told me". (woman, age 36, Romania)*

- Police not trained to deal with such situations – also in terms of their own information, but also in terms of acting and behaving appropriately towards victims and in situations of domestic violence, when they intervene on the field.

"You can call the police 10 times and they can't do anything. [...] the police officers in the field should be mandated, empowered to be able to deal with the situation then, at the spot, to intervene." "The law should be made in such way as to allow police officers to have authority over the aggressor". (woman, age 35, Romania)

When first informing a victim of their rights as victim of domestic violence, the police should take into consideration the victims' physical and psychological condition when they first interact. It should be clear, and not as many of the interviews showed, that it is very likely that the victim does not understand the information properly at that point and that information must be repeated in a proper manner for as many times or for as long as necessary for the victims to be able to understand and process it and be, in fact, properly informed.

In the case of the few direct interactions with the prosecutors and the judges, the majority assessment was a poor evaluation on the information received from them, as victims of domestic violence, but, per total and in comparison to the police, the interaction was felt less negative. Also, in the case of some of the victims, the experience in the court of law felt intimidating, as if they (the victims) had done something wrong. This could indicate an insufficient previous preparation for the victims, but also the courts' lack of awareness and adjusting to the needs of vulnerable victims.



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“It is hard to win in court. You go through hell again, from my point of view”. “I felt like in criminal court, not as being there for a protection order”. “I expected it to be lighter, because it was not a moment where he [the aggressor] could have lost his freedom. It was a moment when I was getting mine back”. (woman, age 35, Romania)

“I would have liked her [the prosecutor] to tell me to have faith in the legal system and that it works”. (woman, age 36, Romania)

Although we cannot generalise, we observed a slightly better interaction between the police and victims in cases happened in more recent years and in cases that involved urban police compared to the rural police. Many times the women themselves make these comparisons; some of them have a long history of interaction with different police sections from both rural and urban areas. This “slightly better” does not mean that the victims receive full information on their rights, but that the police officers in these particular situations seem to not manifest prejudice against women, but an attitude of understanding. In such cases, the victims are informed of the possibility of lodging a complaint and referred to an NGO that provides services to victims of domestic violence. Many times, the simple referral to an NGO changes the lives of these women and they manage to get out of situation of violence. Of course, we mention also that we reached mainly victims who turned to an NGO and wanted to talk to us.

Also, some of the interviewees mentioned they prefer to interact with women during the proceedings.

4.f. Support services – publically provided, i.e. run or financed (access to services; scope of services available and used)
(where applicable, present results on generic support services separately from specialized)

According to the Romanian legislation, there are the following institutions to provide general and/ or specialised support services:

Institutions provide social services in the field of domestic violence mainly through General directorates for social assistance and child protection (county-level social work institutions¹²). NGOs¹³ also provide services, mainly to children, domestic violence victims, trafficking victims. Legal services are provided through the union of bars, but the request, according to the Law 211/2004 is to be lodged with the county court (tribunal). In the case of victims of domestic violence, the victims may be provided with legal assistance or representation, by request, in the procedure for obtaining a protection order. The legal assistance for the accused is, however, mandatory.¹⁴ Psychological

¹² Legea 174/ 2018 de modificare a Legii 217/2003 aduce precizări suplimentare despre responsabilități privind derularea și finanțarea serviciilor pentru victime, în special serviciile sociale, la nivel local.

¹³ Legea 211/2004, art. 12

¹⁴ Art. 27, (2) și (3) din Legea 217/2003.



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approach to
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PATENT



Mirovni inštitut
Inštitut za sodobne družbene in politične študije
The Peace Institute
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counselling is provided by the probation services functioning next to county courts. According to a reply to a request for public information from the National Probation Directorate, only 12 victims have been assisted by these services in the period 2015-2018. According to the same reply, in order to fully transpose pending provisions of the Victims Directive, a draft emergency ordinance (an emergency ordinance is issued by the Government, has immediate effects, and needs to be approved by Parliament through a law)¹⁵ is in the process of being approved at Governmental level. If it is issued, a new service is to be established within the County Social work directorates with the purpose of assisting and counselling victims thus transferring this role from the probation services¹⁵. Shelters and other types of such services also offer legal and psychological counselling. (Law 217/2003)

Psychological support, as provided for in the general law on victims of crime used to be (until 2018) dependent on lodging a complaint.¹⁶ Free legal assistance is provided by request to some types of victims (of serious crimes and some crimes against liberty and sexual integrity, respectively against minors) and is conditioned by lodging a complaint within a general dead-line for lodging the complaint of 60 days.¹⁷

As seen above, the non-governmental organizations are specified in the law as providers of specialized support services and there were cases mentioned in the interviews carried out within this research of police or state Social Services referring the victims to NGOs.

