



**Reteaua** pentru  
prevenirea și combaterea  
violentei împotriva femeilor

## Exploratory Study on the Implementation of the Protection Order and the Domestic Violence Provisions of the Criminal Code of Romania in 2012 - 2016

Conducted with the help of the Respect Campaign, AVON's initiative to fight violence against women.

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Bucharest

**July 2017**

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## Introduction

This paper includes the analysis of data on the protection order for victims of domestic violence, data gathered between 2012 and 2016, and two other categories of data relevant to the phenomenon of domestic violence in Romania: prior complaints on the offense of domestic violence (Article 199/Romanian Criminal Code) and homicides in the family. We have also included data collected between 2014 and 2015 on offenses against sexual freedom and integrity. The *Network* for the Prevention and Counteraction of Violence Against Women (VIF) has so far carried out three annual studies on the implementation of the protection order (2013, 2014 and 2015<sup>1</sup>), a study on services (2013<sup>2</sup>) and a study on the costs of services (2014).

The studies were initiated upon the entry into force of the Law 25 of 2012 which, among other things, introduced the protection order in Law 217 of 2003, and had the role of accumulating data that constitutes factual arguments for legislative changes that the member organizations of the *Network* had proposed and promoted them in recent years. The usefulness of the studies has been proven over time by providing arguments for legislative changes that were initiated even from outside the *Network*.

Between 2012 and 2016, significant developments have occurred in the field of preventing and combating domestic violence in Romania. It was the result of a joint effort between civil society, institutions with responsibilities under the special law and the legislative power, where the efforts to improve the legislative framework were completed.

In this context, the most important event was the ratification of the Istanbul Convention. Two major tasks derive from the impact on those who suffer as the main or collateral victims of the phenomenon: legislative harmonization and steady and structured canvassing of statistical data.

Some institutions systematically collect data on domestic violence, namely the Public Ministry in its annual reports, data that we analyzed in this study. Starting with 2014, the General Romanian Police Inspectorate gathers specific data. The study also covers categories of data not found in official statistics and therefore aims to be a continuity segment between the way data is presently collected and the databases to be built in the future as a result of the imposition of the provisions of the Istanbul Convention.

<sup>1</sup><http://violentainfamilie.transcena.ro/wp-content/uploads/2014/03/Studiu-la-nivel-national-cu-privire-la-implementarea-ordinelor-de-protectie-decembrie-2013.pdf> ,  
<http://transcena.ro/wp-content/uploads/studiu-national-ordine-de-protectie-2014.pdf> ,  
<http://transcena.ro/wp-content/uploads/STUDIU-OPdosare-2015-.pdf>  
<sup>2</sup><http://violentainfamilie.transcena.ro/wp-content/uploads/2014/03/Studiu-la-nivel-national-servicii-sociale-violenta-in-familie-decembrie-2013.pdf>

## 1. The aim of the exploratory study

Monitoring the implementation of the protection orders has been a continuous process and the data reveal, as we shall see below, positive changes. Some objectives have been achieved: the reduction in the average duration of the request for the protection order following the amendment by Law 351 of 2015 which introduces in the Law 217 of 2003 the provision for the examination of files with applications for issuing a protection order in 72 hours. But other objectives have yet to be achieved: the existence of enforcement procedures and the supervision of protection orders, the existence of an interim protection order that can be issued by the police officer immediately after finding a situation of high risk of revival.

**The aim of the study is to measure the dimension of justice and police responses and actions in preventing and combating the phenomenon of domestic violence in the period 2012-2016.**

From the European Union Agency for Fundamental Rights data contained in the Violence Against Women: an EU-wide survey (2014), we know that in Romania, 24% of women aged over 15 have been victims of a form of violence from their partner, and 6% of them were victims of a form of violence from their partner in the last 12 months before the interview. Starting from the figures of the statistical study from 2014, Romania in figures of the National Institute of Statistics, we can estimate the number of women who have been victims of a form of violence in the couple after the age of 15 to be about 2,000,000 and the number of victims of a form of violence in the last 12 months before collecting the data for the European research to be around 500,000. In the conclusions of the study, we will assess, from this perspective, the evolution of the continuously increasing number of applications for the issuing of the protection order or of the preliminary complaints.

**The study objectives are:**

1. To observe the evolution of some important parameters defining the phenomenon of domestic violence in our country during the period 2012-2016: protection orders, prior complaints regarding the offense of "domestic violence" and preliminary complaints regarding offenses against sexual freedom and integrity.
2. To identify the gender prevalence with regard to requested protection orders and prior complaints in cases of violence considered as forms of gender violence,
3. To find out the quantity and quality of the measures taken to protect the victims.
4. To identify the statistical measurement need for the future.

## 2. Legislative framework

During the period covered by this study, the legislative framework that we are reporting on has undergone substantial changes. By mid-2017, the regulations in place are:

- Law 217 of 2003 about Preventing and Combating Domestic Violence, republished in 2016
- Law 134 of 2010 on the Civil Procedure Code, republished
- Law 286 of 17 July 2009 on the Criminal Code, as subsequently amended and supplemented (2016)
- Law 135 of 2010 on the Code of Criminal Procedure, as subsequently amended and supplemented
- The Constitution of Romania, Chapter II, Fundamental Rights and Freedoms, article 22

We mention the legislative changes made between 2012 and 2016. The first change, Law 25 of 2012, is the benchmark for the beginning of data collection on protection orders.

- Law 25 of 2012 introduces the protection order – at that time the coordination responsibilities in the field of preventing and combating domestic violence were the Ministry of Labor – Department for Child Protection
- Law 286 of 2009 which entered into force on 1<sup>st</sup> February of 2014 – introduces Chapter III – Offenses committed against a family member
- HG 250 in 2014 – establishes the Department of Equal Opportunities for Women and Men – it also has coordinating powers in the field of domestic violence
- Law 351 of 2015 – introduces the provision for judging files with applications for a protection order within 72 hours
- Law 30 of 2016 – to ratify the Council of Europe Convention on the Prevention and Fight against Violence Against Women and Domestic Violence adopted in Istanbul on 11<sup>th</sup> May 2011

There has been an amendment by Law 35 of 2017 which provides the possibility of the court to oblige the abuser to appear regularly at the police station and to inform the police of his new home if he has been evicted. The effects of this change are not the subject of this study.

The first study by the *Network* for Preventing and Combating Violence Against Women was published in 2013, before Romania signed the Istanbul Convention. But the situation in Romania has been reported from the very beginning by the members of the *Network* to this international document. We have identified some major weaknesses of Romanian legislation, deficiencies that have resulted in poor protection of domestic violence victims and a reduced force of prevention institutions. Here are, from the point of view of the *Network*, these shortcomings:

- Absence of provisions to ensure the financing of services for victims and aggressors (Article 8 of the Convention)
- Absence of provisions to ensure the collection of relevant data coordinated by the responsible institutions, in a regular and transparent manner (Article 11 of the Convention)

- Absence of provisions to ensure access to adequate services and justice for victims of rural areas and economically disadvantaged victims, which leads to poor financing of residential services – shelters – for victims (Articles 20, 21, 22 and 23)
- Absence of interim protection order (Article 52)
- Absence of provisions ensuring that investigations and prosecution of domestic violence offences will not be entirely dependent on a victim's statement or complaint and the fact that proceedings can continue even if the victim withdraws his statement or complaint (Article 55)
- Absence of provisions ensuring the protection of victims' rights and interests (Article 56)

Please note that, although protection order exists, there are still no procedures for the implementation and supervision of compliance with the protection order so far by the police. The general procedures applicable to both family violence and the supervision of compliance with the protection order are not publicly accessible, so we can't monitor the implementation of the protection order against a regulatory framework.

### 3. Methodology

The present study analyzes the evolution of the phenomenon from the entry into force of the protection order laws until the end of 2016. The data from October 2015 to December 2016 were collected during the period April 2016 - April 2017 from the portal of Romanian courts (<http://portal.just.ro>). The collection of data involved the taking of the information relating to each file and its encoding in a comprehensive database. Basically, each case was first identified on the portal, and then specific criteria were followed for which the characteristics of the case were recorded. Data previously collected for studies published in 2013, 2014 and 2015 and data collected over the past year were grouped annually to be benchmarked. The items measured in the previous collections have been preserved and some new items have been introduced that deepen the analysis of the phenomenon. Due to the data structure in calendar years, the present study can be used to compare the data from other sources: the annual reports of the Public Ministry, the balances and data received from the Romanian Police, the reports of the National Institute of Forensic Medicine, the data on the requested preliminary complaints from the prosecutor's offices requested by the Transcena and GARDO associations. These above-mentioned data can only be diachronically analyzed with data from several prosecutor's offices from which we have received responses in successive years. We also received data from the County Police Inspectorates in the country at the request of the same associations, data on prior complaints, but also about the violated protection orders and the number of violations for which the author was prosecuted.

In the comparative analysis we took into account the fact that the data requested by us from the prosecutor's offices attached to the judges and the County Police Inspectorates in the period 2013-2015 were for the deeds stipulated in Art. 199 of the Criminal Code, referring to the articles 193, 194, 195, 196, respectively the acts that appear in the Criminal Code as crimes of a family member. In the statistics of the Romanian Police in 2014, 2015 and 2016, domestic violence includes all offenses committed against a family member identified from

the Criminal Code considering the definitions in Law 217/2003 republished. From the tables you can highlight the offenses we asked for new data. Every year we requested gender-disaggregated data, data on the number of complaints that have been withdrawn and on the number of complaints that have come to court.

Also, the data available on the Romanian Courts' Portal regarding the content of the protection order were also analyzed.

**The items** we analyzed are:

- The incidence of actions in court and their evolution, the gender distribution of complainants
- The average duration of the case file, the distribution of average lengths by gender
- The number of terms and the maximum time between deadlines
- Solutions pronounced in cases, gender distribution of solutions
- Appeals against the substantive court solution, the appeal solution and the average duration of their trial, the gender distribution of the callers
- Duration of protection order, gender distribution
- Contents of the protection order relevant to the protection of victims, gender distribution

The request under Law 544/2001 of the relevant information from the county police inspectorates, the prosecutor's offices attached to the judges and the prosecutor's offices attached to the tribunals had questions about the registered protection orders, the violated ones, the preliminary complaints and the files filed.

The requests were formulated on the basis of the casuistry analysis of the organizations in the *Network* for the Prevention and Combating of Violence Against Women and were reformulated on the basis of the answers and explanations received from the institutions in the previous data requests. We followed:

- Number of prior complaints about domestic violence to have an image of the phenomenon size
- Percentage of prior complaints made by women to see whether they are higher or lower than men's complaints
- Number of withdrawals of pre-trial complaints by women victims to find out if the percentage is higher than the number of male victims' withdrawals
- The percentage of cases that go to court
- The difference between the percentage of cases entering the court on the basis of the preliminary complaint and the ex officio referral

With respect to the ex officio notification, we received contradictory responses, so we were unable to process the information.

We filed the requests by letters sent by mail with acknowledgment of receipt.



Given the quality of the data gathered at the national level by the Romanian General Police Inspectorate in the years 2014, 2015 and 2016, for 2016, we have not requested data on the prior complaints.

We have also been interested in these years about the enforcement procedures. We received information following requests under law 544 of 2001 and conducted interviews with police officers. These procedures complete the information on the extent to which the protection order is a guarantee of the victims' safety after they have addressed the state institutions.

For the years 2014 and 2015 we also collected data on crimes against sexual freedom and integrity. We have considered these facts as forms of gender violence.

#### 4. Context

There are 25 organizations in the *Network* for Preventing and Combating Violence Against Women, 13 of them provide victim support services and 3 organizations work with aggressors. Also, member organizations of the *Network* are constantly collaborating with other 5 victim-providing organizations in the country. Each service provider collaborates with local social assistance services and institutions with responsibilities in the field. Some of the organizations have been working in the field since the 1990s. There is a considerable common experience within the *Network*, both on the existing resources for women and children victims and on victims' access to justice, their safety and the accountability of the aggressors. A number of cases triggered, in 2013, the initiation of monitoring of the way in which the protection order is monitored by the police.

There are two systemic protection factors for victims in Romania: residential services (emergency shelters or reintegration shelters) with secret locations and protection order. These are the two tools that can separate the victim from the aggressor. If one of the two factors is poorly implemented, the pressure moves on the alternative factor. The logic of introducing the protection order in 2012 was to protect the victim with fewer costs at national level. In order for this objective to be achieved, the protection order must be implemented correctly and completely.

#### 4.1. Services and protection for victims

The service *Network* for victims of domestic violence in Romania is incomplete. In 2012 there were 14 counties in Romania without shelters<sup>3</sup>. Currently, the number of counties without shelters has decreased to 8 counties and 2 sectors in Bucharest (according to the service map [http://anes.gov.ro/webcenter/portal/Sirmes/pages\\_asistentapentruvictimet/hartacucentreledeasistenta1](http://anes.gov.ro/webcenter/portal/Sirmes/pages_asistentapentruvictimet/hartacucentreledeasistenta1) on the website of the National Agency for Equal Opportunities Between Women and Men, accessed in July 2017). These counties are: Arad, Bistrita-Nasaud, Caraş-Severin, Constanta, Calarasi, Ilfov, Salaj, Satu Mare and Sector 5 and Sector 6.

We have noticed during the 5 years of monitoring that shelters are generally set up as part of projects and will then be abolished for lack of funds. This makes the list of counties without shelters at different times variable. This dynamics, along with the different speeds of spreading good service information, puts additional pressure on victims who want to get out of an abusive relationship.

The General Directorates for Social Assistance and Child Protection, which are subordinated to the County Councils, are legally obliged to provide services for victims of domestic violence, namely: social assistance, psychological counseling, legal counseling, information and orientation of victims of domestic violence. They also need to be able to respond to emergency requests, with many GDSACPs having a 24-hour phone line. GDSACPs have information on all services in the county and can guide beneficiaries according to their needs. Local autonomy brings variations in how services are provided to victims of domestic violence. Victim services can be set up at the local level by the Social Assistance Directorate and Social Assistance Department.

A number of rules reduce the access of victims to central and local government shelters, for example: home address must be in the county where the shelter is located, victims of women without children cannot be housed in maternity centers (for those situations where the shelter has the maternity status).

The number of private shelters or those that do not have rules for restricting access for victims is small and fluctuating because private funds are limited and their value varies from year to year. Any financier proposes that the funding provided should have sustainable results, but currently the legislative framework regulating the possibility of financing from the local authorities of the projects does not work effectively, which can discourage the donors who receive the message of the authorities' lack of interest of long-term services.

All these situations actually illustrate the pressure on the protection order and the need for it to fit all the elements that provide the victim safety.

<sup>3</sup>For more data check: *Studiul exploatoriu privind serviciile sociale pentru victimele violenței în familie*, 2013, <http://violentainfamilie.transcena.ro/wp-content/uploads/2014/03/Studiu-la-nivel-national-servicii-sociale-violenta-in-familie-decembrie-2013.pdf>

## 4.2. Implementation of the protection order

The member organizations of the *Network* for Preventing and Combating Violence Against Women have been involved since 2012 in monitoring the implementation of the protection order, immediately after its introduction in the legislation. According to the provisions of the National Strategy for Preventing and Combating Violence Against Women (HG 1156-2012), it is up to the Ministry of Internal Affairs to carry out the procedures for enforcement and supervision of the protection order. The term in the strategy is 2014. So far these procedures have not been developed. In order to monitor the enforcement and supervision of the protection orders, it was necessary to know these procedures. We have identified how police works in cases of domestic violence by conducting interviews between 2014 and 2015 with police officers under the command of territorial units or responsible within the territorial unit for domestic violence cases. However, the correct monitoring of the implementation of the order was not possible due to the impossibility of describing the reference legislative benchmarks. We have included in the study only the figures related to the violated number of protection orders registered by the County Police Inspectorates.

The protection order provides for victim protection a series of measures, the main ones being:

- √ Prohibition of any kind of contact with the victim
- √ Keeping a certain distance from the victim
- √ Eviction from the common dwelling
- √ Recommendation to participate in a psychological counseling program or to a program for alcoholism
- √ Seizure of aggressor weapons

The maximum duration of the protection order is 6 months with the possibility of requesting a second protection order. The order of protection can be obtained through a civil process. The presence of the prosecutor in the trial is mandatory. Samples are required. In our study, we considered the length of time for judging files with applications for a protection order to be the interval between the filing of the file in court and the last time the judge decided on the case.

