

# **Legislative measures on violence against women. From international to Romanian law**

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## **Abstract**

The global dimension of violence against women is alarming, as it is evidenced by the studies of the incidence and prevalence of the violence against women. It is present in all countries, crossing barriers of culture, class, education, income, ethnicity and even age. Even though most societies condemn violence against women, in reality violation of women is often hidden under the garb of cultural practices and norms as wrong interpretation of religious tenets. Currently, there are numerous international and regional mechanisms which are intended to guide us through the efforts of preventing and combating the violence against women. Furthermore, there is also a tendency toward a paradigm alteration, which recognizes that violence against women is not a problem regarding only vulnerability of women or defluctive men's actions and also is not only a characteristic of primitive cultures. Instead, the problem is understood to be rooted, even if in various forms, in a universal patriarchal culture that exist in our conscience, men and women, and in the values and the basic institutions of our society. This common legacy underlies of the various ways in which women experience the violation of their rights. Consequently, the common elements of some specific manifestations of violence against women as well as the global connectivity of the various patterns of the local feminist movements were put into motion in order to achieve a culture universalization for women's rights. Therefore, this paper presents the main legislative measures taken at national and international level to prevent and combat violence against women.

**Keywords:** *violence; women; discrimination; human rights; international laws; national laws*

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## **1. The United Nations involvement**

A first act underlying the fight to prevent and fight against domestic violence against woman is The Universal Declaration of Human Rights enacted in 1948 after a long combat with people from different parts of the world. This is the first act which refers to the prohibition on the discrimination based on gender. However, the shortcomings of the International Declaration of Human Rights with regard to the women needs and experiences have been harshly criticized by the feminist movement. Criticism drew attention on the fragmented and individualist language regarding the understanding (Ertürk 2008: p. 27) The international discourse on human rights has remained particularly blind with regard to the structural inequalities and to the

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complexity and interrelationship of power relations in public and in private life, which is in the center of various manifestations of discrimination on grounds of gender.

The Universal Declaration of Human Rights principles are coded in many Convention which followed; the most notable being „The Twin Conventions ”in 1966: The International Convention on Civil and Political Rights and the International Convention relating to Economic, Social and Cultural rights. By virtue of Article 3 of both conventions, the states parties shall undertake to ensure equality of women and men to enjoy the provisions of these conventions.

In 1979 it was adopted by the United Nations General Assembly The Convention on the elimination of all forms of discrimination against women (CEDAW) which entered into force in 1981. The Convention has an important role as a means of promoting the legal protection of equal rights of women within the framework of the United Nations. The implementation of its provisions shall be revised by The Committee for the elimination of discrimination against women. To this end, the article 1 lays down that: „The term discrimination against women shall mean any distinction, the difference, exclusion or restriction made based on gender which has as effect or purpose the impartiality or invalidity of recognition, of the exercise of rights by women, regardless of their marital status, on the basis of equality between men and women, of human rights and fundamental freedoms in political, economic, social, cultural, civil or any other field”.

As explained in The Committee for the elimination of discrimination against women this definition covers also ”the violence based on sex, which means violence directed against women. It includes acts of suffering affecting physical, mental or sexual, the threatening with such acts, a correction or other confinements”.

In 1992, after years of lobby and advocacy support from the women's movement at global level, the Committee of experts for the monitoring of the Convention adopted The General Recommendation 19 (GR 19), which defines violence against women as a form of discrimination, complementing such a major deficiency in the framework of the Convention. Another point initiated by the Recommendation shall be the responsibility of the States for private acts of violence. It specifies: ”In accordance with international law and treaties on human rights, the States may also be responsible for private acts, in the case in which fail to act with due diligence to prevent violations of rights or to investigate and punish acts of violence, as well as for granting compensations”.

