

## **ROMANIA**

# **Recommendations to improve data collection on intimate partner violence by the police and justice sectors**



The recommendations were developed after an in-depth analysis of data collection from the police and justice sectors. The relevance and feasibility of the recommendations were discussed with national professionals whose work is closely related to the topic at a meeting on 11 July 2017 in Bucharest, Romania. The suggestions were revised upon participants' feedback. The recommendations aim to improve administrative data collection on intimate partner violence to better inform policies and to help the Member States meet the monitoring requirements outlined in both Directive 2012/29/EU (the Victims' Rights Directive) and the Istanbul Convention.

## 1. Legislative and policy recommendations

Romania collects detailed data on some of the key offences related to intimate partner violence. However, systematic improvement is needed if Romania is to comply with its obligations under the Victims' Rights Directive and following ratification of the Istanbul Convention. A commitment to improving data collection on intimate partner violence within the police and justice systems is fundamental to preventing and combating this widespread social phenomenon. Although Romania's data collection practices are commendable, suggestions for further improvement are detailed below.

### **Amend the existing legal framework on family violence (Law No 217/2003) to align it with the Istanbul Convention**

The existing legal framework, from which administrative data is derived, does not recognise intimate partner violence per se, but instead takes family violence into account. Cases of violence among partners who are not married or who do not share a household are thus excluded from records. In addition, existing criminal offences do not cover all forms of intimate partner violence, as economic violence (in the context of domestic violence) is limited to the offence of family abandonment (Article 378) in police records.

**It is recommended** to align existing legislation with the provisions of the Istanbul Convention in order to improve data collection on intimate partner violence. Once the legal framework is in place, adequate public policy documents should be adopted. The specific objective to improve data collection on intimate partner violence should be agreed with the police and justice sectors to ensure that all parties are committed in practice.

### **Compile statistical products on rape and family violence based on existing administrative data**

At present, the National Statistics Office (NSO) in Romania does not provide statistics on intimate partner violence, female victims of 'family violence', or rape. While administrative data compiled by the police and the courts exists, it is not compiled or published by the NSO.

**It is recommended** that the NSO be involved in the compilation and production of statistics based on the data recorded by the police and justice sectors. This process would increase transparency with respect to the phenomenon of violence against women as well as improve the quality of administrative data compiled by the respective authorities.

### **Compile thematic or annual reports from the administrative data on family violence and rape of the police and courts services**

Romanian civil-society organisations promoting women's rights frequently ask public institutions to publish data on different forms of violence against women. While the police and justice services tend to respond promptly to requests for updated data (under the provisions of the law regulating public access to information of public interest (Law No 544/2001)) and periodically publish data on rape, providing the public with regular reports on domestic violence would be a predictable, cost-effective and transparent means of monitoring this form of violence against women.

**It is recommended** that a policy initiative be implemented to publish existing administrative data on rape and related criminal offences of domestic violence, together with the necessary breakdowns. This would assist in monitoring intimate partner violence in Romania. The police and justice systems are recommended to take steps to introduce relevant variables in order that data on all forms of family violence and rape may be disaggregated by age and sex.

## Issue guidelines to ensure systematic recording of family violence and rape by the police

In 2015, the police recorded 18 100 complaints of family violence in Romania. In the first half of 2016, 8 926 complaints were recorded, with women being the majority of the victims (79 %) <sup>(1)</sup>. However, when the number of reported crimes recorded in police databases is compared to the number of calls received to the 211 emergency number and claiming family violence (82 000 in 2015), there is a gap that suggests that police records capture only part of the problem. This gap may be explained by the circular nature of domestic violence (with the victim returning to the perpetrator several times before a final separation), the reconciliation of victims and perpetrators immediately after police intervention, and the misclassification of domestic violence events as other types of criminal offences or situations. This study showed that the police does not record sexual violence between spouses, even when this is provided by the legal framework (the Criminal Code and Law No 217/2003 allow for such tabulation).

**It is recommended** to issue clear guidelines on the recording of incidents of intimate partner violence, defining the offences and categories of partner that are to be covered and recorded. Training the police on the use of the guidelines would ensure full implementation as well as the likelihood of recording all relevant data breakdowns.

## Calculate the costs of intimate partner violence to the police and justice sectors

Violence against women in general and intimate partner violence in particular have far-reaching impacts on societies. One such effect is the financial impact of the violence on the institutions dealing with the incidents and persons involved. Considerable human and financial resources within the police and justice institutions are devoted to dealing with cases of violence. Although Romania has not developed its own method of calculating these costs, the figure is estimated to be around EUR 4.3 billion per year <sup>(2)</sup>. A more precise calculation based on input from national resources is crucial to ensure informed decisions in policymaking.