In order to ensure the safety of victims, these measures must be taken in a very short time after the victim has decided to seek help or even terminate the relationship with the aggressor, and the victim should have easy access to the institutions dealing with the case. Currently, obtaining a protection order depends heavily on where the victim lives, the victim's ability to act in secret, without the aggressor realizing that she wants to obtain a protection order, the proximity of a private services provider and the accessibility of a lawyer who also accepts pro bono cases.

In cases where the victim or another family member or known person calls the emergency number 112 in a situation of physical aggression, the police will go to the address and intervene if they are allowed to enter the home. Depending on the seriousness of the situation, an ambulance crew participates in the intervention. The victim may be transported to the

hospital or directed to the hospital, emergency unit or compartment. Hence, only after consultation and completion of specific procedures or after confinement, the victim can go to a legal medicine lab to obtain the forensic medical certificate that is a necessary test for further legal action. If the lab is located in a different locality than the one where the victim lives, the victim will need money for the road and for paying the medico-legal certificate. The application for the issuing of the protection order, which is submitted to the territorial court, is to be completed with or without legal aid. All mandatory actions for the victim to lodge an application make it possible for her to remain at home with the aggressor and is in danger of either new aggression occurring or, under pressure from the aggressor, giving up any action. The situation where the aggressor finds the victim trying to escape from the relationship is considered to be one of the most dangerous in their life. The option to apply for a protection order applies in the cases where the victim knows the steps to obtain a protection order, reads and has whom to leave with the children or can take them with her.

## 5. Results and analysis

The results show a significant increase in the number of applications for issuing a protection order with which the courts in the country were invested. If in the first two years not all courts had such applications, starting with 2014, all courts judge this type of case. We consider increasing court action as an effect of numerous information and awareness campaigns across multiple channels for both professionals and the general public.

Of the applications filed in court, only between 35% and 50% (annual variations) receive a total or partial admission solution followed by the issue of a protection order. We cannot interpret this as the confirmation of only half of the cases as cases of domestic violence. We can only say that in about half of the cases the judges considered that there was a sufficiently high degree of danger for the victim to issue the protection order. We can, therefore, consider that the number of victims of domestic violence, especially in its forms of psychological, emotional and economic violence, is much higher than the number of protection orders issued.

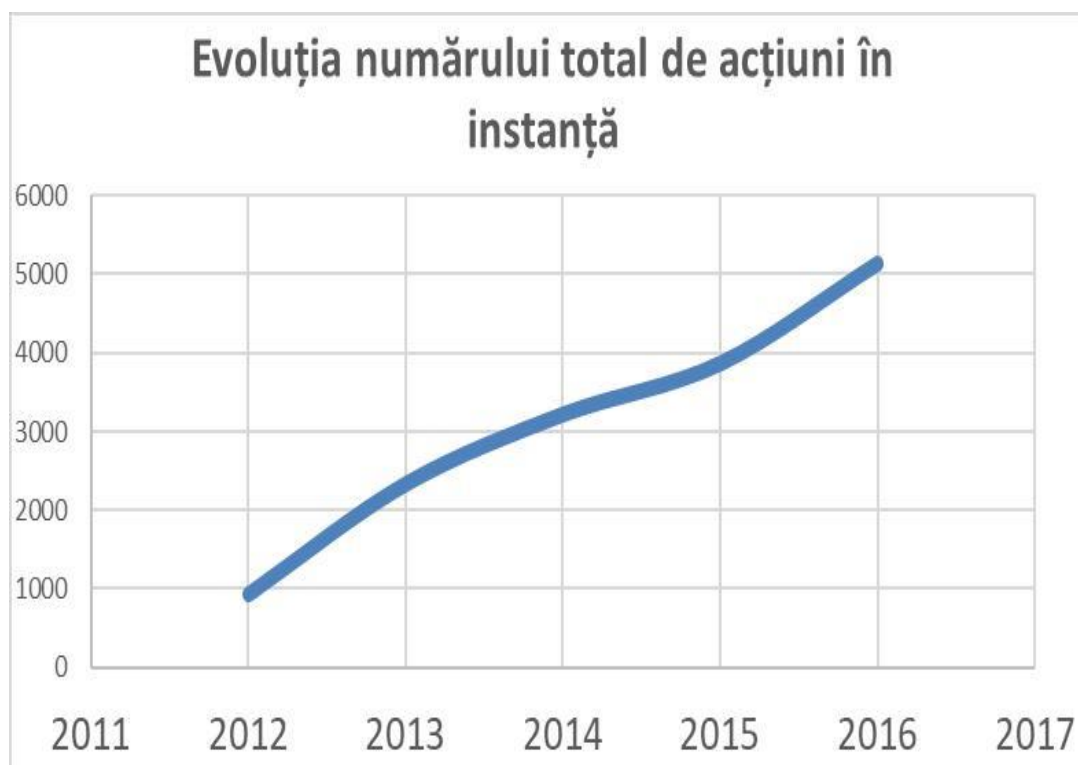
### 5.1. Requests for the issuing of a protection order

The incidence of actions in court and its evolution in 2012-2016 is presented in table no. 1, the data being collected and presented by counties. Analyzing the evolution of the total number of actions in court during the reference period, one can see an upward trend over the 5 years, the highest increase being registered between 2015 and 2016, which is reflected in the following graph. (Figure 1)

**Table 1. The incidence of actions in court**

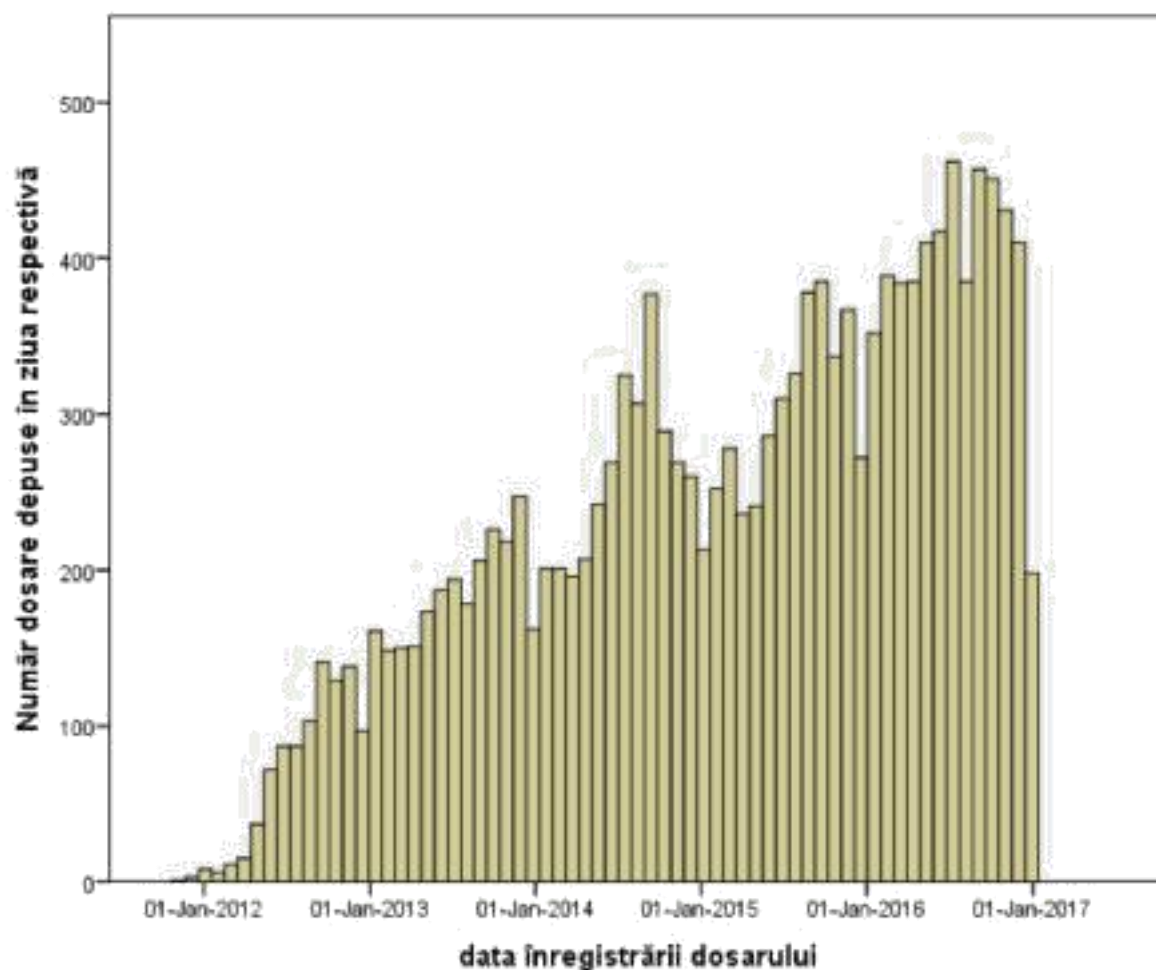
		YEAR					Total
		2012	2013	2014	2015	2016	
COUNTY	ALBA	14	19	41	49	65	188
	ARAD	2	29	24	57	62	174
	ARGEŞ	41	113	87	105	160	506
	BACĂU	57	132	141	160	240	730
	BIHOR	9	43	89	89	136	366
	BISTRIŢA-NĂSĂUD	2	21	42	45	59	169
	BOTOŞANI	26	83	122	135	187	553
	BRAŞOV	16	75	89	106	144	430
	BRĂILA	22	40	53	82	94	291
	BUZĂU	14	47	65	78	116	320
	CARAŞ-SEVERIN	2	4	21	16	36	79
	CLUJ	31	60	65	98	155	409
	CONSTANŢA	58	81	105	128	164	536
	COVASNA	2	18	29	27	46	122
	DĂMBOVIŢA	19	53	66	82	119	339
	DOLJ	21	49	64	71	82	287
	GALAŢI	16	69	91	146	239	561
	GORJ	5	20	50	73	87	235
	HARGHITA	3	13	11	18	37	82
	HUNEDOARA	23	60	73	96	87	339
	IALOMIŢA	9	39	59	43	57	207
	IAŞI	48	117	168	165	257	755
	ILFOV	21	53	71	107	173	425
	MARAMUREŞ	9	53	73	102	88	325
	MEHEDINŢI	10	28	50	45	58	191
	MUREŞ	20	54	68	62	109	313
	NEAMŢ	40	64	79	117	151	451
	OLT	17	46	52	87	96	298
	PRAHOVA	63	84	107	106	157	517
	SATU-MARE	13	40	33	49	62	197
	SĂLAJ	12	27	27	55	74	195
	SIBIU	34	68	94	116	150	462
	SUCEAVA	27	52	55	76	104	314
	TELEORMAN	9	34	38	58	59	198
	TIMIŞ	16	44	57	69	91	277
	TULCEA	16	35	51	49	49	200
	VASLUI	55	91	172	150	245	713
	VÂLCEA	18	37	53	51	77	236
	VRANCEA	7	18	34	32	58	149
	Bucharest - Sector 1	7	31	51	58	68	202
	Bucharest - Sector 2	15	37	75	81	78	256
	Bucharest - Sector 3	20	47	98	109	141	377
	Bucharest - Sector 4	16	39	86	86	106	296
	Bucharest - Sector 5	14	84	99	158	147	465
	Bucharest - Sector 6	24	53	73	105	75	306
	CĂLĂRAŞI	10	11	16	37	38	112
	GIURGIU	4	22	53	32	49	160
	<b>Total</b>	<b>937</b>	<b>2337</b>	<b>3220</b>	<b>3866</b>	<b>5132</b>	<b>15313</b>

The increase between 2012 and 2013 is not comparable to those of the following years due to the fact that the protection order has begun to be judged in court since mid-2012.



**Fig. 1. Evolution of the total number of actions in court between 2012 and 2016**

If we look at the day and month distribution of the record of the files (Figure 2), the upward trend is doubled by an interesting seasonality. The beginning of the year marks a decrease in the number of registered cases, followed by a slight increase, then an explosion in the summer months, continued in the beginning of autumn, so that winter may have a slight decrease, continuing with the fall in the beginning of the next year. The number of years for which we have records is still too small to have definitive conclusions, but the trend seems to be quite clear. It may be related to two different phenomena: the holiday period and the return of migrants to the country.



**Fig. 2. Monthly fluctuation of files filed in courts**

Turning to the upward trend, it does not necessarily mark an increase in the frequency of domestic violence, but rather an awareness of the need and the possibility of receiving protection when such cases seem to arise.

The number of actions in court per one hundred thousand inhabitants is relevant, table no. 2, the figures help us identify the most densely populated territorial units and their evolution in the 5 years.

Table no. 2 Distribution of actions in court per 100,000 inhabitants, by counties and by years

			YEAR		
COUNTY	2012	2013	2014	2015	2016
ALBA	4	6	12	15	19
ARAD	0	7	6	13	15
ARGEŞ	7	19	14	17	27
BACĂU	9	22	23	26	40
BIHOR	2	7	16	16	24
BISTRIŢA NĂSĂUD	1	7	15	16	21
BOTOŞANI	6	20	30	34	47
BRAŞOV	4	7	10	15	17
BRĂILA	5	24	29	34	47
BUZĂU	3	11	15	18	27
CARAŞ SEVERIN	1	1	7	6	13
CĂLĂRAŞI	3	4	5	12	13
CLUJ	4	9	9	14	22
CONSTANŢA	8	12	15	19	24
COVASNA	1	9	14	13	22
DÎMBOVIŢA	4	10	13	16	24
DOLJ	3	7	10	11	13
GALAŢI	3	13	17	28	46
GIURGIU	1	8	19	12	18
GORJ	1	6	15	22	27
HARGHITA	1	4	4	6	12
HUNEDOARA	6	15	18	24	22
IALOMIŢA	3	14	22	16	22
IASI	6	15	21	21	33
<b>BUCHAREST+ILFOV</b>	<b>5</b>	<b>15</b>	<b>23</b>	<b>31</b>	<b>34</b>
MARAMUREŞ	2	11	15	22	19
MEHEDINŢI	4	11	19	18	23
MUREŞ	4	10	12	11	20
NEAMŢ	9	14	17	25	33
OLT	4	11	12	21	23
PRAHOVA	8	11	14	14	21
SATU MARE	4	12	10	14	18
SĂLAJ	5	12	12	25	34
SIBIU	9	17	23	29	38
SUCEAVA	4	8	9	12	17
TELEORMAN	2	9	10	16	17
TIMIŞ	2	6	8	10	13
TULCEA	8	17	24	24	24
VASLUI	14	23	44	39	63
VÎLCEA	5	10	14	14	21
VRANCEA	2	5	10	10	18
<b>National average</b>	<b>4,7</b>	<b>11,7</b>	<b>15,2</b>	<b>19,5</b>	<b>26,0</b>



Considering the size and density of the population in Bucharest, in Table no. 3 we presented the number of shares per 100,000 inhabitants in Bucharest by sector and Ilfov County.