According to the National Agency for Equality of Chances between Women and Men (ANES), at the end of June, 2018, there were 61 residential centres, of which 45 were emergency centres (37 public and 8 private) and 16 were recovery centres (11 public and 5 private). Also, there were 32 day centres for support and counselling of victims, of which 25 on prevention and combating of domestic violence (16 public and 9 private), and 7 centres for services and informing the population (all public).¹⁸

Less than half of the victims mentioned getting in contact with DGASPC (Social Services and Child Protection at county level) or DAS (Direction of Social Assistance at local level) in view of being informed and a few more mentioned social workers, without being able to pinpoint the employer – it is worth mentioning here that in divorce cases where custody needs to be established, a social worker visits the residence for a social work report. The interactions are described as limited in terms of information and assistance received and only some referred or informed the victims of specialized NGOs or told them of need to get psychological counselling.

¹⁵ Letter No. 2/9610/06.02.2019 from the Ministry of Justice, Probation directorate to the Centre for Legal Resources.

¹⁶ Law 211/2004, Art. 10, para 2

¹⁷ Law 211/2004, Art. 14 and art 16.

¹⁸ National Agency for Equality between Women and Men, Letter No. 2135/DPCVF/A.M.C./27.06.2008 to the Centre for Legal Resources.



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Exceptionally, other institutions were mentioned too, mainly in terms of referring them to NGOs, such as ANES and the Forensics Institute (this latter institution in the context of a one off project on combating domestic violence it was implementing).

Very few of the victims mentioned inflation allowing us to conclude that representatives of DAS or DGASPC carried out a protection need assessment.

Most of the interviewees were unable to name general support services, unless they were asked specifically about them.

In very few cases, the victims accessed state-run shelters, with both positive and bad experiences. The deficit of shelters and access to them was also mentioned, as access to them seems to be in practice connected to the residence (the legislative amendments of 2018 eliminated this restriction and its implementation in practice remains to be seen)

“And I called everywhere where I could find a contact by phone. But I was told the same thing everywhere: as I don’t reside in the same locality as the center, I cannot benefit from their services”. “And I asked: then what can I do in my situation. Wait until I am killed in order to benefit from the law? Because I assume there must be a law here also to protect the family, the women, first of all”.
(woman, age 41, Romania)

Although there is a framework Methodology on prevention and on intervention in multidisciplinary team and in network in cases of violence against a child and domestic violence, adopted in 2011 by Governmental Decision no.49/2011, a methodology with very detailed procedures and comprehensive explanations on domestic violence, its effects and implication, as well as evaluation and action methods, none of the interviewees provided information that may allow us to deduce an action based on this methodology. Moreover, with few exceptions, we got information on unfortunate interactions with social workers which seem untrained about minimal aspects regarding the psychology or rights of domestic violence victims. Social services appear marginal to the phenomenon of domestic violence, in no way proactive in terms of prevention and assistance to the victim to get out of the situation, along with the children, respectively to the situation of violence to cease.

4.g. Support services – privately provided, i.e. run or financed (access to services; scope of services available and used)

(where applicable, present results on generic support services separately from specialized)

An overwhelming majority of the victims interviewed accessed the services of a specialized NGO, usually on a longer term. We mention again that the method to recruit interviewees was mainly done through NGOs.



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The sources of information about the NGOs were often the Internet, while the referral to generalized support services or specialized ones came from such a variety of sources and in so very different phases of the cases/ situations, that is impossible to draw a conclusion based on one common source of referral. With the exception of the Internet as main source of information about anything related to domestic violence in general, the victims named as sources of referral for support services (in no particular order): the operator from the national emergency number, employees from different departments of the DGASPCs, a nurse, a teacher from the children's school, a priest, a doctor, the forensics institute (that implemented a project in partnership with an NGO), an acquaintance/ friend, a lawyer, a social worker etc.