**It is recommended** that Romania either develop its own methodology for calculating the costs of intimate partner violence to the police and justice services or use the European Institute for Gender Equality (EIGE)'s cost calculation model, namely its purpose-built model. This data includes total police expenditure, the total number of offences reported to the police, the total number of intimate partner violence cases reported to the police, total justice expenditure and the total number of conviction decisions. The data is partially or fully available. Romania can already provide information on the number of crimes dealt with by the police and the number of police interventions in domestic violence incidents, as well as annual police expenditure. Costs could therefore be calculated based on EIGE's purpose-built model.

## 2. Data collection infrastructure and cooperation between different authorities

### Take steps to improve coordination across authorities involved in data collection on intimate partner violence and policy monitoring

In Romania, the National Agency for Equal Opportunities between Women and Men is responsible for coordinating policy and legal efforts in respect of family violence. While the agency's mandate is similar to that stipulated in Article 10 of the Istanbul Convention, it has limited resources for collecting, compiling and monitoring administrative data recorded by the police and justice services. The agency records administrative data on the social services available to victims and perpetrators as well as data on the victims and perpetrators accessing these social services.

**It is recommended** that a protocol be implemented to regulate the exchange of administrative data between the National Agency for Equal Opportunities between Women and Men and the police and justice services. Such a protocol would improve the monitoring capacity of the agency and would greatly improve the quality of public policy proposals.

<sup>(1)</sup> Romanian Network for Preventing and Combating Violence against Women, *Statistics on domestic violence: almost 9 000 cases of assault and battery, and 80 rapes in the family, in the first 6 months of the year* (<https://violentaimpotrivaefemeilor.ro/statistici-privind-violenta-in-familie-aproape-noua-mii-de-cazuri-de-lovire-si-alte-violente-si-80-de-violuri-in-familie-in-primele-6-luni-ale-anului/>) (not available in English) (*Statistici privind violența în familie: aproape nouă mii de cazuri de lovire și alte violențe și 80 de violuri în familie, în primele 6 luni ale anului*), 2016.

<sup>(2)</sup> European Institute for Gender Equality, *Estimating the costs of gender-based violence in the European Union*, Publications Office of the European Union, Luxembourg, 2014.

### 3. Technical recommendations

#### 3.1. Recommendations on data recording systems

##### **Flag family violence context for incidents of economic violence, similar to the recording of physical, sexual and psychological violence**

Currently, the data on intimate partner violence is recorded by the police based on criminal code offences and then cross-tabulated for violence between family members.

**It is recommended** that changes be made to data collection to allow for ‘family violence’ to be flagged in incidents pertaining to economic violence. Currently, only incidents of family abandonment are recorded as family violence.

##### **Improve the data recording system by further developing well-defined relationship categories for intimate partner violence**

The current legal framework refers to ‘family violence’, which includes both intimate partner violence and intergenerational violence. The scope of the definition of domestic violence refers to intimate partners who either are/were married or share the same household. There are difficulties in interpreting the data, as the terminology used is not that of intimate partner. The current definition excludes those who are intimate partners but who do not share a household. In 2017, a proposal to refine and extend the categories of victim–perpetrator relationship within the databases of the justice sector has been made by the Judicial Statistics Bureau within the Romanian Ministry of Justice. Once approved it will ensure a better visibility of cases of intimate partner violence.

**It is recommended** that the police and justice systems record all crimes perpetrated against intimate partners, not solely those among partners sharing a common household or who are married. The predefined variables should include categories that identify incidents occurring between current or former partners from other relationships falling under the broader category of family violence. At a minimum, categories should include those used in the International Classification of Crime for Statistical Purposes (ICCS), i.e. current or former spouses and current cohabiting partners. Additional categories adapted to the national context should also be included, such as former cohabiting partners and current or former non-cohabiting partners.

##### **Take steps to collect data on economic violence**

The police and justice services do not record incidents of economic violence (other than family abandonment, where the relationship between the victim and the perpetrator is not one of intimate partners). Economic violence incidents are not separately registered within the context of family or intimate partner violence, precluding any understanding of the scope of economic violence in the country. However, in 2017, the Judicial Statistics Bureau proposed to collect data on domestic violence for the following criminal offences: theft, qualified theft, theft for use, qualified robbery and hampering access to compulsory general education, as well as blackmail, harassment, sexual aggression, sexual harassment, domestic violation and violation of professional headquarters.