The international and national organizations have put pressure on United Nations Organization regarding the lack of progress in relation to the problematic of domestic violence against women. Thus, in 1993, and, in the World Conference on Human Rights from Vienna, the United Nations General Assembly has recognized that violence against women is a violation of human rights and in the same year adopted the declaration to eliminate violence against women. The declaration provides a regulatory framework which defines violence against women and the member States engagement to exclude this phenomenon. On 4<sup>th</sup> of March 1994, the Commission for Human Rights has adopted a Resolution for ”integrating women's rights in the United Nations mechanisms for human rights and eliminate violence against women”, creating the position of Special Rapporteur for the violence against women, its causes and consequences.

In 1995 in Beijing, at the fourth World Conference of the United Nations Organization regarding women, the international community has adopted The Platform for Action containing 12 chapters relating to critical areas, one of which provides for

specific measures which all the signatory States should adopt in the field of prevention and combating domestic violence against women.

In 1999 the General Assembly of the United Nations Organization declared the day of November 25 as The International Day to eliminate violence against women.

After its statement concerning the development objectives of the millennium, the meeting has begun to tackle the problem of violence against women annually. In 2004 has adopted a specific resolution on domestic violence against women, and at the beginning of the year 2007 adopted a powerful and comprehensive resolution to step up its efforts for the elimination of all forms of violence against women, including "all forms of violence based on gender", stating: "The General Assembly firmly disapproves all acts of violence against women and girls, regardless whether these acts are committed by the State, by private individuals or by non- state actors, appeals for the elimination of all forms of violence of this kind in the family, in the Community whether it is committed or tolerated by the State, and emphasizes the need to treat all forms of violence against women and girls as criminal offenses, punishable by law" (United Nations Organization 2007: p. 3).

The 2007 resolution, based on the wide report from the General -Secretary of the United Nations Organization, Koffi Annan, recognizes the importance of the various strategies to combat violence against women, having regard to the intersection of the gender factors with other factors and recognizes the great diversity of women inequalities depending on the status of the "nationality, ethnicity, religion or language, indigenous women, migrant women, stateless women, women who live in poor developed communities, rural or isolated, women without shelter, women in the institutions or in detention, women with disabilities, older women, widows and women who are otherwise discriminated" (Cole and Phillips 2008: p. 153 Apud Annan 2006).

The resolution points out the need to create training programs with respect to the gender violence for a wide range of social groups, including hospital workers, teachers, police, army, judges and leaders of the Community. It also encourages the men and the boys „to speak firmly against violence against women”.

These are key progressions on the agenda of the United Nations Organization on equal opportunities between men and women and represents a turning point in the recognition of violence against women, once a private matter, as a public concern for human rights.

The action platform, including among its areas of major concern, the problem of armed conflicts and human rights in the case of women, has placed a priority on the need to respond to these problems for the women progress.

At the following special sessions of the United Nations Organization, The General Meeting has identified other forms of sexual aggression on women and of violence practices, cultural justified that have not been specifically mentioned in the platform. It also has shown that violence against women has become a priority on the agenda of many Member States and have been taken significant measures, but insufficient, to resolve the problem.

## **2. The Council of Europe involvement**

As early as 1990, assuming his role as a leader in the protection of human rights, the Council of Europe has decided that it was necessary to establish comprehensive standards for the prevention and fight against domestic violence against women and domestic violence. So it addresses to this phenomenon by a series of recommendations.

Such an act is The Recommendation no. 85/2000 with regard to the domestic violence, according to which they recommend that the governments of the Member States to inform the public opinion on the specific characteristics, the gravity, and the size of the phenomenon and to support measures aimed at combating this phenomenon”. Also, it is advisable to encourage organizing agencies, associations and foundations which are aimed to help and support victims of domestic violence.

In 2002 the European Council adopted Recommendation Rec (2002) 5 of the Committee of Ministers to the Member States concerning the protection of women against violence, and conducting a campaign at an European level.

During the period 2006-2008, in order to combat violence against women, including domestic violence, The Parliamentary Assembly has taken a firm political position against all forms of violence against women. It has adopted a number of resolutions and recommendations relating to legal standards concerning the prevention, protection and prosecution of the most serious and widespread forms of violence based on gender.