The main services used were psychological counselling legal counselling and legal assistance (for different types of procedures – protection order, custody trial, divorce, and criminal complaint).

According to the victims' needs, they also received mainly from NGOs, when the case warranted, shelter, food, basic hygienic kit, practical information, assistance to find a job, assistance to enrol the children in school, psychological counselling for the children, emotional support, medical aid or financial assistance for medical/ dental aid.

Almost unanimously, the interviewees responded they were fully informed of their rights as victims of domestic violence when addressing the NGOs, but many of them have also been accompanied by NGOs throughout the proceedings. The majority of them mentioned clearly or the information they gave lead to the conclusion that the NGOs also did an assessment of their needs, including protection needs.

4.h. Support services – assessment by the victim

With specific reference to NGOs, the victims, in an overwhelming majority, assess their services and help as good, very good or excellent, and not rarely mention the NGOs were the only ones to actually help them. They make this assessment also in comparison to the police, which they evaluate as of almost no help at all. The services most mentioned as very needed and helpful are the psychological counselling, the legal assistance and counselling and, when needed, shelter.

“The NGOs do a lot for victims. There should be places for the victims to take them in, care for them and help them. Even if one helps them just a little. It is very important for a woman”. (woman, age 50, Romania)

“The police will never get to the level of those at the NGO. Never.” (woman, age 41, Romania)

“Frankly, I didn't lack anything [from the NGOs]. And I was surprised of this”. (woman, age 39, Romania)

“Here, at the NGO, they informed me from the start, and I knew exactly what I have to do”. (woman, age 36, Romania)

In terms of availability, a good number of victims believe there is not enough information at hand about the NGOs and that lack of access to the Internet, for instance, or living in the rural area pose



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great problems for a victim to identify this potential help (which may not even exist in rural communities or small cities).

Most of the interviewees did not mention any state institutions as support services for victims of domestic violence, except for the Police, which they see as the first which should inform and support a victim, but they did not assess the Police as doing so.

5. Conclusions

The degree of realization of the victims' rights, as assessed and reported by them is almost none, including the right to information.

There was fragmented information on what a victim should do legally to protect herself and attain her rights, as well as fragmented, piecemeal information on support services/ system that comes from various sources: the internet, the doctor, one police officer, a clerk, an acquaintance, a lawyer etc., thus making it almost impossible for a victim to act upon it consistently at that moment and, later on, when she needs to. The interviewees believed that only the NGOs informed them of everything, but until getting to the NGO, if they got there, they had already been through situations that could have been avoided should necessary information and support was provided.

Generally the victims believe there is no support available from the state, including here the law enforcement and judicial authorities, as well as other institutions, such as the Social Services and Child protection services. It is only the NGOs that help them. The majority of the victims, after interacting with the police, mentioned they did not know what to do or where to go, thus feeling they have no options for escaping the domestic violence situation.

Although in the last two years a series of support services re-appeared or various projects on combating domestic violence started, in terms of regulations, but mainly practice, there is there is a very limited system of support services for victims of domestic violence, which mainly seems to operate on categories and general deadlines; they are not flexible, based on the victims individual needs. Also, the financing and sustainability of services, including public services, is not guaranteed at a certain minimum level and accessible everywhere across Romania. It was also mentioned the lack of state-run shelters. This adds to the fact that there is a limited period of time for a victim to stay in a shelter, either state run or private.

"I spent two, three months [in that shelter], but then I had to go back to my husband, because I had nowhere else to stay." (woman, age 41, Romania)

At the same time, there appears it exists a disproportionate use of NGOs provided support services in comparison to the state managed support services. Despite the limited resources of the NGOs, at present the NGOs appear to be the only ones able to provide a comprehensive area of support



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services and at an incomparable higher level of professionalism and quality than state services, according to the interviewees' evaluation. Also, notwithstanding the small number of such NGOs they seem to be more visible and much more accessible to victims than state run services.

The training of law enforcement bodies and judicial bodies, in general, on dealing with situations of and victims of domestic violence, and changing the police mentality, in particular, represent a major need for victims to be able to access information and their rights. Many of them mentioned the police as unsupportive, biased and/ or untrained to deal with situations of domestic violence and victims' needs.