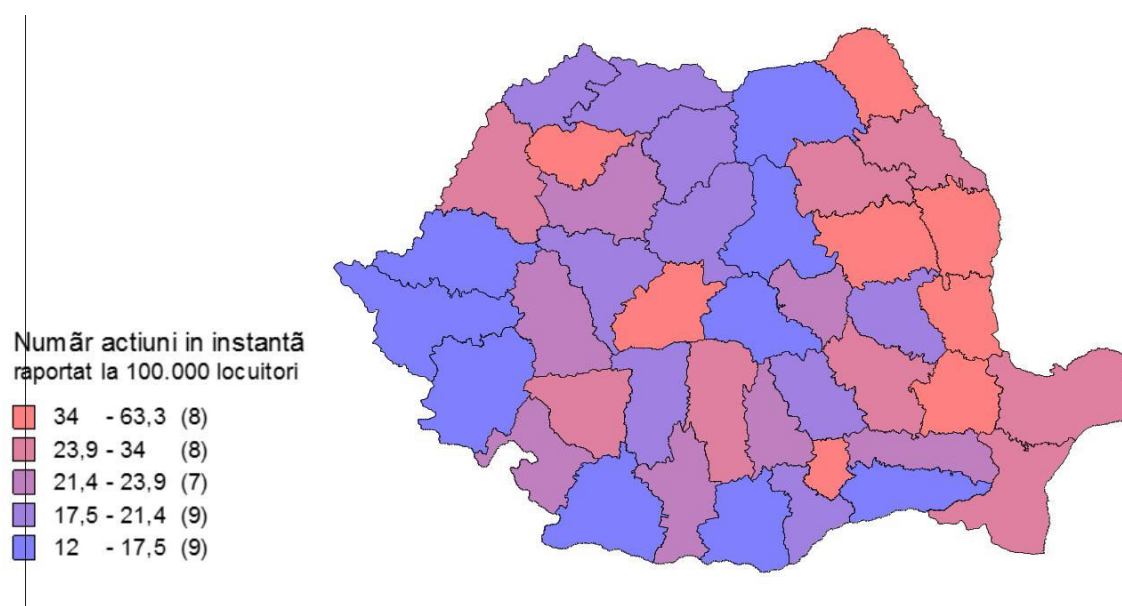
**Table no. 3**

**The distribution of court actions per 100,000 inhabitants, by sector and Ilfov County**

	2012	2013	2014	2015	2016	Total of actions in 5 years
Bucharest - Sector 1	3	14	23	26	30	90
Bucharest - Sector 2	4	11	22	23	23	74
Bucharest - Sector 3	5	12	25	28	37	98
Bucharest - Sector 4	6	14	30	30	37	103
Bucharest - Sector 5	5	31	36	58	54	171
Bucharest - Sector 6	7	14	20	29	20	83
<b>Total BUCHAREST</b>	<b>5</b>	<b>15</b>	<b>26</b>	<b>32</b>	<b>33</b>	<b>101</b>
ILFOV	7	18	16	36	58	134

The homogeneity of the counties increases from year to year. The coefficient of variation is always fairly small but decreases from 0.60 in 2012 to 0.45 in 2016, with small annual changes indicating a tendency towards convergence in the number of shares per county. This shows, on the one hand, a relatively uniform application of the law (it is nevertheless natural to have variations given the characteristics of each county) and, on the other hand, the local specifics are rather low compared to the similarities existing at national level.

Overlapping the relative homogeneity, if we consider all the files initiated in the 5 years under review, a fairly visible regional pattern appears with the eastern part of the country recording a slightly higher frequency than the western one (Figure 3)



**Fig. 3 The map of court actions per 100,000 inhabitants, per counties in 2012 - 2016**

In Figure 4 we can see that in **the top 5 counties** with the most actions in court we find Botoșani and Vaslui counties every year, which can be interpreted as a higher density of cases, but also as a greater concern of the institutions for solving cases, given the estimated number of victims on the basis of the 2014 European survey.

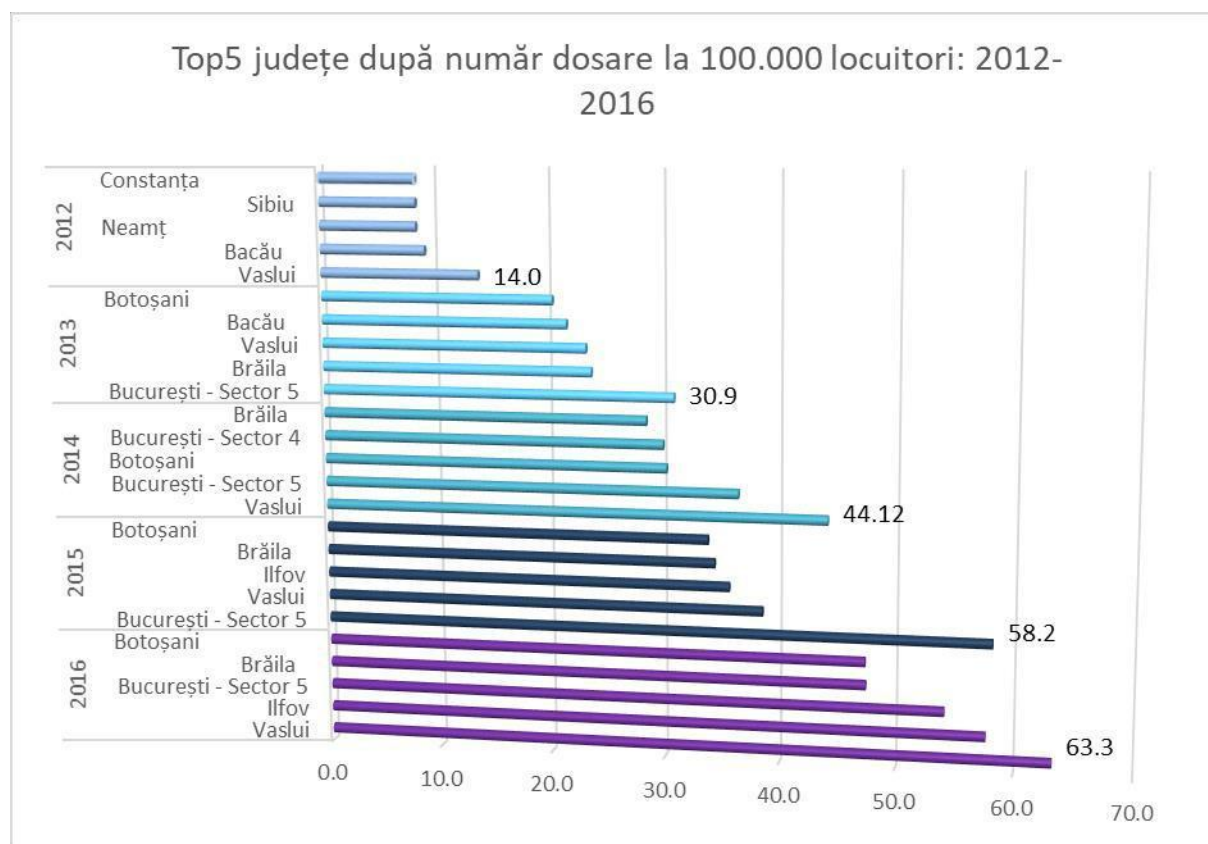


Fig. 4. The incidence of top 5 counties by the number of files per 100,000 inhabitants

#### 5.1.1. Gender distribution of court actions

The gender distribution of complainants in cases of domestic violence (Table 4) is extremely important to prove the gender dimension of the phenomenon, but also to identify strategic needs such as the need to build shelters for men, the need to build shelters in certain counties, and the need to introduce into legislation measures to empower aggressors. We took into consideration the cases in which the complainants were: male, female, male and female together, and in the "other" category, the institutions.

Table no. 4 Gender distribution of complainants on national level in 2012-2016

		YEAR					
		2012	2013	2014	2015	2016	Total
COMPLAINANTS	female	88%	86%	89%	89%	88%	88%
	male	7%	8%	7%	7%	8%	7%
	male & female	5%	3%	3%	3%	3%	3%
	other (institutions)	1%	4%	1%	0%	0%	1%
	Total	100%	100%	100%	100%	100%	100%

**Table no. 5 Gender distribution per counties of complainants in 2016**

		COMPLAINANT			
		Female	Male	Male & female	other
		Row N %	Row N %	Row N %	Row N %
county	ALBA	86%	8%	5%	2%
	ARAD	94%	6%	0%	0%
	ARGEŞ	87%	12%	1%	0%
	BACĂU	82%	10%	7%	1%
	BIHOR	88%	9%	3%	0%
	BISTRIŢA-NĂSĂUD	95%	3%	2%	0%
	BOTOŞANI	88%	9%	2%	1%
	BRAŞOV	90%	4%	6%	0%
	BRĂILA	90%	7%	2%	0%
	BUZĂU	84%	9%	5%	1%
	CARAŞ-SEVERIN	89%	11%	0%	0%
	CLUJ	91%	8%	1%	0%
	CONSTANŢA	89%	7%	4%	0%
	COVASNA	87%	9%	4%	0%
	DÂMBOVIŢA	81%	12%	8%	0%
	DOLJ	85%	9%	5%	1%
	GALAŢI	85%	7%	7%	1%
	GORJ	79%	18%	2%	0%
	HARGHITA	84%	3%	3%	11%
	HUNEDOARA	89%	8%	2%	1%
	IALOMIŢA	84%	9%	7%	0%
	IAŞI	92%	7%	1%	0%
	ILFOV	92%	7%	1%	0%
	MARAMUREŞ	91%	5%	5%	0%
	MEHEDINŢI	91%	9%	0%	0%
	MUREŞ	94%	6%	0%	0%
	NEAMŢ	91%	6%	3%	0%
	OLT	81%	18%	1%	0%
	PRAHOVA	80%	10%	8%	1%
	SATU-MARE	95%	3%	2%	0%
	SĂLAJ	93%	7%	0%	0%
	SIBIU	91%	8%	1%	0%
	SUCEAVA	86%	10%	3%	2%
	TELEORMAN	83%	7%	8%	2%
	TIMIŞ	95%	5%	0%	0%
	TULCEA	84%	14%	2%	0%
	VASLUI	91%	5%	3%	0%
	VÂLCEA	91%	6%	3%	0%
	VRANCEA	90%	5%	5%	0%
	Bucharest - Sector 1	90%	9%	0%	1%
	Bucharest - Sector 2	91%	6%	1%	1%
	Bucharest - Sector 3	89%	6%	4%	1%
	Bucharest - Sector 4	93%	6%	0%	1%
	Bucharest - Sector 5	93%	5%	1%	0%
	Bucharest - Sector 6	91%	8%	1%	0%
	CĂLĂRAŞI	74%	16%	8%	3%
	GIURGIU	82%	10%	8%	0%

The variation between the counties is not unusual, only the Calarasi and Gorj counties are easily evidenced by the lower number of the female applicants simultaneously with the higher frequency of the male applicants.

In addition, there is virtually no clear link between the number of cases registered in the county and the share of female applicants in total.

## 5.2. Average duration of the case file

The average nation length of judging the cases (days) has decreased by almost half in 2015 as compared to 2014 and then five times in 2016 as compared to 2015. The last decrease is most likely due to the provision of the trial of the files within a maximum of 72 hours. The comparative durations by years and by counties are presented in table no. 6.

In 2016 there are three counties in which the length of the trial exceeds 10 days, namely Arad (19 days) Mehedinți (16 days) and Giurgiu (13 days).

Table no. 6 Average time in days from file registration to sentence

		YEAR				
		2012	2013	2014	2015	2016
county	ALBA	16	32	26	14	4
	ARAD	29	33	31	17	19
	ARGES	6	46	58	37	4
	BACĂU	42	34	32	24	8
	BIHOR	23	52	51	34	3
	BISTRIȚA-NĂSĂUD	3	37	51	24	2
	BOTOȘANI	17	36	33	20	5
	BRAȘOV	13	63	26	12	4
	BRĂILA	24	32	32	12	4
	BUZĂU	61	57	46	19	3
	CARAȘ-SEVERIN	12	87	42	19	6
	CLUJ	32	41	41	20	3
	CONSTANȚA	60	58	30	15	3
	COVASNA	31	35	17	12	4
	DÂMBOVIȚA	25	41	31	18	2
	DOLJ	9	209	51	23	6
	GALAȚI	65	57	28	7	2
	GORJ	10	29	30	19	3
	HARGHITA	63	27	25	12	5
	HUNEDOARA	10	36	37	19	5
	IALOMIȚA	44	67	59	33	3
	IASI	63	39	57	38	3
	ILFOV	14	66	69	31	3
	MARAMUREȘ	15	20	18	14	3
	MEHEDINȚI	10	43	42	24	16
	MUREȘ	11	24	29	15	3
	NEAMȚ	16	38	33	17	3
	OLT	5	41	39	17	5
	PRAHOVA	15	47	36	26	4
	SATU-MARE	37	40	30	20	5
	SĂLAJ	13	42	33	10	4
	SIBIU	4	21	23	16	4
	SUCEAVA	10	47	31	12	2
	TELEORMAN	50	35	27	15	9
	TIMIȘ	18	52	50	21	9
	TULCEA	26	46	48	27	5
	VASLUI	33	32	24	15	2
	VÂLCEA	18	56	64	34	4
	VRANCEA	13	35	47	23	3
	Bucharest - Sector 1	94	57	50	17	7
	Bucharest - Sector 2	63	68	50	26	2
	Bucharest - Sector 3	38	28	22	10	2
	Bucharest - Sector 4	50	42	36	25	2
	Bucharest - Sector 5	57	145	52	15	1
	Bucharest - Sector 6	44	86	29	17	6
	CĂLĂRAȘI	21	25	29	19	3
	GIURGIU	7	75	70	46	13
	<b>Total</b>	<b>29</b>	<b>51</b>	<b>39</b>	<b>20</b>	<b>4</b>

### 5.2.1. Distribution by gender of the length of time for judging applications

**Table no. 7 Distribution by gender of the length of time for judging applications, national average**

		COMPLAINANT				
		female	male	male & female	Other	Total
		Mean	Mean	Mean	Mean	Mean
YEAR	2012	29	40	30	5	29
	2013	50	55	54	56	51
	2014	39	39	42	29	39
	2015	20	21	21	12	20
	2016	4	5	5	9	4

We see a tendency that the duration for requests made by institutions to be shorter than requests made by individuals, and the duration of requests made by women to be slightly less than that of men or men and women together. This positive aspect is relevant because the risk of relapse is against the victims who are usually more vulnerable, namely women who can often be accompanied by children as well. Furthermore, reduced duration is an important protective factor.

There are accidental situations that cause long duration. The median of the duration of the processes per year at national level, presented synthetically in table no. 8, shows a better situation.

**Table no. 8 Distribution of the average duration of processes per country**

		COMPLAINANT				
		female	male	male & female	Other	Total
		Median	Median	Median	Median	Median
YEAR	2012	8	17	8	7	8
	2013	32	38	35	31	32
	2014	28	29	28	17	28
	2015	13	15	11	7	13
	2016	2	2	2	2	2

We can see that the shortest average lengths of the proceedings are also recorded in the women's claim files. It is also important to distribute the durations by counties (table 9).

**Table no. 9 Situation of the average of the lengths of the processes on the counties**

		2012	2013	2014	2015	2016
		Median	Median	Median	Median	Median
county	ALBA	6	26	20	9	4
	ARAD	29	21	25	12	9
	ARGEŞ	4	35	49	24	2
	BACĂU	8	28	26	14	3
	BIHOR	16	52	43	24	2
	BISTRIŢA-NĂSĂUD	3	24	41	17	2
	BOTOŞANI	3	24	27	13	2
	BRAŞOV	8	34	22	7	3
	BRĂILA	7	22	23	8	2
	BUZĂU	40	40	36	15	3
	CARAŞ-SEVERIN	12	51	28	11	4
	CLUJ	12	29	39	12	2
	CONSTANŢA	41	42	19	9	3
	COVASNA	31	29	8	4	4
	DÂMBOVIŢA	7	35	26	14	2
	DOLJ	6	244	49	20	2
	GALAŢI	55	43	16	5	1
	GORJ	12	23	22	15	2
	HARGHITA	8	25	13	9	3
	HUNEDOARA	7	28	20	14	3
	IALOMIŢA	15	64	55	21	2
	IAŞI	21	30	45	27	2
	ILFOV	11	58	66	25	2
	MARAMUREŞ	5	11	12	8	2
	MEHEDINŢI	7	30	41	14	7
	MUREŞ	7	19	26	10	2
	NEAMŢ	10	29	23	10	2
	OLT	3	25	26	10	3
	PRAHOVA	7	34	31	15	2
	SATU-MARE	7	24	17	10	4
	SĂLAJ	15	36	21	7	3
	SIBIU	2	14	17	11	2
	SUCEAVA	8	42	26	8	2
	TELEORMAN	25	20	21	9	4
	TIMIŞ	15	50	42	21	4
	TULCEA	18	31	46	17	2
	VASLUI	6	26	21	10	2
	VÂLCEA	4	54	54	22	3
	VRANCEA	7	29	42	19	1
	Bucharest - Sector 1	70	37	35	14	6
	Bucharest - Sector 2	46	65	39	19	2
	Bucharest - Sector 3	17	14	14	7	2
	Bucharest - Sector 4	41	43	34	22	1
	Bucharest - Sector 5	47	35	49	4	1
	Bucharest - Sector 6	6	35	22	13	5
	CĂLĂRAŞI	11	24	25	10	2
	GIURGIU	7	59	49	32	4
	<b>Total</b>	<b>8</b>	<b>32</b>	<b>28</b>	<b>13</b>	<b>2</b>

Although there are counties where the average and the median duration are over the 72 hours prescribed by the current law, the impact of the amendment made by Law 351 of 2015 is significant, as we have stated, the average duration of the trial decreasing 5 times.