In December 2008, the Committee of Ministers has established a group of experts appointed to prepare a draft of the Convention in the field of prevention and combating violence against women everywhere. After two years, this group, called CAHVIO (ad hoc committee for preventing and combating violence against women and domestic violence), has elaborated a draft for this project, which was completed in the December 2010 Convention.

The Convention on the prevention and fight against domestic violence and against women has been adopted by the Committee of Ministers of the Council of Europe, on 7 April 2011, was opened for signature on 11 May 2011, session of 121-a of the Ministers Committee in Istanbul and entered into force on 1 August 2014 (Council of Europe 2014).

The document is known as The Istanbul Convention and is a major step forward and a solid commitment with the involvement of the signatory States for the implementation of measures to prevent and combat violence against women and domestic violence. The Convention puts particular emphasis on: Prevention, protection, prosecution, the creation of an appropriate legislative framework and to establish a monitoring mechanism.

Prevention of violence against women and domestic violence is to be deemed to have been so far the measure that reduces pain and that would save lives. In order to prevent violence against women The Member States must: organize regular awareness campaigns to influence the public opinion with regard to violence against women and domestic violence, to organize vocational training courses for the staff who works with domestic violence victims, to cooperate with the Nongovernmental organizations, to take the measures necessary to promote changes in patterns of social and cultural behavior of women and men (Niță and Ilie Goga 2017: 6-21), “in order to eradicate prejudices, habits, traditions and other practices, which are based on the idea of women inferiority or on stereotype roles for women and men”.

With respect to the protection, the Convention stipulates for providing support to the victims and witnesses by police intervention, ensuring access to appropriate information on their rights and protection offered by the establishment of free phone support lines, providing specialized services, shelters for the victims of violence.

The Convention also provides the creation of an ample legal framework, policies and measures of protection and assistance for the victims of domestic violence and

urges the Signatory States to amend or supplement current legislation by the introduction of sanctions for actions which before were not regarded as infringements such as: psychological abuse, genital mutilation, forced marriage, forced abortion and forced sterilization. In addition the Signatory States will ensure that traditional customs or „the honor” will not be used to justify any abuse exposed above. Another recommendation is that at the level of each Signatory State to draw up a national action plan in which is specified the role of each state or private institutions in preventing and combating the violence against women and the domestic violence. In fact, society as a whole must be aware of the fact that violence against women is no longer a tolerated act.

After the entry into force of the Convention was appointed a group of independent experts, named GREVIO, which has the role of monitoring if the leaders of the Signatory States comply with their obligations.

### **3. The Romanian legislation regarding the prevention and combat of violence against women**

In Romania, the communist ideology promoted the principle of sex equality, but in the sense of masculinize the woman. At the same time, another principle was promoted providing for the non-intervention of the state in the citizens' private lives. This principle was only breached when it was necessary to maintain a political conscience that was in accordance with the ideology of the Communist Party. Violence against women was thus denied and kept latent, as were the other social issues.

After the 1989 Revolution, various exterior mechanisms have functioned to raise awareness of the issue of violence against women, by means of international documents, promotion of human rights, voiced incrimination of violence against women, publicity of a series of international events regarding domestic violence. This type of exterior-driven awareness was however insufficient, because of the people's inborn tendency of resisting change, enhanced by an inherent system.

Any attempt to turn violence against women into a social issue was rejected, and seen as an appanage of the feminist movement.

In Romania, violence against women, and especially domestic violence, have only been submitted to public debate after 1995. At that time, the Romanian Penal Code did not perceive domestic violence as a distinctive type of violence. Therefore there was a limited number of ways for the governmental institutions to intervene and it all depended on the way in which these provisions were applied.