"Nobody guides you. They are all hostile to you. They have the feeling they are working for nothing, that they begin something and do not take it to the end, and then why would they open proceedings if you are not certain? The police insist that you get back together (woman, age 42, Romania)

"In my case, the police discouraged me very much." "This is what I found. The police don't get much involved. They see it as something Let him be, mam, for he'll calm down. This is what they kept telling me all the time. Get away from his face and leave him alone. He'll calm down. And what do I do until he calms down? (...) [They should] give importance [to situations] where there are families with children to go there and see if it's for real. For the person did not call just like that. That's what I believe." (woman, age 47, Romania)

Not rarely, the interactions with the police mainly, but sometimes also in courts of law, were recounted as traumatizing at times and it seems that there are no practices or procedures aimed at avoiding to submit victims to secondary and repeat victimization. On the contrary, the victims were asked to recount the incidents of violence on various different occasions.

Victims are painfully unaware of their rights and this also makes them unaware of the role of each institution and of the police especially. The lack of information regarding their rights and the very weak support system by the state and being often let down in interactions with the police also makes the victims less demanding of their rights or decrease their expectations for help and support.

"I think I would have done anything, had I known where to go". (woman, age 50, Romania)

The support from the NGOs is very highly evaluated, as it still seems to be the only that, overall, provides effective support services. But the victims are rarely aware of the fact that the state is the first one responsible to support them and that NGOs are often privately funded for the services they provide, often limited in resources in comparison to the existent need, and they should be additional to the general support system, not a replacement of it.

Despite of victims' better evaluation of the judges, mainly in comparison to the police, they still mention an intimidating atmosphere in court or a neutral one or not an actual interaction that would make them feel protected.



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There is a huge lack of information about domestic violence and victims' rights and procedures to follow in such situations, at the level of the entire society, but unfortunately also from the institutions and bodies with a mandate on the matter. A high number of the interviewees mentioned the Internet as their only source of information about their rights and proceedings and mainly private-funded support services (NGOs). This is all the more problematic when contemplating the situations of women with no access to internet¹⁹. A few times, media were also mentioned as secondary source of information. The media were also used by few of the victims to put pressure on the authorities to solve their cases.

“About everything that I know regarding my rights is from what I found on the internet”. “It would have been useful to have a brochure with useful information and contacts to call, some addresses.. [...]. I mean, at least I had internet and knew where to look, but there are women in the countryside who don't have TV, yet alone Internet; how would they get this information?”. (woman, age 37, Romania)

There are many difficulties in the procedures and proceedings for the victims in terms of building their case for courts mainly: lack of information on how to do it, differences in how various types of violence are treated by the police and courts of law - verbal and emotional violence seem to not be taken seriously or not even be seen as violence by some police officers -, difficulty to have witnesses come forward, difficulty to produce written/ audio/video evidence, as the nature of the cases and violence is different. Many of the victims felt completely alone and responsible themselves to find solutions and act towards ending the domestic violence situation, as they did not feel supported by the police in their endeavours. And this happens when crimes are involved. They also mentioned the lack of protection in general and adequate dealing with such situations, from the system.

“Q: In your view, what could be done for example to improve the way in which, when one gets to court, the judge informs someone, a person who has been victim of domestic violence of her rights, so that it's useful to her? If you, for example, say you haven't been told anything?

A: Maybe, I don't know, if I had a forensic certificate with some more serious traces of hits, something. Like this, you know how I say I've been molested he says he did nothing, I say he drinks...

Q: But you said you have certificates

A: Yes, but they are [obtained] in time, like that and are not for blows like...too.... But anyhow, I do have forensic certificate for a few days of [medical] care. I don't have one, for example, that he broke my arm, or, I don't know, for very many days of [medical] care.” (woman, age 42, Romania)

“I don't know what would have happened if I hadn't had evidence. If, for instance, I would have said I had been hit and harassed but couldn't provide any evidence. I don't know what could have happened in that case”. (woman, age 36, Romania)

¹⁹ According to the Romanian Institute of Statistics, in 2017, 68.8% of the homes in Romania had access to an Internet connection from home and 64.3% of these are located in the urban areas.

http://www.insse.ro/cms/sites/default/files/com_presa/com_pdf/tic_r2017.pdf



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“Now the witnesses are not protected. They appear on the court papers [...] And they [the witnesses] are scared of and intimidated by the aggressor. [...] and then they back down and don’t help you anymore”. (woman, age 35, Romania)