**Table no. 10. The situation of the longest and the shortest processes at national level**

		DURATION OF TRIAL (DAYS)		
		Minimum	Mean	Maximum
YEAR	2012	0	29	267
	2013	0	46	479
	2014	0	38	288
	2015	0	20	201
	2016	0	4	118

The largest and the smallest durations broken down by counties can be seen in table no. 11.

We also notice the reduction in maximum durations, and especially their exceptionality in 2016. The lowest peak durations are in Bucharest, Sections 2,3 and 5.

By comparing the values, we can identify counties where short term judgments are a dominant practice. The courts in these counties are quite loaded and manage to judge fast requests for a protection order, which makes us think that they could be examples of good practice. Sector 3 stands out in this regard throughout the reference period.



Table no. 11 The distribution of the minimum and maximum duration of processes by counties

		YEAR									
		2012		2013		2014		2015		2016	
		Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
county	ALBA	0	101	6	71	2	60	2	74	0	24
	ARAD	6	52	3	122	1	90	2	78	1	91
	ARGHES	0	70	0	213	6	143	1	201	0	34
	BACĂU	1	200	2	154	5	110	1	152	0	112
	BIHOR	1	54	3	106	4	172	1	129	0	31
	BISTRIȚA-NĂȘĂUD	1	4	3	132	12	158	1	82	0	25
	BOTOȘANI	0	176	0	140	4	108	2	158	0	96
	BRAȘOV	1	92	2	351	6	104	1	68	0	40
	BRĂILA	1	144	6	118	5	109	2	69	1	29
	BUZĂU	1	200	0	214	3	123	0	81	0	17
	CARAȘ-SEVERIN	10	14	29	216	11	101	2	67	0	32
	CLUJ	1	141	3	174	5	104	0	147	0	42
	CONSTANȚA	1	194	2	244	1	140	1	90	0	57
	COVASNA	14	48	6	77	1	69	1	48	0	26
	DĂMBOVITĂ	0	209	4	95	7	85	2	85	0	11
	DOLJ	1	33	0	345	4	97	3	97	0	80
	GALAȚI	6	171	5	281	4	153	1	49	0	24
	GORJ	4	14	6	126	4	105	5	83	0	27
	HARGHITA	0	182	4	66	8	56	3	42	1	30
	HUNEDOARA	1	33	4	142	2	176	0	81	0	49
	IALOMIȚA	7	122	13	156	6	128	1	167	0	18
	IASI	1	199	0	228	1	287	0	195	0	65
	ILFOV	0	49	2	190	18	288	3	165	0	69
	MARAMUREȘ	0	60	3	82	3	96	0	176	0	23
	MEHEDINȚI	2	40	5	255	5	96	1	84	0	66
	MUREȘ	3	44	3	107	1	75	0	85	0	19
	NEAMȚ	1	85	2	168	8	108	1	139	0	21
	OLT	1	15	1	128	7	192	1	82	0	115
	PRAHOVA	1	149	0	344	0	112	2	134	0	56
	SATU-MARE	1	152	2	130	2	122	1	115	1	24
	SĂLAJ	1	29	5	161	7	84	1	41	1	57
	SIBIU	1	57	1	76	4	64	1	76	1	46
	SUCEAVA	1	33	3	251	7	105	3	81	0	25
	TELEORMAN	3	188	3	126	2	76	1	98	1	76
	TIMIȘ	2	37	5	147	2	129	6	44	1	53
	TULCEA	5	99	11	197	1	121	6	84	0	52
	VASLUI	0	191	0	106	1	71	1	189	0	32
	VĂLCEA	1	180	8	150	9	210	7	156	1	28
	VRANCEA	4	37	2	134	4	133	2	90	0	16
	Bucharest - Sector 1	47	267	9	173	8	174	1	67	0	34
	Bucharest - Sector 2	7	182	16	134	1	138	1	89	0	7
	Bucharest - Sector 3	0	200	0	190	2	174	0	69	0	6
	Bucharest - Sector 4	0	145	0	97	2	85	2	113	0	27
	Bucharest - Sector 5	6	140	2	348	7	139	0	74	0	5
	Bucharest - Sector 6	0	193	8	479	7	105	2	68	0	50
	CĂLĂRAȘI	2	77	3	57	2	62	2	175	0	13
	GIURGIU	5	9	6	204	5	174	2	146	0	118
	<b>Total</b>	<b>0</b>	<b>267</b>	<b>0</b>	<b>479</b>	<b>0</b>	<b>288</b>	<b>0</b>	<b>201</b>	<b>0</b>	<b>118</b>

### 5.3. The number of court sentences and their gender distribution

The situation has also improved in terms of the number of trial periods in the studied period, and gender distribution is shown in table no. 12

**Table no. 12. The distribution of trial dates by gender in 2012-2016**

		COMPLAINANT				
		female	male	male & female	other	Total
		Mean	Mean	Mean	Mean	Mean
YEAR	2012	3,1	2,8	3,0	2,6	3,1
	2013	2,6	2,5	2,5	13,7	2,7
	2014	2,6	2,6	3,0	2,3	2,6
	2015	2,5	2,5	2,7	1,3	2,5
	2016	1,6	1,6	1,6	2,1	1,6

We can follow in table no. 13 average durations between registration and first term, then between first and second term, up to the 4th term. Although there have been files that had 6 terms throughout the reference period, their number being very small, we have not considered them.

**Table no. 13 Average duration between the registration and judging terms**

Number of days	year				
	2012	2013	2014	2015	2016
Between complain and first term	25	23	20	14	3
Between first and second term	54	11	12	31	11
Between second and third term	10	12	20	55	6
Between third and fourth term	*	12	11		4
Between fourth and fifth term		10	10		
Between fifth and sixth term		18	10		

\*empty cells indicate the absence of cases or a small number of cases.

It should be noted that there are also files for which the information on the dates has not been fully recorded. The figures in the table may be slightly distorted estimates, but they give a good overview of the facts. These developments indicate the tendency for courts to urgently hear claims and certify that lengthy times as well as long deadlines are exceptions.

## 5.4. Pronounced solutions

Percentage of the important solutions for our study, admitted, rejected, withdrawal are presented in table no. 14.

**Table no. 14 The frequency of types of court-given solutions**

TYPES OF SOLUTIONS		YEAR				
		2012	2013	2014	2015	2016
	Admitted of party admitted	45%	34%	43%	45%	50%
	rejected	29%	24%	31%	32%	38%
	withdrawal	11%	10%	13%	13%	7%
	Other	15%	32%	13%	20%	5%
	Total	100.0%	100.0%	100.0%	100.0%	100.0%

"Other" includes missing information, cancellation, merger, postponement, disinvestment, overtime, unresolved.

We consider relevant for our study the presentation of the county distribution of the most important solutions.

These figures represent the protection orders issued during the reference period. These protection orders must be found in the records of the county police inspectorates.

In table no. 15 A, we have solutions to requests that have received the admitted or partially admitted solution. A protection order was issued for each solution. Partial admission refers to the content of the application, in that not all the conditions requested by the plaintiff were considered justified by the judge. For example, the evacuation or the required distance or recommendation for treatment is not always approved. It is also important to bear in mind that solutions to accept the application are only cases where the judges considered that the applicant is not in danger of repeating the act of violence.

**Table no. 15.A Distribution by counties of the admitted and party admitted requests**

		2012	2013	2014	2015	2016	Total
		Count	Count	Count	Count	Count	Count
County	ALBA	6	6	12	22	39	85
	ARAD	0	9	13	24	26	72
	ARGEŞ	18	39	19	49	81	206
	BACĂU	34	53	47	79	147	360
	BIHOR	0	11	31	43	57	142
	BISTRIŢA-NĂSAUD	1	9	9	17	29	65
	BOTOŞANI	16	38	45	84	112	295
	BRAŞOV	9	12	29	51	82	183
	BRĂILA	12	16	16	40	37	121
	BUZĂU	8	13	21	30	14	86
	CARAŞ-SEVERIN	0	1	4	5	15	25
	CLUJ	16	25	22	44	84	191
	CONSTANŢA	16	23	25	51	52	167
	COVASNA	1	9	12	13	27	62
	DĂMBOVIŢA	8	23	26	41	56	154
	DOLJ	8	12	10	28	32	90
	GALAŢI	6	25	31	93	153	308
	GORJ	2	8	14	36	31	91
	HARGHITA	1	4	6	12	21	44
	HUNEDOARA	11	17	22	43	42	135
	IALOMIŢA	5	18	20	21	22	86
	IASI	17	30	38	60	153	298
	ILFOV	6	20	12	26	74	138
	MARAMUREŞ	4	28	26	49	48	155
	MEHEDINŢI	5	17	11	23	26	82
	MUREŞ	12	23	20	36	68	159
	NEAMŢ	17	22	22	62	82	205
	OLT	9	19	16	45	58	147
	PRAHOVA	31	39	32	44	71	217
	SATU-MARE	7	24	16	21	41	109
	SĂLAJ	6	12	8	30	46	102
	SIBIU	21	37	40	64	87	249
	SUCEAVA	14	18	17	30	53	132
	TELEORMAN	6	23	25	38	21	113
	TIMIŞ	10	10	13	22	35	90
	TULCEA	5	10	7	16	16	54
	VASLUI	18	31	59	79	157	344
	VALCEA	6	10	23	22	33	94
	VRANCEA	3	8	12	13	32	68
	BUCHAREST+ILFOV	0	0	0	0	0	0
	BUCHAREST	0	0	0	0	0	0
	Bucharest - Sector 1	0	4	10	24	25	63
	Bucharest - Sector 2	5	11	15	14	25	70
	Bucharest - Sector 3	11	20	31	59	72	193
	Bucharest - Sector 4	11	12	14	44	51	132
	Bucharest - Sector 5	5	32	24	54	82	197
	Bucharest - Sector 6	5	7	10	14	8	44
	CĂLĂRAŞI	5	8	3	11	26	53
	GIURGIU	0	9	15	13	25	62
	<b>Total</b>	<b>417</b>	<b>855</b>	<b>953</b>	<b>1739</b>	<b>2574</b>	<b>6538</b>

**Distribution of rejected  
Table no. 15.B requests**

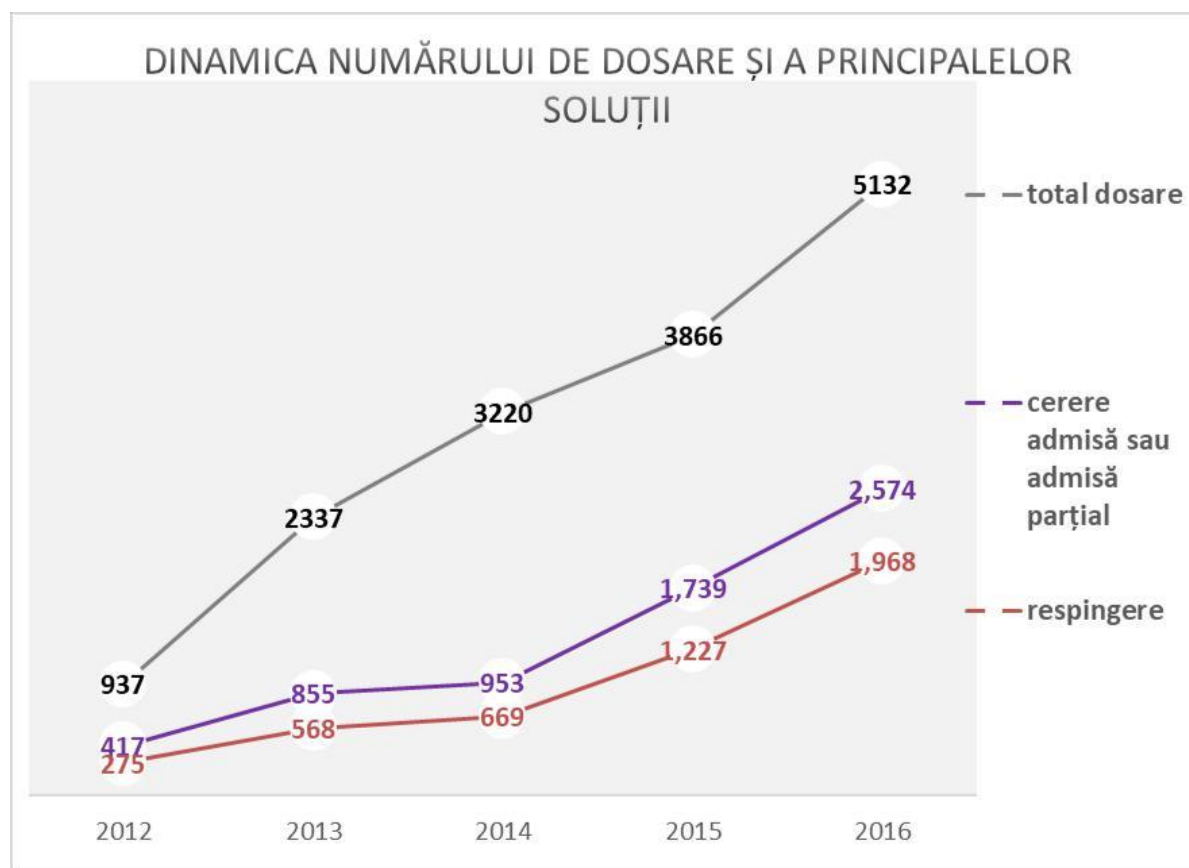
		2012	2013	2014	2015	2016	Total
		Count	Count	Count	Count	Count	Count
county	ALBA	8	3	7	17	19	54
	ARAD	1	12	3	22	28	66
	ARGEŞ	15	25	17	34	67	158
	BACĂU	5	28	33	41	56	163
	BIHOR	1	8	13	27	64	113
	BISTRIŢA-NĂSĂUD	1	4	7	11	21	44
	BOTOŞANI	7	12	17	26	54	116
	BRAŞOV	4	8	16	32	36	96
	BRĂILA	4	12	10	28	47	101
	BUZĂU	1	9	8	24	90	132
	CARAŞ-SEVERIN	1	1	2	8	20	32
	CLUJ	9	15	16	25	56	121
	CONSTANŢA	15	22	28	50	84	199
	COVASNA	0	5	4	7	15	31
	DÂMBOVIŢA	6	10	16	27	50	109
	DOLJ	7	11	13	22	40	93
	GALAŢI	0	22	17	30	67	136
	GORJ	2	8	17	21	49	97
	HARGHITA	1	2	0	2	14	19
	HUNEDOARA	11	15	21	27	35	109
	IALOMIŢA	2	8	15	15	28	68
	IAŞI	18	24	37	53	64	196
	ILFOV	11	7	18	44	74	154
	MARAMUREŞ	2	17	20	36	36	111
	MEHEDINŢI	4	5	12	9	27	57
	MUREŞ	6	12	12	14	36	80
	NEAMŢ	7	19	17	38	51	132
	OLT	5	6	7	27	25	70
	PRAHOVA	20	29	23	35	69	176
	SATU-MARE	6	4	4	16	18	48
	SĂLAJ	2	7	5	20	20	54
	SIBIU	3	13	11	19	42	88
	SUCEAVA	7	12	5	29	40	93
	TELEORMAN	0	4	6	14	22	46
	TIMIŞ	4	16	10	30	42	102
	TULCEA	5	11	8	18	30	72
	VASLUI	23	24	35	29	63	174
	VÂLCEA	3	8	11	16	35	73
	VRANCEA	2	8	6	11	26	53
	BUCHAREST+ILFOV	0	0	0	0	0	0
	BUCHAREST	0	0	0	0	0	0
	Bucharest - Sector 1	4	13	23	28	35	103
	Bucharest - Sector 2	8	9	21	51	43	132
	Bucharest - Sector 3	8	20	21	40	54	143
	Bucharest - Sector 4	3	5	17	19	47	91
	Bucharest - Sector 5	4	21	18	69	52	164
	Bucharest - Sector 6	16	26	26	46	50	164
	CĂLĂRAŞI	2	1	4	7	8	22
	GIURGIU	1	7	12	13	19	52
	<b>Total</b>	<b>275</b>	<b>568</b>	<b>669</b>	<b>1227</b>	<b>1968</b>	<b>4707</b>