Placing domestic violence on the public agenda resulted in legislative acquisitions such as the introduction of domestic aggressions in the Penal Code, as well as the adoption of further pieces of legislation, such as:

- Law no. 202/2002 regarding equal opportunities for men and women
- Law no. 678/2001 regarding the prevention and combat of traffic in persons
- Law no. 217/2003 regarding the prevention and combat of domestic violence
- Decree no. 95/2003 for the ammendment and completion of Law no. 217/2003 for the prevention and combat of domestic violence;
- Government Resolution no. 1624/2003 regarding the organization and functioning of the National Agency for Family Protection;
- Decree no. 383/2004 regarding the approval of the quality standards to be applied by the social services for the protection of the victims of domestic violence;

- Decree no. 384/2004 regarding the approval of the cooperation protocol regarding the prevention and monitorization of domestic violence;
- Decree no. 385/2004 regarding the approval of a set of instructions for the organization and functioning of administrative units for the prevention and combat of family violence;
- Law no. 211/2004 regarding a set of measures to be taken in order to ensure the protection of crime victims;
- Government Resolution no. 686/2005 regarding the approval of the National Strategy in the field of preventing and combatting domestic violence;
- Law no. 25/2012 for the ammendment and completion of Law no. 217/2003 regarding domestic violence.

The basis of these pieces of legislation is the Romanian Constitution which provides for the citizens' law equality and for unprivileged and undiscriminatory public institutions (article no. 16), as well as for the rights and liberties of all people. It also mentions that no person can be subjected to torture or any type of punishment or degrading or inhuman treatment. Article no. 23 states that individual freedom and personal safety are intangible, and so is the person's right to defence (article no. 24).

The fact that the Constitution establishes these rights implies the respect of women's rights and liberties and the prohibition of subjecting them to any act of violence or degrading treatment likely to interfere with their physical or psychological integrity. Should either one of these rights or liberties be breached, women can and must benefit from the protection of law. (*Asociația Baroului American 2007: p. 11*).

Law no. 202/2002 regarding equal opportunities for men and women is the first piece in the Romanian legislation to have clear provisions regarding the equal opportunities between men and women, including equal payment for an equal amount of work, concrete and prompt reactions of the employer's side regarding any sex discrimination complaints to bring this provision to the attention of their employees. This Law was ammended and completed by the Government Decree no. 84/2004 providing for the creation of the National Agency for Equal Opportunities for Men and Women.

Law no. 217/2003 regarding the prevention and combat of domestic violence – is an extremely important first step in the prevention and combat of domestic violence. It defines domestic violence as „any physical or verbal action intentfully directed towards another family member, which results in physical, mental or sexual sufference or material prejudice. Preventing a woman from exercising her fundamental rights and freedoms is also seen as an act of domestic violence. As interpreted according to this law, a family member is a spouse or a close relative, as defined in Art. 149 of the Penal Code, or „a person who is engaged in a relationship with the wrong-doer, which is similar to that between a husband and his wife or between parents and their offsprings, as proved by a social investigation". The law also provides the fact that the state's institutions and other central authorities must appoint specialized staff to document cases of domestic violence (articles 5 and 6). It also emphasizes the idea of cooperation between the local authorities and various non-governmental organizations, as well as the involvement of the entire local community in the prevention and combat of this social phenomenon (article 7). At a national level it is created the National Agency for Family Protection, the attributions of which include the establishment, implementation and application of a national strategy regarding domestic violence. The Agency must finance or cofinance various programmes that are specific to the field of the protection

and consolidation of families, as well as to the welfare and protection of the victims of domestic violence (article 9 paragraph 1 letter c).

Despite its importance in the prevention and combat of domestic violence, Law no. 217/2003 was intensely criticized because of its drawbacks. One of them is the fact that the provisions of the Law regarding the safety measures that can be taken in the case of domestic violence are different from those stipulated in the Penal Procedure Code, which makes it impossible to apply the Law.<sup>1</sup>

Also, Law no. 217/2003 includes a series of contradictions as compared to the provisions of article 162 of the Penal Procedure Code for the following reasons (Asociația Baroului American 2007: p. 15):

- Law no. 217/2003 stipulates the fact that the court is notified either by the victim or *ex officio*. The Penal Procedure Code stipulates the fact that the court is notified by the prosecutor;

- Law no. 217/2003 mentions the fact that the measures must be taken if there is sufficiently strong evidence or indication that a family member *de familie* committed an act of violence, thus having caused physical or psychological suffering to another family member. The Penal Procedure Code emphasizes the analysis of the extent to which the conditions mentioned in articles 113 or 114 of the Penal Code have been met (the existence of a potential danger);

- Law no. 217/2003 does not provide for the hearing of the person subjected to this measure, whereas the Procedure Code does;

- Law no. 217/2003 makes no mention of the way in which the temporary measure must be applied, whereas article 435 of the Procedure Code includes various regulations related to this aspect;

- Article 26 of Law no. 217/2003 does not specify the possibility of appeal for the elimination of the respective measures, unlike article 437 of the Penal Procedure Code, which regulates this type of legal action.