The children are not taken into consideration as vulnerable and as victims of domestic violence themselves, although they often witness (if they are not also subjected to) the domestic violence situation. In this context, the modification of Law 217/2003 where children witnesses of domestic violence are themselves separate victims of domestic violence is important²⁰, but there is need for training of all judiciary bodies to adequately implement this stipulation. There were no cases mentioned of children being informed of their rights (considering their age and level of maturity) or the mothers in connection to their children's rights. In the rare cases of children being questioned by the police, judges or representatives of Social Services, no special measures of protection for the children were mentioned by the interviewees to have been put into place. A few of the victims mentioned the children were negatively affected by the hearings. Aside from judges apparently not accessing other related cases (eg. the issuance of a protection order against one of the parents) when deciding on family matters, in many of the cases of divorce or trials for custody, when Social Services carried out investigations concerning the children, the topic of domestic violence seemed to have not been brought up and, thus, not factored in in the decision, even when the mothers already had protection orders.

This is in strong connection with the interviews that mentioned that the divorce proceedings were like any other proceedings, without taking into account that there was domestic violence involved and its implications (if not directly invoked in the case file). This is a serious gap in the practice of Romanian civil courts that look at family-related cases and where judges are supposed determine best interests of children or otherwise vulnerable people in front of them. Clearly, they would have to be trained to think about and then recognize vulnerability in the first place, and in terms of work procedure, to verify automatically the possible existence of protection orders or cases of domestic violence.

The protection order, in an overwhelming number of cases, was violated by the aggressor and the police did very little about it. In fact, the victims mentioned that no sanctions were imposed on the aggressors for violating the protection order, merely, in very few cases, just some warnings that did or did not have an effect on the aggressors. Victims also said the protection order is useless, or ineffective, or limited. Some even chose not to file for a protection order, as they heard from acquaintances the order is not effective.

²⁰ Art. 5, para. (2) of Law 217/2003.



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“A: This law is made so that it helps you psychologically, because in terms of safety it does not help you. It’s like that sort of a psychological thing so that you can say you feel at ease, for you have a protection order and nothing will happen to you. Like hell. It’s nothing like that.

Q: But what do you think should happen so that this order is not just a psychological help, but also a de facto one?

A: Well, de facto. Since... I see outside the country, so not in our country, what we see on TV, for it happens abroad. When he breached the protection order, he is arrested. OK? So not like, my God, he gets a warning, a call, he’s put on notice, see you breached the order, be careful. No, they just arrest him. Well, those you can call laws. For one does not get a protection order just like that. Let alone that there [abroad] it is given even for a slap; all the more in our case, when they put you in a coma in the hospital. And in front of the children” (woman, age 36, Romania)

The uselessness of the protection order comes in contrast with the long period of time for a victim to have been informed about it and going through the procedures to obtain it. *“But I have been to court [many] times for the protection orders and I can tell you it’s not something light. I feel it is like a death sentence there [in court]. That is because I am being tortured, as victim, more than the criminal. Usually, the aggressors keep their mouth shut, they are asked one or two questions, maybe they proffer insults on the court’s hallway and then continue with their lives” (woman, age 35, Romania). Even with the protection order, they said that, in order to protect themselves, “you need to find other methods besides the order. Something stronger” (woman, age 41, Romania).*

Psychological counselling and legal counselling and support are the main often invoked needs, as well as most helpful by the victims. However, the victims who continue, for various reasons, to share the house/ property with the aggressor, they mention the need for physical separation from the aggressor and shelter for them and the children (safety) first and only afterwards the other two.

During the research, one of the interviewers identified promising practices at local level, such as the possibility of a small grant to cover rent for a period of time (Cluj-Napoca) or a good and functional cooperation between a shelter financed by the state but run by an NGO and other services, including medical services, mainly with the purpose to refer people to different services (Târgu Mureş). We mention that the research covered a limited number of counties and this practice may exist in other counties too. Regardless, solutions should be found for the entire country.

Added to the gap of access to information on their rights, it is also mentioned a lack of specialized lawyers in domestic violence, who can better support the victims before the courts of law and in building their cases (also in trials for custody and divorce that involve domestic violence). These lawyers should not only be those affiliated to the specialized NGOs, as these lawyers were the ones mentioned by the interviewees as trained and helpful, but any lawyer.