Table no. 15.C Distribution of withdrawals

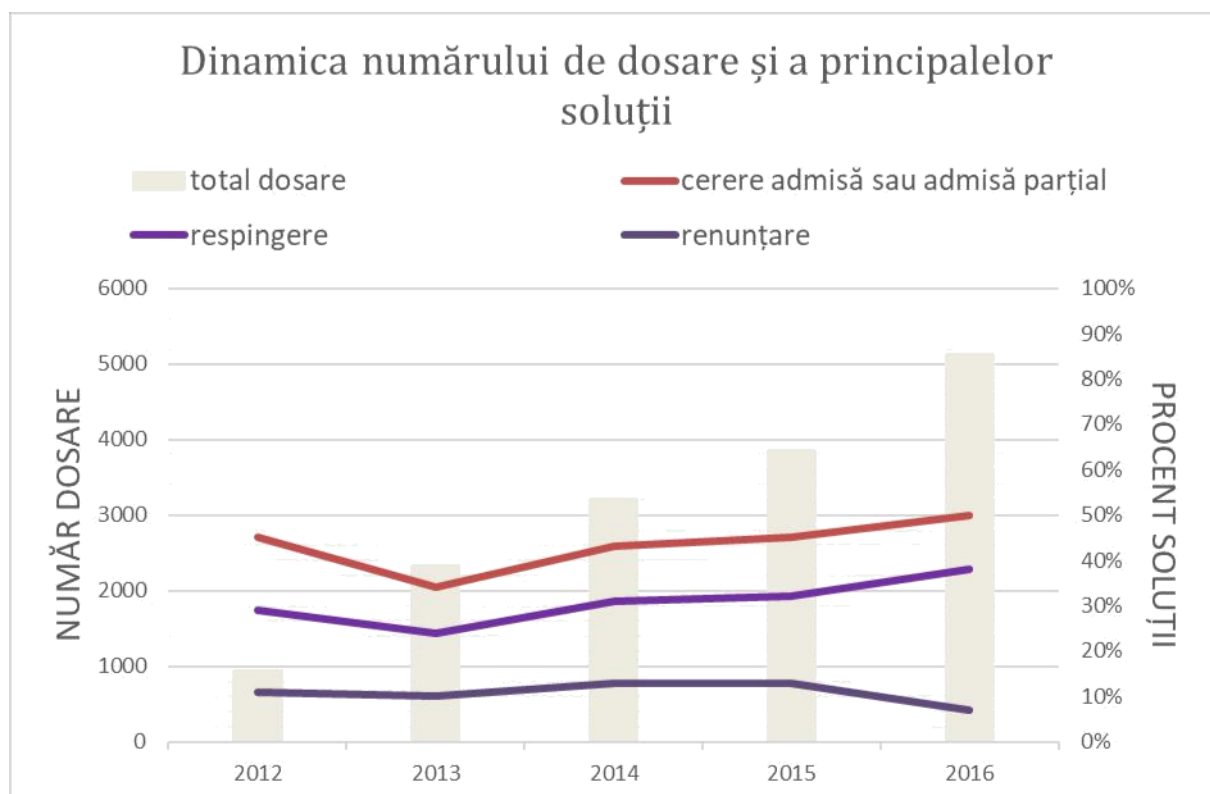
		2012	2013	2014	2015	2016	Total
		Count	Count	Count	Count	Count	Count
county	ALBA	0	1	6	9	5	21
	ARAD	1	4	1	6	7	19
	ARGEŞ	3	17	7	14	6	47
	BACĂU	9	7	6	21	23	66
	BIHOR	1	3	8	13	11	36
	BISTRIŢA-NĂSĂUD	0	2	4	7	6	19
	BOTOŞANI	1	12	12	16	16	57
	BRAŞOV	3	9	10	17	17	56
	BRĂILA	2	6	6	7	8	29
	BUZĂU	2	6	4	19	9	40
	CARAŞ-SEVERIN	1	0	4	2	1	8
	CLUJ	4	5	8	14	10	41
	CONSTANŢA	3	6	9	18	18	54
	COVASNA	0	2	4	5	1	12
	DÂMBOVIŢA	1	9	3	10	7	30
	DOLJ	2	2	6	9	3	22
	GALAŢI	3	6	4	11	15	39
	GORJ	1	2	4	10	5	22
	HARGHITA	1	5	2	4	2	14
	HUNEDOARA	1	12	5	22	7	47
	IALOMIŢA	1	13	10	6	7	37
	IAŞI	7	11	22	21	26	87
	ILFOV	0	2	6	12	10	30
	MARAMUREŞ	0	3	3	16	4	26
	MEHEDINŢI	1	0	6	5	2	14
	MUREŞ	2	9	5	7	4	27
	NEAMŢ	6	2	7	9	10	34
	OLT	2	10	3	11	7	33
	PRAHOVA	7	4	8	18	11	48
	SATU-MARE	0	3	2	8	3	16
	SĂLAJ	2	1	5	2	7	17
	SIBIU	3	4	8	28	17	60
	SUCEAVA	3	9	8	12	7	39
	TELEORMAN	0	4	6	5	12	27
	TIMIŞ	0	3	5	6	4	18
	TULCEA	1	4	5	10	3	23
	VASLUI	10	12	23	23	13	81
	VÂLCEA	8	3	6	11	9	37
	VRANCEA	0	1	2	5	0	8
	BUCHAREST+ILFOV	0	0	0	0	0	0
	BUCHAREST	0	0	0	0	0	0
	Bucharest - Sector 1	1	3	2	1	3	10
	Bucharest - Sector 2	0	2	3	6	1	12
	Bucharest - Sector 3	1	3	5	7	11	27
	Bucharest - Sector 4	0	3	5	7	2	17
	Bucharest - Sector 5	5	10	5	14	5	39
	Bucharest - Sector 6	3	6	6	11	7	33
	CĂLĂRAŞI	2	0	6	6	0	14
	GIURGIU	2	3	3	2	3	13
	<b>Total</b>	<b>106</b>	<b>244</b>	<b>288</b>	<b>503</b>	<b>365</b>	<b>1506</b>

These figures are the cases in which the complainants withdrew the application for a protection order. The figure is relevant given that throughout the trial of the request for a protection order, the aggressor puts a constant pressure on the victim to withdraw his action. The longer the process takes, the greater the risk of the victim actually withdrawing the court action. We can say that we have a confirmation of this correlation in 2016, when with the reduction in the length of the trial there is also a significant decrease of the cases when the requests are withdrawn.

The evolution of the three main types of solutions (admission, rejection, withdrawal) in the reference period is illustrated in Figure 5.



**Fig. 5 The evolution of the three main types of solutions in 2012-2016**



**Fig. 6 The dynamic of the number of files and the main solutions**

Figure 6 shows that the fluctuation of the accepted and rejected solutions is symmetrical, following the same trend from 2013 to 2016. However, the withdrawals have a significant decrease especially in the last interval. We can consider this as the effect of reducing the trial duration by half of 2014 in 2015, but also the effect of increasing confidence in the act of justice.



### 5.4.1. The gender distribution of solutions

Table no. 16 shows the distribution of solutions by gender, keeping the same categories: women, men, men and women, and "Others", respectively, the competent institutions.

**Table no. 16 Gender distribution of the solutions**

				COMPLAINANT			
				female	male	male & female	others
YE AR	2012	solution	not the case (ongoing process)	0%	0%	0%	0%
			admitted of partly admitted	47%	16%	37%	60%
			withdrawal	12%	10%	4%	0%
			rejected	27%	48%	39%	20%
			others	14%	26%	20%	20%
			<b>Total</b>	100%	100%	100%	100%
	2013	solution	not the case (ongoing process)	0%	0%	0%	0%
			admitted of partly admitted	36%	17%	51%	19%
			withdrawal	11%	11%	10%	3%
			rejected	24%	39%	24%	10%
			others	29%	33%	15%	68%
			<b>Total</b>	100%	100%	100%	100%
	2014	solution	not the case (ongoing process)	0%	0%	0%	0%
			admitted of partly admitted	45%	26%	45%	35%
			withdrawal	13%	10%	10%	15%
			rejected	30%	44%	39%	15%
			others	12%	20%	6%	35%
			<b>Total</b>	100%	100%	100%	100%
	2015	solution	not the case (ongoing process)	0%	0%	0%	0%
			admitted of partly admitted	47%	23%	49%	0%
			withdrawal	13%	10%	9%	6%
			rejected	30%	54%	32%	0%
			others	10%	13%	10%	94%
			<b>Total</b>	100%	100%	100%	100%
	2016	solution	not the case (ongoing process)	0%	0%	0%	0%
			admitted of partly admitted	53%	24%	48%	17%
			withdrawal	7%	7%	4%	4%
			rejected	36%	61%	45%	21%
			others	4%	8%	3%	58%
			<b>Total</b>	100%	100%	100%	100%

In 2012 and 2013, the most "other" solutions were the unresolved files, namely 11% - 15%, and in the following years the percentage of these cases fell to 1% in 2016.

In each of the reference years the percentage of admissions solutions was higher for women than for men, and the percentage of rejection solutions was higher for males than for women. We can say that this report also confirms the gender violence of domestic violence.

## 5.5 Appeals against the substantive court solution, appeal solutions, average duration of their trial, and gender distribution

The appeals on substantive judgments are recorded in this statistic starting in 2013. The frequency of sentences appealed per year is presented in table no. 17.1. In table no. 17.2. the gender distribution of callers is recorded and in table no. 17.3. we centralized the situation of call solutions.

**Table no. 17.1. Distribution of the frequency of sentences requested per year**

		YEAR				
		2012	2013	2014	2015	2016
APPEAL	no	100%	97%	91%	88%	81%
	yes	0%	3%	9%	12%	19%
	Total	100%	100%	100%	100%	100%

**Table no. 17.2. The gender distribution of the frequency of the requested sentences**

				APPEALER			
				women	men	men & women	other
YEAR	2013	appeal	no	97%	97%	94%	100%
			yes	3%	3%	6%	0%
			Total	100%	100%	100%	100%
	2014	appeal	no	88%	87%	88%	97%
			yes	12%	13%	12%	3%
			Total	100%	100%	100%	100%
	2015	appeal	no	84%	87%	84%	100%
			yes	16%	13%	16%	0%
			Total	100%	100%	100%	100%
	2016	appeal	no	81%	83%	85%	79%
			yes	19%	17%	15%	21%
			Total	100%	100%	100%	100%

**Table no. 17.3. Distribution of appeal solutions**

		YEAR			
		2013	2014	2015	2016
APPEAL SOLUTION	Lack of information	11%	0%	0%	1%
	Admitted or partly admitted	10%	20%	21%	24%
	withdrawal	9%	7%	6%	4%
	unsolved	14%	9%	3%	4%
	rejected	54%	57%	67%	65%
	Other	2%	7%	3%	2%
	Total	100%	100%	100%	100%

Concerning the average duration of the call, the evolution is presented in table no. 18.1. and their median value in table no. 18.2

**Table no. 18.1. Distribution by year and gender of the average appeal duration**

yes= appeal duration (days)				PLAINTIFF			
				female	male	Male & female	other
				Mean	Mean	Mean	Mean
APPEAL	yes	YEAR	2013	64	63	39	*
			2014	68	49	60	48
			2015	40	39	40	*
			2016	29	30	34	19

**Table no. 18.2. Median value of appeal duration**

yes= appeal duration (days)				PLAINTIFF			
				female	male	Male & female	other
				Median	Median	Median	Median
APPEAL	yes	YES	2013	59	37	28	*
			2014	56	47	63	48
			2015	30	33	39	*
			2016	22	21	28	16

Appeal duration has an impact on an issued protection order, when a person is lodging a bail that suspends his execution. We find that there is a way to prevent the separation of the victim from the aggressor for a sufficiently long period. In most cases, the defendant challenges by appeal an injunction issued, or the plaintiff attacks by appeal to reject an application for a protection order. We have not analyzed the data from this point of view, and we believe that quantitative and qualitative analysis of the cases would also be necessary.

**Table no. 18.3. Frequency of appeal duration and its distribution on the appellant gender**

				APPEAL DURATION			
				15 days or less	Over 15, but 30 days at most	31 days or more	Total
YEAR	2013	APPELLANT	female	6%	14%	80%	100%
			male	20%	20%	60%	100%
			Male & female	0%	75%	25%	100%
			other(institutions)	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>
	2014	APPELLANT	female	7%	17%	76%	100%
			male	0%	15%	85%	100%
			Male & female	9%	9%	82%	100%
			other(institutions)	<b>0%</b>	<b>0%</b>	<b>100%</b>	<b>100%</b>
	2015	APPELLANT	female	26%	25%	49%	100%
			male	23%	23%	54%	100%
			Male & female	25%	15%	60%	100%
			other(institutions)	<b>0%</b>	<b>0%</b>	<b>0%</b>	<b>0%</b>
	2016	APPELLANT	female	33%	33%	35%	100%
			male	27%	46%	27%	100%
			Male & female	22%	30%	48%	100%
			other(institutions)	<b>50%</b>	<b>25%</b>	<b>25%</b>	<b>100%</b>

More than 50% of appeals from 2013 to 2015 last more than 31 days. In 2016, the number of appeals lasting over 31 days decreases.

## 5.6. Content elements of protection orders

Not all protection orders are transcribed on the Portal. The percentage of those transcribed exceeds 30%, so only on this data set we have analyzed for the years 2015 and 2016.

### 5.6.1 Duration of protection orders

We have analyzed the duration of the protection orders (Table 19) as we noticed in the first data collection cases where the duration of the protection order was less than or approximately equal to the duration of the application. Protective orders of one month or three months do not correspond to the time needed of a victim who wants to get out of an abusive relationship and to build his economic and financial stability. At this time, such short durations are not registered.

**Table no. 19. Average duration of protection orders in the country**

Protection order duration (days)		YEAR				
		2012	2013	2014	2015	2016
		Mean	Mean	Mean	Mean	Mean
PLAINTIFF	femal	110	134	158	156	151
	male	98	103	138	162	141
	male & female	96	135	156	164	147
	other (institutions)	110	83	105	.	183

The distribution by county of the average values and the durations of the protection orders is presented centrally in the table no. 20.1. and in table no.20.2. It is surprising to correlate with their gender distribution for the year 2016.

**Table no. 20.1 Average duration of protection orders by counties in the period 2012-2016**

Protection order duration (days)		Year				
		2012	2013	2014	2015	2016
		Mean	Mean	Mean	Mean	Mean
county	ALBA	30	180	*	149	145
	ARAD	*	180	80	129	134
	ARGES	65	110	168	175	147
	BACĂU	161	112	113	118	124
	BIHOR	*	180	130	150	158
	BISTRIȚA-NĂȘĂUD	120	140	171	174	161
	BOTOȘANI	69	158	160	178	179
	BRAȘOV	*	150	132	159	171
	BRĂILA	40	171	179	165	132
	BUZĂU	103	160	156	176	175
	CARAS-SEVERIN	*	*	182	183	122
	CLUJ	180	110	144	169	163
	CONSTANȚA	88	102	149	153	132
	COVASNA	180	135	182	172	157
	DĂMBOVIȚA	56	81	153	140	149
	DOLJ	180	147	176	144	159
	GALAȚI	74	96	135	143	123
	GORJ	180	144	164	130	107
	HARGHITA	0	0	*	183	125
	HUNEDOARA	180	155	170	156	144
	IALOMIȚA	150	103	176	151	151
	IASI	180	140	167	138	151
	ILFOV	180	162	150	159	139
	MARAMUREȘ	180	110	145	151	144
	MEHEDINȚI	66	180	181	176	167
	MUREȘ	180	100	169	165	176
	NEAMȚ	44	99	181	172	168
	OLT	180	169	164	154	148
	PRAHOVA	74	77	168	169	150
	SATU-MARE	*	158	*	134	148
	SĂLAJ	180	180	180	171	135
	SIBIU	141	152	141	146	144
	SUCEAVA	49	135	158	146	140
	TELEORMAN	165	114	157	168	140
	TIMIȘ	180	180	*	180	177
	TULCEA	86	124	158	133	130
	VASLUI	175	134	171	173	158
	VÂLCEA	180	180	173	183	159
	VRANCEA	60	106	181	178	157
	Bucharest - Sector 1	*	75	110	138	167
	Bucharest - Sector 2	155	171	157	156	157
	Bucharest - Sector 3	115	168	163	151	156
	Bucharest - Sector 4	180	908	182	172	166
	Bucharest - Sector 5	180	170	181	170	166
	Bucharest - Sector 6	144	180	161	175	159
	CĂLĂRAȘI	180	114	161	153	154
	GIURGIU	0	88	169	166	163

The average duration of protection orders has increased, another positive development for the safety of victims.