Another yet drawback of Law no. 217/2003 is the fact that the existing regulations were insufficient in regards to the prompt provision of proper protection to the victims of domestic violence. Thus, it was only in the case of a prison sentence that it was possible to apply any of the safety measures mentioned in art. 113, 114 or 118 of the

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<sup>1</sup> These differences consist of the fact that Law no. 217/2003 stipulates the fact that "during criminal pursuit or trial, upon the victim's request or *ex officio*, whenever there is strong evidence or indications that a family member may have committed an act of violence having caused physical or psychological suffering to another family member, the court can temporarily dictate one of the measures provided for by articles 113 and 114 of the Penal Code, and to forbid the accused person from entering the family residence. These measures expire once the potential danger having led to these actions has been eliminated." However, there are numerous issues related to this provision, such as the fact that Law no. 217/2003:

- does not define "strong indications", therefore another definition could be taken into account, namely the one provided for by article no. 681 of the Penal Procedure Code, para. 31, according to which "strong indications" implies the fact that „the existing relevant information available in the respective case can lead to the reasonable suspicion that the person on whose account the preliminary or actual pursuit is directed may have committed the respective deed”.

- does not specify how the court is notified of the elimination of the potential danger which justified the respective measures and which conditions should be reviewed in order to conclude that the respective danger has been eliminated.

Penal Code, provided that all conditions included in the relevant pieces of legislation were met.

Therefore, the safety measures provisioned by the law could not eliminate the immediate danger of the victims of domestic violence. Moreover, there are no preventive protection measures, given the fact that preventive retention and arrest are conditioned by very restrictive terms, which often makes it impossible to apply them in cases of domestic violence (Nițu 2013: p. 65).

Given the flaws of Law no. 217/2003 it has become obvious the need to improve the existing legislation, which occurred in 2012 by the passing of Law no. 25/2012 which amended and completed Law no. 217/2003.

It is worth noting the fact that Law no. 25/2012 was passed following a petition filed during a campaign meant to raise the public's awareness of how serious violence against women is, called "Pain is not love" initiated by the Acasă TV channel on the 18<sup>th</sup> of September 2011.

Novelty aspects in this law include:

- a more detailed definition of domestic violence, seen as "any intentional action or inaction, with the exception of (self)defence, committed at a physical or verbal level by one family member against another member of the same family, which leads to or causes prejudice or physical, psychological, sexual, emotional suffering, including the threat of committing such actions, constraint or arbitrary deprivation of liberty". (art. 1)

- clearly described types of domestic violence: psychological, verbal, physical, sexual, economic, spiritual

- a clearer status of "family members" who can be: „the ascendants and descendants, brothers and sisters, their offsprings, as well as the other persons related through adoption; the husband/wife and/or the former husband/wife; the persons whose relationships are similar to those between a husband and his wife or between parents and their offsprings, in case of cohabitation; the legal guardian or any other person exerting their rights in relation with the child; the legal representative or any other person who looks after a psychologically disordered or intellectually or physically disabled person, with the exception of those persons who have these attributions as part of their professions" (art. 2 alin.2)

- the foundation, at a county and sector level, of a cross-sector committee for the prevention and combat of domestic violence, attached to the General Directorates of Social Assistance and Child Protection, which has an advisory role. The committee consists of representatives of the Police, of the Gendarmerie, of the Public Health Directorate, of the Domestic Violence Department within the General Directorate for Social Assistance and Child Protection, of the institutional units for the prevention and combat of domestic violence, as well as other people on the part of NGO-s which are active in this field.