There is an enormous need for more awareness raising, at national level, on the rights of the victims of domestic violence, as well as availability of support services, that should be available in every police station and any other institutions where potential victims get to (such as hospitals, forensic



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VICATIS

**Victim-centered
approach to
improving support
services**



DRUŠTVO ZA
NENASILNO
KOMUNIKACIJO
association
for nonviolent
communication



CENTRE FOR LEGAL
RESOURCES



hrvatski pravni centar



REPUBLIC OF CROATIA
Ministry
of Justice



GOVERNMENT OF THE REPUBLIC OF CROATIA
Office for Human Rights
and Rights of National Minorities



PATENT



Mirovni inštitut
Inštitut za sodobne družbene in politične študije
The Peace Institute
Institute for Contemporary Social and Political Studies

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institutes, local medical cabinet, the social services etc.) Media should also be very active in this campaign.

“The women should understand they have rights and that they have someone to call” (woman, age 35, Romania)

“The school and the education system should promote [this issue] more. We have a gap here”. (woman, age 46, Romania)

In a very high number of cases lengthy procedures were mentioned, in connection to criminal complaints against the aggressors, where the police also displayed poor communication procedures with the victims who after 2-4 years still have little or no information on the stage of the criminal investigations, but also in connection to divorce and custody trials, although domestic violence is also present. Some of the victims mentioned they chose divorcing in front of a notary, thus amicably), in order to be able to get divorced sooner. Lengthy procedures were also mentioned in connection with the effects of uncertainty situation being prolonged, namely, in fact, lack of efficient access to justice, thus re-victimization and re-traumatization.

The results of the research reveal multiple indicators of a general culture fiercely misogynistic and highly tolerant towards violence on women, a culture that seems to have never been pro-actively and efficiently challenged within the Romanian police, administrative and judicial culture. It points to a failure of the state to protect victims of domestic violence and to a culture of impunity towards aggressors, against whom no efficient measures are taken.

“With us [i.e.: in our country], and I don’t think I exaggerate when saying this, it comes to the point where they say: ‘poor her’ only when he’s taken her life already. That’s how I see it. Also looking at the media, and all these cases that are real, in the last period – ‘poor her’.” (woman, age 36, Romania)

We recognise the importance of the recent legislative amendments for the protection of victims of crimes and victims of domestic violence, in particular. We reiterate that a change of paradigm and intensive training in a human rights perspective of all relevant professions, starting from college, are necessary if the aim is for the modifications to be effective and, in general, for diminishing the phenomenon of domestic violence.



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6. Recommendations for improvement of the legal and institutional framework, procedure and practice.

	Recommendations	Institutions with responsibilities or relevant mandate for the implementation of the recommendation
1	Intensive and pluri-disciplinary training of police officers, prosecutors and judges regarding the specificity of domestic violence (including the psychological effects of domestic violence upon victims, effective ways of communication, detailed risk evaluation, identification of risk upon other family members and enforcing the appropriate measures etc.) and regarding the substance and methodology of effective implementation of victims' rights. The training should also include sessions on identifying and combating stereotypes and prejudice.	Police Academy and Police Schools, General Police Inspectorate (Romanian Police), Institute for Public Order Studies (ISOP), National Institute of Magistracy (INM), Ministry of Justice, National Institute for Training of Lawyers, Law schools.
2	Informing the victims at their first interaction with the police – regardless if it's a field intervention, at their house or the victim comes to the police station. The informing should be done verbally (while verifying the victim also understood the information given) and, if it results from the risk analysis, in writing, also including on the written material the contact data of the policeman/ policewoman in charge with the case.	Romanian Police, Ministry of Internal Affairs (MAI)
3	Ensuring permanent financing so that updated informative materials (posters, flyers) with information on the rights of victims and what they should do in case of domestic violence are constantly available in all police stations across the country, as well as in other public institutions that interact with the population, such as medical offices or emergency hospitals. These materials should also be available in formats accessible to people with disabilities.	Romanian Police, National Agency for Equality of Changes between Women and Men (ANES), City Halls, Social Work and Child Protection County Offices (DGAPSC), Ministry of Health, courts of law (Ministry of Justice), National Agency for People with Disabilities
4	Multidisciplinary approach and integrated services - all proceedings when reporting domestic violence to be set up to take place in one location or to limit as much as possible the victim having to go to many places. All services should ensure adequate space, privacy and psychological comfort.	Romanian Government - governmental program with adequate resources ensured.
5	Rapid solving of complaints in cases of domestic violence.	General Prosecutor's Office, MAI, Romanian Police