**Table no. 20.2. The distribution by county and by gender of the average duration of protection orders (2016)**

Protection order duration (days)				PLAINTIFF			
				female	male	male & female	other
				Mean	Mean	Mean	Mean
YEAR	2016	county	ALBA	142	183	183	*
			ARAD	138	61	*	*
			ARGEŞ	148	159	61	*
			BACĂU	126	146	88	*
			BIHOR	157	*	183	*
			BISTRIŢA-NĂSĂUD	160	*	183	*
			BOTOŞANI	179	183	183	*
			BRAŞOV	169	183	183	*
			BRĂILA	131	153	*	*
			BUZĂU	173	183	183	183
			CARAŞ-SEVERIN	122	*	*	*
			CLUJ	162	183	*	*
			CONSTANŢA	131	76	168	*
			COVASNA	157	*	*	*
			DÂMBOVIŢA	151	*	130	*
			DOLJ	157	*	*	183
			GALAŢI	124	142	105	*
			GORJ	114	61	*	*
			HARGHITA	118	*	183	*
			HUNEDOARA	144	*	*	*
			IALOMIŢA	143	183	183	*
			IAŞI	152	61	*	*
			ILFOV	139	*	*	*
			MARAMUREŞ	143	153	*	*
			MEHEDINŢI	167	*	*	*
			MUREŞ	176	183	*	*
			NEAMŢ	167	183	*	*
			OLT	151	122	*	*
			PRAHOVA	147	183	183	*
			SATU-MARE	148	*	*	*
			SĂLAJ	135	*	*	*
			SIBIU	147	122	61	*
			SUCEAVA	149	61	61	*
			TELEORMAN	137	183	153	*
			TIMIŞ	177	183	*	*
			TULCEA	146	99	30	*
			VASLUI	160	76	183	*
			VÂLCEA	159	*	*	*
			VRANCEA	155	*	183	*
			Bucharest - Sector 1	167	*	*	*
			Bucharest - Sector 2	156	183	*	*
			Bucharest - Sector 3	154	183	183	*
			Bucharest - Sector 4	166	*	*	*
			Bucharest - Sector 5	166	142	183	*
			Bucharest - Sector 6	159	*	*	*
			CĂLĂRAŞI	154	142	183	*
			GIURGIU	159	183	183	*

Note: The dot sign (\*) indicates the absence of cases

### 5.6.2. Minimum distance

Both the percentages of protection orders setting a minimum distance and the averages of these minimum distances are outlined in table no. 21.1.

**Table no. 21. 1. Minimum distance average**

				The PO sets a minimum distance	Art. 23 al.1 lit. PO minimum distance
					Mean
SOLUTION	<i>admitted or partially admitted request</i>	year	2015	65%	132
			2016	70%	128
			Total	68%	129

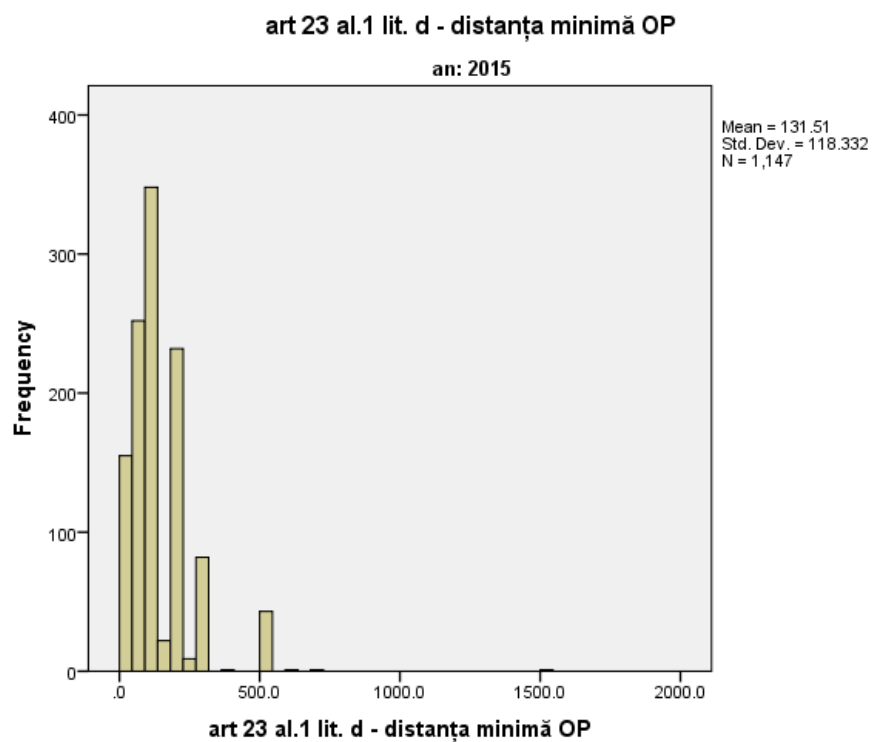
At the level of the average values of the distances established by the protection order, the situation seems to be positive. However, we could highlight **extreme cases where the minimum distances are so small as they cancel out the effect of the existence of the protection order.** (table no. 21.2)

**Table no. 21.2 Extreme cases when the PO is annulled**

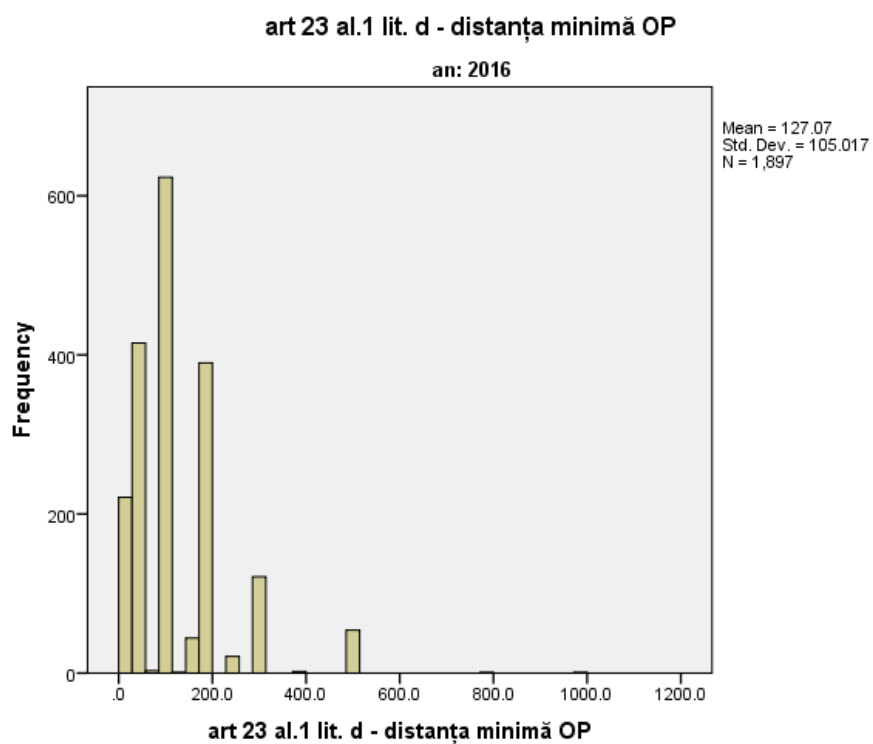
		MINIMUM DISTANCE				
		1-1,5 meters	2-4 meters	5-9meters	10 m and over, but under 1 km	1 km or more
		Count	Count	Count	Count	Count
YEAR	2015	2	22	23	1.099	1
	2016	4	32	41	1.818	1
	Total	6	54	64	2.917	2

The distribution of the frequencies of these distances (in meters) for 2015 and 2016 is shown graphically in figures 7 and 8.





**Fig. 7. Distribution of PO frequencies in distance (in meters) for year 2015**



**Fig. 8. Distribution of PO frequencies in distance (in meters) for year 2016**

### 5.6.3. Other contents of the protection order relevant to the safety of victims

**Other measures besides their minimum distance and frequency over the last two years** of the reference period were: evacuation, reintegration of the victim, limitation of the common dwelling, ban on areas, prohibition of any contact, arms, custody of minors, rent/maintenance, counseling. These are presented for the years 2015-2016, in table no. 21.3.

**Table no. 21.3. The frequency of other measures derived from art. 23**

OTHER MEASURES	YEAR		
	2015	2016	Total
Art. 23 al.1 lit. a -EVICTION	12%	15%	14%
Art. 23 al.1 lit. b – VICTIMREINTEGRATION	3%	4%	3%
Art.23 al.1 lit. c - LIMITED JOINT HOUSING	1%	1%	1%
Art. 23 al.1 lit. e – ZONE INTERDICTION	1%	2%	1%
Art. 23 al.1 lit. f – CONTACT INTERDICTION	24%	31%	28%
Art. 23 al.1 lit. g - ARMS	0%	1%	1%
Art. 23 al.1 lit. h – MINOR CUSTODY	4%	6%	5%
Art. 23 al. 2 - RENT / MAINTENANCE	0%	0%	0%
Art. 23 al. 3 - COUNSELING	4%	5%	5%

The percentages show how much of the protection orders transcribed on the Portal were given the measure presented in the previous inventory.

**Table no. 21.4.**

**Yearly gender distribution of the measures according to art. 23 (other than the minimum distance)**

			PLAINTIFF			
			female	male	male & female	other
YEAR	2015	art 23 al.1 lit. a - eviction	12%	6%	23%	0%
		art 23 al.1 lit. b - reintegration	3%	1%	2%	0%
		art 23 al.1 lit. c – limited housing	1%	1%	2%	0%
		art 23 al.1 lit. e – zone interdiction	1%	1%	2%	0%
		art 23 al.1 lit. f – contact interdiction	25%	12%	30%	0%
		art 23 al.1 lit. g - arms	0%	0%	1%	0%
		art 23 al.1 lit. h – minor custody	4%	1%	2%	0%
		art 23 al. 2 - rent / maintenance	0%	0%	0%	0%
		art 23 al. 3 - counseling	4%	3%	5%	0%
	2016	art 23 al.1 lit. a - eviction	16%	7%	19%	0%
		art 23 al.1 lit. b - reintegration	4%	1%	3%	0%
		art 23 al.1 lit. c – limited housing	1%	0%	1%	4%
		art 23 al.1 lit. e – zone interdiction	2%	0%	1%	0%
		art 23 al.1 lit. f – contact interdiction	33%	14%	34%	4%
		art 23 al.1 lit. g - arms	1%	0%	1%	0%
		art 23 al.1 lit. h – minor custody	6%	1%	4%	0%
		art 23 al. 2 - rent / maintenance	0%	0%	0%	0%
		art 23 al. 3 - counseling	5%	2%	6%	0%
	Total	art 23 al.1 lit. a - eviction	14%	7%	21%	0%
		art 23 al.1 lit. b - reintegration	4%	1%	2%	0%
		art 23 al.1 lit. c – limited housing	1%	1%	1%	3%
		art 23 al.1 lit. e – zone interdiction	2%	1%	1%	0%
		art 23 al.1 lit. f – contact interdiction	29%	13%	32%	3%
		art 23 al.1 lit. g - arms	1%	0%	1%	0%
		art 23 al.1 lit. h – minor custody	5%	1%	3%	0%
		art 23 al. 2 - rent / maintenance	0%	0%	0%	0%
		art 23 al. 3 - counseling	5%	3%	6%	0%

We notice that twice as many women than men benefit from protective measures (Table no. 21.4.)

It is interesting to look at **the number of measures imposed by the sentence and the correlations of the most important protection measures.**

Thereby, in table no. 21.5.1. we have highlighted the number of measures corroborated with the “admissible or partially admitted” solution, followed by their frequency (table 21.5.2) and their distribution according to the applicant’s type (table 21.5.3).

**Table no. 21.5.1. In conjunction with the 'admitted or partially accepted'**

THE APPLICATION REQUEST IS ADMISSIBLE OR PARTIALLY ADMITTED			
		Number of measures cf. art.23)	
		Mean	Median
YEAR	2015	2,5	2
	2016	2,6	3
	Total	2,6	2

**Table no. 21.5.2. Frequency of the number of measures in a protection order**

The application request is admissible or partially admitted		Year		
		2015	2016	Total
		Column N %	Column N %	Column N %
Number of measures cf. art.23	Without info	31%	27%	29%
	1	9%	8%	8%
	2	29%	28%	28%
	3	20%	25%	23%
	4	8%	10%	9%
	5	2%	3%	3%
	6	0.3%	0.4%	0.4%
	7	0.1%	0.0%	0.0%
	8	0.0%	0.0%	0.0%
Tota		100%	100%	100%

**Table no. 21.5.3 The gender distribution of the number of measures covered by the protection order**

The application request is admissible or partially admitted		ANUL					
		2015		2016		Total	
		Number of measures cf. art.23		Number of measures cf. art.23		Number of measures cf. art.23	
		Mean	Median	Me	Median	Mean	Median
plaintiff	female	2,5	2	2,7	3	2,6	2
	male	2,6	3	2,4	2	2,5	2
	male& female	2,5	2	2,4	2	2,5	2
	other	.	.	1,0	1	1,0	1
	Total	2,5	2	2,6	3	2,6	2

In the following tables are centralized solutions from the same category as previously mentioned, regarding the admitted or partially admitted application, but related to the imposition of corroborated measures such as “evacuation” and “prohibition of any contact” (table 21.5.4); “minimum distance” and “prohibition of any contact” (table 21.5.5), “evacuation” and “minimum distance” (table 21.5.6)

**Table no. 21.5.4. The correlation of "evacuation" measures and "prohibition of any contact"**

The application request is admissible or partially admitted				art 23 of.1 lit. a - EVICTION		
				No	yes	Total
				Row N %	Row N %	Row N %
YEAR	2015	art 23 of.1 lit. f - PROHIBITION OF ANY CONTACT	No	85%	15%	100%
			Yes	62%	38%	100%
			Total	73%	27%	100%
	2016	art 23 of.1 lit. f - PROHIBITION OF ANY CONTACT	No	87%	13%	100%
			Yes	61%	39%	100%
			Total	72%	28%	100%
	Total	art 23 of.1 lit. f - PROHIBITION OF ANY CONTACT	No	86%	14%	100%
			Yes	62%	38%	100%
			Total	72%	28%	100%

**Table no. 21.5.5. The correlation of "minimum distance" measures and "prohibition of any contact"**

The application request is admissible or partially admitted				PO sets the minimum distance ?		
				no	yes	Total
				Row N %	Row N %	Row N %
ye ar	2015	art 23 of.1 lit. f - PROHIBITION OF ANY CONTACT	No	70%	30%	100%
			Yes	4%	96%	100%
			Total	35%	65%	100%
	2016	art 23 of.1 lit. f - PROHIBITION OF ANY CONTACT	No	68%	32%	100%
			Yes	3%	97%	100%
			Total	30%	70%	100%
	Total	art 23 of.1 lit. f - PROHIBITION OF ANY CONTACT	No	69%	31%	100%
			Yes	3%	97%	100%
			Total	32%	68%	100%

**Table no. 21.5.6 Correlation of "evacuation" and "minimum distance"**

The application request is admissible or partially admitted				art 23 al.1 lit. a - evacuation		
				no	yes	Total
				Row N %	Row N %	Row N %
ye ar	2015	PO sets a minimum distance?	No	95%	5%	100%
			Yes	61%	39%	100%
			Total	73%	27%	100%
	2016	PO sets a minimum distance?	No	97%	3%	100%
			Yes	61%	39%	100%
			Total	72%	28%	100%
	Total	PO sets a minimum distance?	No	97%	3%	100%
			Yes	61%	39%	100%
			Total	72%	28%	100%

## 5.7. Access to services and victim safety

The speed with which a victim can benefit from the safety measures provided by the law is an integral part of the safety measure itself. In other words, the accessibility of services must be measured to determine whether the protection measure is effective or not.

