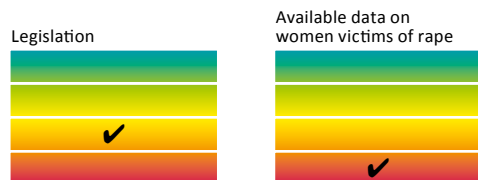


NATIONAL ANALYSIS

Romania



Expert
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Legislation

Under the Romanian Penal Code, rape is a sexual act taking place against the will of one of the partners and a crime punishable by law. It. According to Article 197 the crime of rape is defined as a “sexual act of any nature, with a person of a different or the same sex, through constraint or taking advantage of the victim’s inability to defend him/herself or indicate his/her will.” Decision No. II dated 23 May, 2005 by the Higher Court of Cassation and Justice of Romania established that a sexual act with a person of a different sex, who is related either directly or via a sibling, through constraint or taking advantage of the victim’s inability to defend him/herself or indicate his/her will constitutes both the crime of rape (if the victim lives with or has a relationship with the perpetrator) as well as the crime of incest (Article. 203 of the Penal Code).

Even though marital rape has been declared as a crime via Law 197/2000 which modified Article 175, paragraph. 1, lit. C of the Penal Code, more time is needed for the acceptance that the institution of marriage is not a castle in which the husband has immunity.

According to new regulations, Article 217, paragraph 1 makes the distinction that rape as previously defined is punished with a term of imprisonment of between 3 and 10 years and the removal of certain rights. Paragraph 2 adds: “Punishment is severe detention from 15 to 20 years and the removal of certain rights if the victim is a family member such as a husband or close relative”. These provisions related to family members are not included in new Penal Code, Article. 218, but only with reference to people who are directly related and siblings. The Penal Code does not refer to rape within relationships.

The length of the prison term for a rape conviction depends on the gravity of the circumstances, and the age, physical and psychological state of the victim.

Additional comments

A major problem remaining is how to prove the rape. Shortcomings in the system combined with the victims’ feelings of shame, guilt and fear inevitably lead to a low number of cases, with women preferring to hide the fact they have been raped.

Available data on women victims of rape

The General Inspectorate of Police provides statistics on rape, prostitution and pimping, on www.politiaromana.ro/date_statistice_2012.htm



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The Romanian Public Ministry - General Prosecutor Institution – provides statistics on the number of rape convictions. www.mpublic.ro/presa/2013/bilant2012.pdf

The Superior Council of Magistrates (www.csm1909.ro) has no accessible information related to any court rulings.

Useful Contact

There are no helpline numbers, no rape crisis centres or specialised resources available in Romania.

There are several private psychologists' therapy and counselling centres, but not free of charge, and not specialised on rape.

There are NGOs dealing with violence against women, which provide some support, but not specialised support for rape victims. A database of NGOs dealing with violence against women is available on request from the Community Safety and Mediation Center: info@cmssc.ro
www.cmssc.ro