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6	Rapid solving of cases of divorce, custody and dividing assets when it involves victims of domestic violence and/ or children. In these types of proceedings, domestic violence should be factored in, and judges should be trained to enquire about such circumstances and check for additional court cases (such as possible protection orders previously issued) related to the parties. In addition, for the purpose of drafting the psycho-social inquiry in cases of divorce, the matter of domestic violence should mandatory be investigated, if it exists or not and reported according to a standard structure that would include all necessary elements for an informed decision from the judge.	Ministry of Justice, INM, Ministry of Labour and Social Justice, Faculties of law, psychology and social work, College of Phycologists, College of Social Workers.
7	Significantly improve the skills of judges to assess the best interest of the child in cases of domestic violence when deciding further custody/visitation rights for the aggressor parent or for the necessity to include the children in the protection order.	Ministry of Justice, INM, Faculties of law, National Authority for the Protection of the Rights of the Child and Adoptions (ANPDCA)
8	Nation-wide information campaign on domestic violence informing on what it is, rights of the victims and availability of support services; a long-term campaign in national and local media, not temporary or just in some places.	National Council for Audio-Visual, Romanian media, Romanian professional media organisations, in collaboration with specialised NGOs where they exist/ have resources to get involved.
9	An adequate enforcement of the protection order and sanctioning, according to the law, of the aggressor who violates the order; and modification of legislation in view of extension of the protection order's maximum possible duration (more than 6 months, the maximum period that is now permitted).	Romanian Prosecutor's Office, Romanian Police, MAI, Ministry of Justice
10	Improving and making more efficient the access to/ referral to ex officio legal assistance for all victims of domestic violence and specialised training of lawyers to represent the victims. Training of judges to determine the necessity for and requesting the victim's legal representation ex officio in cases of protection order requests.	Romanian National Bar Union, DGASPC, Public Services of Social Assistance (SPAS), ANES, Ministry of Labour and Social Justice, ANPDCA
11	Ensuring adequate and permanent funds for NGOs that provide services to victims.	Romanian Government, Ministry of European Funds, City Halls, local councils, county councils
12	Real implementation of Penal Procedure Code's relevant provisions regarding the protection of victim from re-traumatising, for instance by avoiding repeated hearings or	Ministry of Justice, Romanian Prosecutor's Office, MAI



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	meetings with the aggressor on the hallway of courts of law.	
13	Carrying out a thematic inspection on how Prosecutor's offices and courts of law administrate files of domestic violence, in reference to observing the victims' rights.	Superior Council of Magistracy, Judiciary inspection
14	Significant increase, in number and quality, of general and specialised state services – the necessity for shelters is very high - , as well as informing the population that such services exist in that county/ locality.	Ministry of Labour and Social Justice, Ministry of Justice, ANES, Local Councils, City Halls, media institutions
15	Evaluation of implementation of the <i>Framework-methodology on the prevention and interdisciplinary and network intervention in situations of violence against the child and family violence</i> (Governmental Decision no. 49/2011) and of services on domestic violence. The improvement of the implementation of this methodology, of general quality of services and ensuring coverage of necessary services across the country.	National Agency for Payments and Social Inspection (ANPIS), ANES, ANDPCA, DGASPCs, local authorities.
16	Separate training, as well as in multidisciplinary teams (along with specialists from legal field: police officers, lawyers, prosecutors, judges) of all specialists in the field of social work (including psychologists which provide services to vulnerable victims) with the purpose of adequately understanding domestic violence, as well as concrete access to different services and rights (including, for instance, the procedure on getting free legal assistance), so that it becomes, in reality, a multidisciplinary work for the benefit of the victim; adoption of working procedures that prevent de-motivation and exhaustion. Mandatory training in the field of domestic violence for psychologists and social workers which draft psychosocial inquiries, of judiciary psychologists and, in general, of all professionals in psycho-social field who do evaluations to be used in court cases within family law or who are involved in procedures pertaining to family law/ that include vulnerable victims.	ANPDCA, Ministry of Labour and Social Justice, Faculties of law, psychology and social work, College of Phycologists, College of Social Workers, ANPIS, in collaboration with National Bar Association and INM.