Since there is no single national system for registering victims' requests and their attempts to break out of violent relationships, we have analyzed cases of *Network* providers to estimate how easy it is for a victim to seek and receive help from institutions in system.

We have collected information from a number of 6 private service providers in the cities of Braşov, Cluj, Iaşi, Sibiu and Bucharest on how victims can make and lodge to court a request for a protection order and the number of days they manage to do so.

The answers refer to the year 2016.

**The conclusions are:**

**The procedure regarding how victims can lodge and file a request to issue a protection order, in court, for a family aggression for which they turned to 112 (the emergency hotline) and the act was reported by the police officers:**

1. Victims call or a witness calls 112. The police are answering the call. Police crew members are filing a report. If the victim is seriously injured, the ambulance is also required.

The requirements that must be honored for the police crew to enter the house seem not to be applicable on the field, but from all the interviews and discussions with the police officers on cases or in training, show that there must be at least the acceptance or the direct request of one of the persons in the dwelling. (The information did not result from this data collection)

2. The police's powers regarding the separation of the victim and the aggressor are limited.

Alternatives are:

- a. *The deed is so severe* (ie the victim requires more than 90 days of medical care) that the abuser can be detained, in which case he is taken to the police station
- b. *The deed does not fall into the situation above; if members of the crew have information about victim services* and can advise the victim to leave home, call the counseling services the next day, they can also accompany the victim, if she asks, to a shelter if the address is known

- c. *Police crew members have information about the protection order (Law 217/2003) and communicate them to the victim*

In the overwhelming majority of cases the victim remains in the home with the aggressor. Possible retreats are very few. There are no shelters for victims of domestic violence in 8 counties in the country, and the number of beds at national level is not very high (the last survey of the *Network for Preventing and Combating Violence Against Women* in 2013 on Victim Services resulted in a total of about 280 beds nationwide for victims and their children). This is when the number of victims' previous complaints exceeds several thousand in 2016 and the number of indictments sued in 2016 according to the Public Ministry's report was 1467. It follows that there is no real capacity to shelter the victims of domestic violence. These are the real reasons that cause the victims to stay and live with the aggressors.

3. The protection order, as it is now in Law 217/2003 republished with amendments, leaves the victim the possibility of submitting the application by itself to the court. Currently, many specialized sites provide information on how to properly complete such a request. In order to obtain a protection order, evidence or witnesses are required. The most eloquent test is the certificate of evidence of injuries that can be obtained from a legal medicine unit. The medical-legal certificate is obtained on the basis of documents issued by a medical unit (emergency or a family doctor) and the payment of the tax of 38 RON (with variations to the laboratories in the country), and the fiscal stamp of 1 RON.
4. According to the amendment to Law 217/2003 by Law no. 351/2015, the request for a protection order must be judged urgently, in 72 hours, and then communicated to the police and enforced on the same day.

It is clear that victims are not safe for a few days after domestic violence has taken place, not even in situations where the police crew went after a 112 call and filed a report of the act. Based on the information gathered from service providers, **we estimated the number of days the victim has no choice but to stay with the aggressor.**

1. First of all, we have found that we can not measure, from the data of private service providers how many days pass from the 112 call until the victim goes to the legal medicine lab. Many victims require the certificate after an aggression even if they have not called the police. As a result for this first phase we make an estimate:

If the victim is informed of what to do, she can immediately go to the emergency room for care. From here the victim will receive the document that will help her get the medical certificate. The obstacles are:

- a. Aggressor's violent behavior, who often does not want to let her leave the house, lack of money for transportation (especially if the event happens in the evening or at night). The

victim can wait for the aggressor to leave home and secretly visit the emergency center. Thus between 24 hours and 1-2 days pass.

- b. The distance to the emergency unit and lack of transportation money could be an obstacle if the victim lives in rural areas.

If the victim is unaware of her rights and the steps that she can take, she first turns to the police or goes to the hospital, especially if the physical violence has been severely serious. Here the quality of the information they receive varies. As a result, her ability to follow a clear and beneficial route for her is reduced.

2. According to information from the service providers, the victim obtains the forensic medical certificate in a period ranging from several hours (the same day) to ten days (in Bucharest). The certificate is obtained on the basis of a completed application form, copies of children's and/or children's identity documents, medical records (emergency unit, family doctor) and consultations. The fee is charged at the beginning. Legal medicine units run from Monday to Friday, which is why sometimes 2-3 days are passing from the time of the deed and the emergency medical examination, until the victim gets to apply for the certificate. In total, a minimum of 2 days can be estimated (when the victim is in the same town as the legal medicine center is located, has money, can leave and return home without aggression, has identity documents for her and the children) and 5-6 days, possibly in Bucharest the interval being even longer. The biggest obstacle seems to be encountered by rural victims, considering the distance from the emergency units and legal medicine units.

3. In court, it is useful for the victim to prove that it has lodged a prior complaint against the aggressor. Filing a complaint with a registration number normally takes one day. But it is also possible to see delays here, giving the example of a situation where the police worker leaves time for the victim to decide and to be sure that she wants the child's father to have a criminal record.

4. Once the victim has the main proof of violence, which is the forensic medical certificate, it must complete the application for a protection order and file the case with the court. This operation can be done in one day. The probation is necessary and may consist of, but not limited to, forensic medical certificate, witness and a proof of the submission of a preliminary complaint. According to the Romanian legislation, the protection order can't be obtained by the simple request and a statement of the victim.

5. The registration of the case must be no more than 72 hours before the trial. If the application is well drafted and the evidence is considered to be clear, it may be that the claim is heard on the day it was filed. As the collected data shows, such cases are not very common, and the trial takes 1 to 5 days, even though 2- week trials have been recorded (see above)

In conclusion, the best case scenario is that, *the victim remains with the aggressor for 8 days*, but with the following conditions:



- a. Lives in a county where a legal medicine unit is located
- b. Has transport money
- c. Has identity papers (the aggressor has not detained them) or copies of the papers
- d. Knows what to do, step by step

At the end of the eight days, if the judge issued a protection order, the victim should immediately call a policeman to enforce the order. It is only at this moment that the police has, according to law, the power to separate the victim from the aggressor and to supervise the compliance with the measures that are stipulated in the protection order. Through the protection order, it is intended to the aggressor that he can not approach the victim (it is mentioned the minimum distance) or he is evicted from the shared dwelling (see above)

But if the victim does not meet the above conditions, there is a very good chance that the interval between the aggression moment and the time of obtaining the protection order will be 14 to 20 days.

## 5.8. Enforcement and supervision of protection orders

In order to measure the enforcement of the protection orders and their supervision, we compared the number of protection orders issued by the courts resulting from our monitoring of the protection orders registered with the police and the records of protection orders that were violated. Since 2013 to present day, the Police has perfected their system of collecting data. In its annual reports, the Public Ministry does not highlight the number of violated protection orders for which the authors have been sued.

The data looks like this:

Year	PROTECTION ORDERS		
	ISSUED (COURTS)	REGISTERED (IGPR)	VIOLATED (IGPR)
<b>2014</b>	953	-	-
<b>2015</b>	1739	-	334
<b>2016</b>	2574	2170	743

The figure for IGPR statistics for 2016 represents the number of protection orders registered during the year, which is distinct from the number of protection orders in development.

For year 2014, the *Network* requested data on recorded and breached protection orders. We received answers from 35 county police inspectors and DGPMB. We have no certainty that the figures submitted refer only to registered protection orders and are not including the ones in operation from that year, so we are not using this figure in our comparison.

For the year 2015 we received very few answers to the requests of public information, insufficient to be processed.

We can say that the blurring about the records of the issued protection orders has a cause in the absence of police procedures.

Violation of the protection order is non-compliance with a court judgment, the one in Art. 287 of the Penal Code. For the two years statistics that we have from I.G.P.R. a number of violated protection orders we extracted from the Public Ministry Reports, the only statistics that could include the persons sued for breaching the protection order (Article 287 CP, failure to comply a court decision).

*Public Ministry Report<sup>5</sup> 2015*

Criminal offenses (art.266 – 288 CP), total sent to court – 800

*Public Ministry Report<sup>6</sup> 2016*

Criminal offenses (art.266 – 288 CP), total sent to court – 1078

Information on police procedures for enforcement and surveillance of protection orders was obtained in 2015 and it is useful to reproduce them in this study.

In order to have some clues on how to perform and supervise a protection order, we conducted 7 interviews at police stations in the country. These sections are spread across the country to Mehedinți, Satu Mare, Vaslui, Vrancea, Bucharest, Brașov and they have experience with the execution of a small, medium and large number of protection orders. Here is the information obtained by corroborating the answers.

Protection orders are received from the court, taken over by the service officer and the commander distributes them to the proximity officer. Sometimes it happens within one week after being issued by the judge.

Two recording tools have been mentioned: a map of the protection order, which is drawn up at the department where the victim belongs, and the report that notifies the aggressor.

For the aggressor, there is a notice alert, a statement and a copy after the device of the court. It is unclear whether the aggressor's notification is made at the police station or at his home.

If the protection order provides for eviction, both the proximity and the public security officer shall go on the spot. The aggressor must be taken out of the house and he has to give the key alongside with a report. When the protection order reaches the police at the end of the program, eviction takes place the day after the victim was notified by phone.

Weapons are being handed over to IPJ weapon service. The Proximity Officer has an eight-hour program. The aggressor is informed of his obligations and consequences of non-compliance with the stipulations of the protection order.

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<sup>4</sup> Public Ministry, Parchetul de pe lângă Înalta Curte de Casație și Justiție, Report 2015, [http://www.mpublic.ro/sites/default/files/PDF/raport\\_activitate\\_2015\\_ro.pdf](http://www.mpublic.ro/sites/default/files/PDF/raport_activitate_2015_ro.pdf)

<sup>5</sup> Public Ministry, Parchetul de pe lângă Înalta Curte de Casație și Justiție, Report 2016, [http://www.mpublic.ro/sites/default/files/PDF/raport\\_activitate\\_2016\\_ro.pdf](http://www.mpublic.ro/sites/default/files/PDF/raport_activitate_2016_ro.pdf)

As far as the victim is concerned, she is advised to call 112 in case of a violation of the protection order, because the intervention is going to be prompt. But we received the answer that the victim can also call the station. Protection orders are assigned to the proximity officer on the territorial criterion. If the protection order is violated, the victim must report the case. It is not clear how the ascertainment is made. Violations of distances are harder to prove. Violation of eviction occurs more frequently.

Responsibility for the supervision of protection orders is by the case given to the local police, the proximity police or the police station.

To see if the protection order is respected, there are required periodical visits to the victim's home and talks with the victim and victim's neighbors to see if the abuser has approached the victim. There aren't any monitoring procedures and a 24 hour monitoring is not possible. The frequency of surveillance actions is not established. If a violation of the protection order has been reported, the minutes are the first verifications made. Then the answers differ. Either the juridical supervision bureau or the court are noticed.

In 2016 it was elaborated within the project "JAD- *Joint Action Against Domestic Violence*", a financing contract under the Program 29- "Domestic and gender based violence", funded by the Norwegian Financial Mechanism, a handbook of good practice for magistrates and police workers<sup>6</sup> where the interventions described are harmonizing current legislations with the principles and definitions of the Istanbul Convention. The chapter "*The role of the police in dealing with cases of domestic violence*" may constitute in the future the basis for monitoring the police actions even if this chapter has not become, by minister order, a mandatory procedure of the institution.

## 5.9. Previous complaints of domestic violence victims

For three consecutive years, we collected data on past complaints about domestic violence. We have requested data segregated by gender from all the prosecutor's offices attached to the county courts, the prosecutor's offices attached to the courts and the county police inspectorates. For the years 2014 and 2015 we also requested data on pre-trial crimes, for crimes against freedom and sexual integrity. We also compared the data published by the Public Ministry, the National Institute of Forensic Medicine and the statistics provided by the Romanian General Police Inspectorate.

This information will help to estimate the size of the phenomenon. Their character is exploratory given the diversity of sources and ways of collecting data from each source.

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<sup>6</sup> Domestic Violence – a handbook of good practice for magistrates and police workers , <http://norwaygrants.politiaromana.ro/programe/program-ro-20>

### 5.9.1. Data collected at the level of the prosecutor's offices

We have requested from the prosecutor's offices attached to the judges because we have been interested in checking if there is a correlation between the large number of withdrawals of pre-trial complaints and the length of time that files for applications for protection orders have been judged. We were also interested in determining the percentage of files that start at the victim's initiative, than go to court. Of course, we cannot separate the number of complaints and withdrawals from the same person, nor can we highlight complaints made only against partners or parents and brothers.

From 176 prosecutor's offices attached to the judges, 61 sent data in 2016 for the 2015 situation. The 61 prosecutors sent data on sexual offenses, of which 22 sent data on domestic violence. 14 prosecutors from the 22 responded successively 3 years, 2014, 2015 and 2016 at our request.

We have not received replies from all the prosecutor's offices to which we have addressed. Many prosecutors replied that they did not have data.

We compared the data received from those prosecutors who sent data from 3 consecutive years.

#### 5.9.1.1. Information received for year 2015

##### 22 Prosecutors' offices attached to the Judges who have submitted data on prior complaints regarding art.193 / art 199

Total recorded – 1.525 Total completed – 1.276

Total withdrawn – 942 (61,77%)

Total indictments – 65 (4,26%)

##### 20 Prosecutors' offices attached to the Judges who have submitted segregated data on gender

Male victims recorded – 327 (26,67%)

Female victims recorded – 899 (73,33%)

Total – 1226

Male who withdrawn the complaint -156(47,70%)

Female who withdrawn the complaint – 542 (60,30%)

Male victims indictments – 9 (2,7%)

Female victims indictments – 43 (4,7%)

5.9.1.2 Information from the Prosecutor's Offices attached to the Judges requested and received for the years 2013, 2014, 2015

2015 - 14 Prosecutor's Offices attached to the Judges, unsegregated information on gender

Total registered files – 1.255

Total completed files – 1.042

Total withdrawn complaints – 752 (59,92%)

Total indictments– 28 (2,2%)

2015 - 11 Prosecutor's Offices attached to the Judges, segregated information on gender

Male victims registered – 268 (28%)

Female victims registered – 689 (72%)

Total victims–957

Complaints withdrawn by men – 128 (47,76%)

Complaints withdrawn by women – 393 (57,03%)

Indictments male victims – 3 (1,1%)

Indictments female victims – 10 (1,4%)

2014 - 14 Prosecutor's Offices attached to the Judges that sent data in 2015, unsegregated information by gender

Total registered files – 900 Total completed files – 727

Total withdrawn complaints – 527 (58,55%)

Total indictments – 28 (3,1%)

2014 - 11 Prosecutor's Offices attached to the Judges that sent data in 2014, segregated information by gender

Male victims registered – 175 (29,6%)

Female victims registered – 415 (70,4%) Total victims – 590

Withdrawn complaints by men – 80 (45,71%)

Withdrawn complaints by women – 198 (47,71%)

Indictments male victims – 8 (4,5%)

Indictments female victims – 6 (1,4%)

2013 - 14 Prosecutor's Offices attached to the Judges that sent data in 2014 and 2015, unsegregated information by gender

We only included data from 13 prosecutors because a value at the 14<sup>th</sup> prosecutor was 100 times higher than the average of the others.

Total registered files (art.180 +181 Old penal code) – 645

Total completed files – the figure was not transmitted

Total withdrawn complaints – 316 (48,99%)

Total indictments – 25 (3,8%)

2013 - 11 Prosecutor's Offices attached to the Judges that sent data in 2014 and 2015, segregated information by gender

Male aggressors registered– 355 (90,5%)

Female aggressors registered – 37 (9,5%)

Total aggressors M+F – 392

Victims that withdrew the complaint – 263 (40,77%)

Of the 11 prosecutor's offices attached to the Judges who sent the segregated data, 5 sent the segregated data for the item "number of victims who withdrew the complaint"

5 Prosecutors' offices attached to Judges who sent segregated gender data for item "Number of victims who withdrew the complaint"

Total files M+F – 334

Total withdrawals – 192 (57,48%)

Male withdrawals – 29 (15,1%)

Female withdrawals – 163 (84,9%)

Of the 334 prior complaints in the 5 Prosecutors' Offices attached to the Judges, they were concluded with indictment 2.