**It is recommended** that Romania integrate economic violence into its data collection system, e.g. through flagging related offences within the context of ‘family violence’ and recording information on the victim–perpetrator relationship. At least the following offences should be considered, in line with the ICCS: forced labour for domestic services, theft of personal property, and damage against personal property.

#### 3.2. Recommendations on the indicators proposed by EIGE

##### **Indicator 1 — Annual number of women (aged 18 and over) victims of intimate partner violence <sup>(3)</sup> committed by men (aged 18 and over), as recorded by police**

Data to compile this indicator should be improved, as the police currently uses the legal definition provided by Law No 217/2003, i.e. violence within the family. This definition excludes crimes perpetrated between partners who do not share a household or who are not married. Data to populate this indicator is currently available, but economic violence is not included as it is not captured.

**It is recommended** to adopt more comprehensive categories and to include non-cohabiting intimate partners and former cohabiting partners.

<sup>(3)</sup> Any act of physical, sexual, psychological or economic violence that occurs between former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, *Terminology and indicators for data collection: Rape, femicide and intimate partner violence*, Publications Office of the European Union, Luxembourg, 2017).

## Indicator 2 — Annual number of reported offences related to intimate partner violence against women committed by men (aged 18 and over)

The Romanian legal framework (Law No 217/203) uses the legal term ‘violence within the family’, encompassing all forms of violence occurring among spouses, ascendants or descendants or among persons who have or had established relationships similar to that of spouses (sharing a household). This legal definition triggers a statistical use that is too broad (recording crimes of violence among family members who are not intimate partners), while simultaneously excludes crimes recorded among intimate partners who do not share a household or who are not married. Romania can thus only partially populate this indicator from data on separate criminal offences related to intimate partner violence, combined with information on the victim–perpetrator relationship and the sex and age of the victim and of the perpetrator.

**Recommended changes include either flagging incidents as ‘intimate partner violence’ or, if under ‘family violence’, systematically recording the relationship between victim and perpetrator. The following offences should be recorded in this manner, allowing for the creation of the general category of intimate partner violence.**

General category for indicator	Existing offences — statistical classification
<b>Physical intimate partner violence</b>	Homicide/attempted homicide/assault (Article 193), battery (Article 194), assault leading to death (Article 195), unlawful deprivation of freedom (Article 205), threat (Article 206), blackmail (Article 207), harassment (Article 208), family violence (Article 199)
<b>Sexual intimate partner violence</b>	Rape (Article 218), sexual assault (Article 219), sexual harassment (Article 223)
<b>Psychological intimate partner violence</b>	Threat (Article 206), blackmail (Article 207), harassment (Article 208)
<b>Economic intimate partner violence</b>	Theft of personal property (Article 228), damage against personal property (Article 253)

## Indicator 3 — Annual number of men (aged 18 and over) perpetrators of intimate partner violence against women (and percentage of male population that are perpetrators)

The police records aggregated data on perpetrators of family violence against a spouse/former spouse/cohabitant. The unit of measurement is the offence and, sometimes, the recorded data on perpetrators. This data is available and follows Romania’s definition of violence within the family. However, it is difficult to determine if the offence was committed against an intimate partner or against another family member (e.g. sibling, parent, etc.). While it is not difficult to calculate a percentage for the perpetrator/population ratio, this indicator is currently not available in police statistics.

**It is recommended** that incidents be flagged as ‘intimate partner violence’ to have more detailed statistical information and different units of measurement made available so that the number of perpetrators can be obtained in a reliable manner.

## Indicator 4 — Annual number of women (aged 18 and over) victims of physical intimate partner violence <sup>(4)</sup> committed by men (aged 18 and over), as recorded by police

The Romanian police gathers data on crimes perpetrated against family members, including crimes of physical violence such as homicide (Articles 188-189), assault (Article 193), battery (Article 194), assault leading to death (Article 195), unlawful deprivation of freedom (Article 205), threat (Article 206), blackmail (Article 207), harassment (Article 208), rape (Article 218), sexual assault (Article 219) and sexual harassment (Article 223). However, the legal definition in Romanian law is that of family violence. Police data can nevertheless emphasise categories of spouse/former spouse/cohabitant.

<sup>(4)</sup> Any act which causes physical harm to the partner or former partner as a result of unlawful physical force. Physical violence can take the form of, among others, serious and minor assault, deprivation of liberty and manslaughter (EIGE, 2017).

### **Indicator 5 — Annual number of women (aged 18 and over) victims of psychological intimate partner violence <sup>(5)</sup> committed by men (aged 18 and over), as recorded by police**

The Romanian police gathers data on the following forms of psychological intimate partner violence: threat (Article 206), blackmail (Article 207) and harassment (Article 208). Such recording is in line with the legal definition of family violence, and an estimate can be extrapolated from the categories of spouse/former spouse/cohabitant.

### **Indicator 6 — Annual number of women (aged 18 and over) victims of sexual intimate partner violence <sup>(6)</sup> committed by men (aged 18 and over), as recorded by police**

The Romanian police gathers data on the following sexual offences perpetrated against family members: rape (Article 218), sexual assault (Article 219) and sexual harassment (Article 223). This definition includes only the categories of spouse/former spouse/cohabitant.

#### **For indicators 4-6**

**It is recommended** that additional categories of intimate partner be created in order to gather information on crimes perpetrated against intimate partners who do not share households or against former cohabiting partners.

### **Indicator 7 — Annual number of women (aged 18 and over) victims of economic intimate partner violence <sup>(7)</sup> committed by men (aged 18 and over), as recorded by police**

No data is available to populate this indicator.

**It is recommended** that changes be made to the data collection system in order to collect data on offences related to economic violence. Necessary information includes the victim–perpetrator relationship and the sex and age of the victims and perpetrators.

### **Indicator 8 — Annual number of women (aged 18 and over) victims reporting rape <sup>(8)</sup> committed by men (aged 18 and over), as recorded by police**

Romania can populate this indicator.

### **Indicator 9 - Women victims of intimate femicide <sup>(9)</sup> (aged 18 and over) committed by a male intimate partner (aged 18 and over), as a share of the women victims of homicide (aged 18 and over)**

Romania can populate this indicator. The police records the total number of female victims of homicide as well as the total number of victims of homicide perpetrated by an intimate partner, i.e. husband/former husband or cohabiting partner. The police data freezes at the end of the calendar year, and updates on previously unsolved murders are not reintroduced.

**It is recommended** that this limitation be clearly described in the metadata.

### **Indicator 10 — Annual number of protection orders applied for and granted in cases of intimate partner violence against women by type of court**

Romania can provide information regarding the number of protection orders applied and granted in the case of family violence.

### **Indicator 11 — Annual number of men (aged 18 and over) prosecuted for intimate partner violence against women**

Romania is unable to populate this indicator at this time. The General Prosecutor's Office has limited data regarding perpetrators of intimate partner violence. Perpetrator data is incomplete and the database recording information about perpetrators cannot generate sex- and age-disaggregated data simultaneously.

<sup>(5)</sup> Any act or behaviour which causes psychological harm to the partner or former partner. Psychological violence can take the form of, among others, coercion, defamation, verbal insult or harassment (EIGE, 2017).

<sup>(6)</sup> Any sexual act performed on the victim without consent. Sexual violence can take the form of rape or sexual assault (EIGE, 2017).

<sup>(7)</sup> Any act or behaviour which causes economic harm to the partner. Economic violence can take the form of, among others, property damage, restricting access to financial resources, education or the labour market, or not complying with economic responsibilities, such as alimony (EIGE, 2017).

<sup>(8)</sup> Sexual penetration, whether vaginal, anal or oral, through the use of object or body parts, without consent, using force, coercion or by taking advantage of the vulnerability of the victim (EIGE, 2017).

<sup>(9)</sup> The killing of a woman by an intimate partner and death of a woman as a result of a practice that is harmful to women. Intimate partner is understood as former or current spouse or partner, whether or not the perpetrator shares or has shared the same residence with the victim (EIGE, 2017).

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**It is recommended** that the Public Prosecutor's Office expand its data collection to include the age and sex of the perpetrator.

**Indicator 12 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women**

There is no data available for this indicator. However, proposals to update the data collection by the justice sector were made in 2017 and data on indicators 12 and 13 will become available once these changes have been adopted.

**Indicator 13 — Annual number of men (aged 18 and over) sentenced for intimate partner violence against women and held in prison or with a sanction involving a form of deprivation of liberty**

There is no data available for this indicator.

**For indicators 12 and 13**

**It is recommended** that the court system expand its recording to include crimes related to domestic violence (such as under Articles 199, 218, 219 or 206 of the Criminal Code). It is also recommended that the court system collect age and sex data of perpetrators as well as adequate data on the victim–perpetrator relationship.



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