We were able to compare the aggregated data sent by 14 prosecutor's offices attached to the judges three consecutive years to track the variation of complaints withdrew and concluded with indictments.

**Comparative table, withdrawal of pre-trial complaints and indictments 2013, 2014, 2015 of 14 Prosecutor's offices**

YEAR	P L Â N G E R I		
	Registered	Withdrawals	Concluded w indictments
<b>2013</b>	645	316 (48,99%)	25 (3,8%)
<b>2014</b>	900	527 (58,55%)	28 (3,1%)
<b>2015</b>	1255	752 (59,92%)	28 (2,2%)

As it results from our analysis, at the level of the 14 prosecutor's offices, the level of complaints withdrawn increased and the level of incrimination has decreased.

#### 5.9.1.1. Data on domestic violence extracted from the annual public service reports

We further transcribe comparatively the official data of the Public Ministry on domestic violence, for the period 2007 – 2016

#### Statistics on Family Violence. Public Ministry's Annual Reports

	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Defendants	587	489	444	483	469	440	1080	1459	1938	1467
Victims	2437	1795	1804	2389	2210	1857	2148	1459	1958	1822

We should point out that the 14 Prosecutors who sent data in 2013, 2014 and 2015 are not prosecutors near the courts with high dossier content (as evidenced by the Court's Portal Information). But the public prosecutor's annual reports do not show the cases charge degree of the Prosecutor's Office. That is why we cannot consider these figures at national level. They are important to the prosecutor's offices and, in particular, to the victims in the jurisdiction of these prosecution offices.

To estimate to an approximate level of accountability for domestic aggressors, we compared the figures in I.G.P.R. with the figures in the Public Ministry report.

#### Defendant and reported offenses of domestic violence

	Public Ministry's Activity Report	Data provided by the Romanian Police
2014	1.459 – 2,9% total accused	28.204 – 5% notified facts that go to court
2015	1.938 – 3,3% total accused	33.317 – 5,8% notified facts that go to court
2016	1.467 – 2,3% total accused	35.302 – 4,1% notified facts that go to court

We should be able to compare the percentage of domestic violence offenders with the percentage of notifications for domestic violence. We have transcribed the figures above to bring in other available figures. Although these figures are part of a continuum, they cannot be compared as a result of the way in which the cases recorded and summarized are counted and solved: in the cases solved within a year, a percentage of cases recorded in previous years are included. But from the diachronic comparison we can see that in the last three years the figures in the official statistics suggest a - low -decrease of the level of incrimination.

Regarding the comparison between the data requested by us and the data from the Public Ministry report, we mention that we do not include as a form of domestic violence the abandonment of the family and the failure in respecting the measures regarding the custody of minors. In 2015 out of 1,938 victims, 922 were victims of family abandonment. In each of the three years the figure has this degree of magnitude. IGPR statistics include these facts.

Another figure that can highlight the severity of the domestic violence phenomenon is the percentage of homicides that occur in the family of the total number of killings per year. We have used the figures in the Public Ministry report, but we also considered, for confirmation, the number of



homicides reported by the National Institute of Forensic Medicine INML in the annual activity report.

### **Murders within families / murders INML**

2014<sup>7</sup> – 82 within the families, from total 380 – 21,5% / total cases of murders from INML 394

2015<sup>8</sup> – 99 within the families, from total 395 – 25% / total cases of murders from INML 360

2016 – 72 within the families, from total 371 – 19,4% / INML report for 2016 is not available on the website

### 5.9.2. Data from the General Police Inspectorate

A first important piece of information appears in the 10th report on police work for the year 2008 regarding Crime Prevention, where 96,343 cases were reported in which police workers intervened in interfamilial conflicts, which represents 48.1% of the total number of interventions.

For the years 2014, 2015 and 2016, the **General Inspectorate of the Romanian Police** IGPR sent us, following the request we made, the statistics compiled at the central level. We compared some data on the total annual number of complaints for acts that are specific to domestic violence as defined by the Istanbul Convention and the gender prevalence of both aggressors and victims. We included in our comparative analysis, interfamilial sexual aggressions.

#### **Introduction to IGPR data presentation**

Every week there is a case where a woman is raped in the family.

Every four days there is a case where a minor is raped in the family.

Every two days there is a case where a minor is raped, sexually assaulted, or subjected to sexual intercourse with an adult in the family

How many cases remain unreported?

**VIF Network Observation**

The incidence of all registered offenses committed by female authors as well as adult and minor adult victims is highlighted in the following table:

<sup>7</sup> Institutul Național de Medicină Legală “Mina Minovici” București, Raport asupra activității rețelei de medicină legală în anul 2014, <http://www.legmed.ro/doc/dds2014.pdf>

<sup>8</sup> Institutul Național de Medicină Legală “Mina Minovici” București, Raport asupra activității rețelei de medicină legală în anul 2015, <http://www.legmed.ro/doc/dds2015.pdf>

<sup>10</sup> Ministerul Afacerilor Interne, Inspectoratul General al Poliției Române, Evaluarea activității desfășurate de Poliția Română în anul 2013, <http://www.mai.gov.ro/documente/evaluari/Bilant%20MAI%202013.pdf>

	Total deeds			Female aggressors			Female victims			Minor female victims		
year	2014	2015	2016	2014	2015	2016	2014	2015	2016	2014	2015	2016
Hitting and other valances (193)	12761	15705	18531	934	1239	1429	8976	11689	14221	284	418	443
Body injury (194)	45	33	16	5	4	2	15	19	12	1	2	1
Illegal deprivation of liberty (205)	37	72	76	6	17	22	20	35	36	4	21	23
threatening(206)	2391	2538	2610	164	208	186	1699	2007	2141	20	12	33
blackmail(207)	21	29	29	2	8	8	18	19	20	0	0	0
harassment (208)	61	73	111	3	9	10	53	64	97	2	1	2
Rape (218)	107	137	158	0	0	0	37	53	56	56	80	93
Sexual aggression (219)	16	33	34	1	1	0	2	5	1	14	24	30
Sex with a minor (220)	72	50	67	1	2	2	7	0	0	49	60	62
Sexual corruption of minors (221)	25	19	19	1	0	0	1	0	0	15	15	21
Incest (337)	14	11	15	1	2	0	18	5	8	12	4	6
murder (188 – 189)	114	104	64	15	16	10	53	54	40	5	10	2
Attempted murder (188 – 189)	71	84	64	8	12	15	23	38	22	1	4	3
Death by hitting (195)	14	9	8	1	2	2	7	3	5	0	1	0

The prevalence of aggressors and victims of adult and minor women is highlighted in the following Table:

	Female aggressors			Female victims			Minor female victims		
Year	2014	2015	2016	2014	2015	2016	2014	2015	2016
Hitting and other valances (193)	7,7%	7,8%	7,6%	74,5%	73,3%	75,7%	2,3%	2,6%	2,3%
Body injury (194)	18,5%	12,1%	12,5%	50%	54,2%	75%	3,3%	5,7%	6,2
Illegal deprivation of liberty (205)	17,1%	23,2%	27,5%	57,1%	46,6%	46,1%	11,4%	28%	29,4%
threatening(206)	7,5%	8,1%	7%	78,7%	78,1%	80,7%	0,9%	0,4%	1,2%
blackmail(207)	9,5%	27,5%	26,6%	85,7%	65,5%	68,9%	0%	0%	0%
harassment (208)	4,8%	12,1%	8,8%	86,8%	86,4%	84,3%	3,2%	1,3%	1,7%
Rape (218)	0%	0%	0%	36,2%	37,5%	34,3%	54,9%	56,7%	57%
Sexual aggression (219)	6,2%	3%	0%	12,5%	15,1%	2,6%	87,5%	72,7%	78,9%
Sex with a minor (220)	1,5%	3,1%	2,9%	10,9%	0%	0%	76,5%	93,7%	87,3%
Sexual corruption of minors (221)	4,5%	0%	0%	4,3%	0%	0%	65,2%	78,9%	87,5%
Incest (337)	4%	18,1%	0%	38,2%	45,4%	53,3%	25,5%	36,3%	40%
Murder (188 – 189)	14%	15,3%	15,6%	48,6%	48,6%	61,5%	4,5%	9%	3%
Attempted murder (188 – 189)	13,3%	14,1%	27,7%	37,7%	44,7%	33,3%	1,6%	4,7%	4,5%
Injuries that cause death (195)	9%	20%	25%	63,6%	33,3%	62,5%	0%	11,1%	0%

It stands out the high percentages of women victims of all domestic violence, but especially the high percentage of minor victims of sexual assaults in the family. Also, the percentage of female aggressors is low. We underline in these figures, once again, the character of gender violence of the statistically analyzed offenses.

For comparison, we also included figures for men and women aggressors, segregated on facts, years and major / minor ages.

INDICATORS	2014 (FEB.-DEC.)					2015					2016				
	AGGRESSORS	ADULTS		UNDERAGE		AGGRES SORS (of the notice of appeal)	ADULTS		MINORS		AGGRES SORS (of the notice of appeal)	ADULTS		MINORS	
		M	F	M	F		M	F	M	F		M	F	M	F
Infractions - TOTAL	14779	13552	1142	77	8	19109	17461	1520	106	22	22053	20210	1686	127	30
Hitting or other violence (art. 193 new Penal Code)	12054	11064	934	51	5	15874	14546	1239	74	15	18741	17187	1429	99	26
Physical damage (art. 194 new Penal Code)	27	21	5	1	0	33	29	4	0	0	16	14	2	0	0
Illegal deprivation of liberty (art. 205 ,new Penal Code	35	29	6	0	0	73	56	17	0	0	80	58	22	0	0
Threat (art. 206 new Penal Code)	2167	1998	164	5	0	2559	2341	208	6	4	2640	2446	186	7	1
Blackmail (art. 207 new Penal Code)	21	19	2	0	0	29	21	8	0	0	30	22	8	0	0
Harassment(art. 208 new Penal Code)	62	59	3	0	0	74	65	9	0	0	113	103	10	0	0
Rape (art. 218 new Penal Code)	106	96	0	9	1	141	132	0	9	0	162	152	0	8	2
Sexual aggression (art. 219 new Penal	16	12	1	3	0	33	29	1	3	0	34	32	0	2	0
Sex with a minor (art. 220, new Penal Code)	66	60	1	5	0	64	55	2	7	0	67	57	2	8	0
Sexual corruption of a minor (art. 221, new Penal Code)	22	21	1	0	0	19	19	0	0	0	19	19	0	0	0
Incest (art. 377 new Penal Code)	25	23	1	0	1	11	8	2	1	0	15	15	0	0	0
Homicide (art. 188 - 189 new Penal Code)	107	88	15	3	1	104	83	16	3	2	64	54	10	0	0
Attempted murder (art. 188 – 189, new Penal Code)	60	52	8	0	0	85	69	12	3	1	64	45	15	3	1

Injuries or injuries that cause death (art. 195 new Penal Code)	11	10	1	0	0	10	8	2	0	0	8	6	2	0	0
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## 5.10. Pre-Complaints of Victims of Crimes against Freedom and Sexual Integrity

Figures on sexual violence are insufficient in the institutions reports to determine the size of the phenomenon, the needs for victims' services and the gender criteria of this form of violence. As in the case of the requested data on prior complaints about acts of domestic violence, we were interested in the number of reported offenses, the gender distribution of aggressors and victims and the level of criminality.

Of the 176 Prosecutors' offices attached to the judges from whom we requested data on the number of prior complaints for rape, sexual assault and sexual harassment for 2015, we received data from 59 prosecutor's offices attached to judges. The results of the data processing are as follows:

### *5.10.1 Prior complaints for rape infractions Art. 218 (1) and (2) Penal Code - 2015*

#### 2015 - 59 Prosecutors' offices attached to judges sent unsegregated gender data

Total rape victims, prior complaints registered – 839

Withdrawn complaints – 116 (13,77%)

Complaints concluded with indictment – 105 (12,47%)

#### 2015 - 56 Prosecutors' offices attached to judges sent gender-disaggregated data

Complaints made by female victims - 651 (77,59%)

Complaints concluded with indictment, male + female victims - 101

Female Complaints concluded with indictment– 92 (91,0%)

### *5.10.2 Preliminary complaints for rape Art 218 (1) and (2) Penal Code – 2014*

In 2014, inquiries sent to 122 Prosecutors' Offices attached to judges were answered that the total number of casualties was 990 (including segregated data). For the prosecutor's offices which sent segregated data, out of the total number of victims 90.17% were women. 7.4% of male victims and 21% of female victims withdrew the complaint, and 96.3% of women's complaints were made by women. 5.9% of the complaints submitted by male victims and 15.6% of the complaints submitted by women victims were concluded with indictment.

To compare the 2014 and 2015 data, we selected the 47 Prosecutors' offices attached to the judges who sent data in those two years. Not all have sent us desegregated data, so we've taken into account only the totals.

#### 47 of the Prosecutor's Office attached to judges, data from 2014, 2015

Not segregated	2014		2015	
Total complaints	522		594	Increase 13,79%
withdrawals	81	15,51%	100	16,83%
indictments	55	10,53%	81	13,63%

According to the data of the Public Ministry, in 2014, 469 defendants were sued, and in 2015, 517. These figures include the deed from the Article 218 (3) of the Criminal Code. We do not know if the percentage differ for closed cases with indictments for the actions *ex parte* and *ex officio*.

#### 5.11. Convictions

**The National Administration of Penitentiaries** periodically publishes the records of the persons detained by the penitentiary system on the main offense and the state of preventive or final conviction. From this statistics we extracted the following figures:

- ✓ The number of persons detained following a measure given for Art. 199 (domestic violence) in March 2017 – 45
- ✓ Definitively convicted for the deed. Article 199 (domestic violence) – 34
- ✓ Entered custody in January 2017 – 4

**The National Probation Directorate** provided, upon our request, data on the persons convicted for the offense from Article 199 of the NPC.

- ✓ In the evidence of probation services in the country in December 2016 – 104.

## 6. Conclusions

- ✓ Victims of domestic violence are **mostly women**
- ✓ Victims of sexual violence within the family are mostly girls
  
- The number of requests for issuing a **protection order** has increased.
- The average duration of judging an application for a protection order has been decreased by half from 2014 to 2015 and 5 times for the average duration of an application for a 2015 protection order in 2016 (effect of Law 351 from 2015).
- The percentage of withdrawals by the applicants of requests for a protection order decreased.
  
- Solutions for admitting the application for protection order are around 50% of cases. Using the background of the estimated 500,000 victims of domestic violence in 12 months, this acceptance level may be too low.
  
- *The structure of the data collection has been improved by the **Romanian Police**, the data are gathered disaggregated by gender and the type of family relationship between the aggressor and the victim.*
  
- There is a lack of significant information from the collection of institutional statistics: the number of prior complaints on domestic violence and sexual violence withdrew by the victims.
  
- We cannot extract from the data the number of cases brought to trial, the percentage of cases brought to trial from the total number of reported cases and the number of convictions.
  
- **The Public Ministry** *has a lack of structured and detailed statistics* for domestic violence and for sexual violence - many prosecutors have answered that they do not have the data we have requested.
  
- If we join the estimated number of victims on the basis of the European study of 2014, respectively 500,000 women over 15 years old, with the number of people in custody in the penitentiary system in January 2017, we can say, even if we miss so many intermediate figures, that the system's measures against domestic aggressors are extremely weak. We can not say whether the deficiency is at the legislative level or at the level of the implementation of legislation, but it follows from practice that both causes must be taken into account.
- The Public Ministry does not include in its report the distinct figure for the violated protection orders and the number of persons accused of breaching the protection order,



disaggregated by gender.

- **Female applicants** benefit from a higher percentage of protection orders issued in shorter periods of trial and shorter lengths of appeal, if needed. Even if the differences are small, it remains an important aspect that can correlate with the types of violence by which women are most affected: physical and sexual violence.
- **The protection order does not cover the first 10 to 14 days** after the victim decides to leave the violent relationship, the period with the highest risk of recidivism (repeated violent behavior of the aggressor in more serious forms).
- *Sources of data on domestic violence are not harmonized.* Institutions such as the Public Ministry, the Ministry of Health, may not collect detailed and disaggregated data on this issue.
- In order to respond to certain items in the GREVIO questionnaire, it is necessary to compare the data from different sources. It will be necessary to standardize the data collection criteria.

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