- Last but not least, the introduction of the restraining order, which still generates controversy in terms of practicality. However, this measure is still seen as extremely effective in ensuring immediate protection to the victims of domestic violence, its most important advantage being the fact that, unlike the safety measures, it is not limited by a court ruling.

The restraining order is an important piece in the puzzle of domestic violence, namely the absence of an intervention instrument. This situation has longly prevented the police and other specialized organisms, which were unable to assist and protect the victim. Many potentially harmful acts of violence occur in the intimacy of the family



residence, and, in the absence of such a measure, the competent authorities are not allowed to intervene, unless authorized by the aggressor, and the solution thereof lies in the victim and the children leaving the place of residence permanently (Nițu 2013: p. 67).

According to article no. 26 of Law no. 25/2012 for the amendment and completion of Law no. 217/2003, „the person whose life, physical or psychological integrity or freedom is endangered by an act of violence committed by a family member can require that the court issue a restraining order, so as to eliminate the potentially dangerous state of affairs, by temporarily imposing one or several obligations or interdictions”.<sup>2</sup>

The time extent of these measures shall be expressly established by the judge, but it must not last for more than 6 months since the issuance of the order. The restraining order shall be issued by the court house to which the victim's residence belongs. The holder of the restraining petition is the victim, and the petition can be filed personally or by the victim's legal representative and it is exempted of the judicial stamp fee. Should the victim be unable to file a petition for a restraining order, the latter can be filed on behalf of the victim by: a prosecutor; the representative of the competent structure of the area, which are designed to protect the victims of domestic violence; the representative of any supplier of social services in the field of the prevention and combat of domestic violence, if authorized by law and by the victim to take this action.

The petition for a restraining order is urgently tried, in the Board Room, and the prosecutor is bound to attend the trial. The issuance of subpoenas is done according to the relevant regulation regarding urgent cases. The person who files for a restraining order can be assisted or represented by an attorney, upon request. Legal assistance is only obligatory for the person against whom the restraining order is issued. In case of a special emergency, the court can issue the restraining order the very day, based on the petition and on the accompanying documents, without hearing the parties conclusions.

Taking into account the specifics of a petition for the issuance of a restraining order, trial is urgent and priority and evidence which may require a long time to administer is not permitted. A sentence cannot be postponed for more than 24 hours, and the motivation for the restraining order must be provided within 48 hours.

The police representatives must oversee the way in which the decision is carried out and inform the criminal prosecution bodies if it is not. The violation of the restraining order is an offense punishable by imprisonment between one month and one year. When the protective measures have expired, the protected person can file a petition for a new restraining order should there be any evidence that their lives, physical or psychological integrity or freedom may otherwise be endangered.

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<sup>2</sup> The obligations and interdictions provided by the Law refer to: the temporary eviction of the aggressor from the family residence, whether or not they are the rightful owner of the property; the reinsertion of the victim/their children into the family residence; the limitation of the aggressor's right to use part of the residence, if it can be arranged in such way that the victim is not likely to come in contact with the aggressor; a minimal distance for the aggressor to keep from the victim, their offsprings or their relatives or from the residence, workplace or educational institution of the protected person; a list of localities or areas that the victim usually frequents or visits, and which the aggressor is forbidden to frequent or visit themselves; the obligation to avoid any contact, including by telephone, mail or any other way, with the victim; the surrender of any weapons that the aggressor may have to the police; custody or residence of underaged children entrusted to another person.

Correlatively, the person against whom the restraining order was issued for a maximum amount of time can ask for the order to be revoked or for the respective measure to be replaced (Nițu 2013: p. 70).

The first national research regarding the implementation of restraining orders for the victims of domestic violence was conducted within a project called Campaign for the support of the urgent implementation of the amendments of Law no. 217/2003, republished, especially the implementation of restraining orders, organized by the TRANSCENA Association, along with the Romanian Association for Human Rights Protection Group, the Centre for Partnership and Equality, the FILIA Centre, the FRONT Association, the ANAIS Association, A.L.E.G., the Sensiblu Foundation, the Association of Women against Violence – ARTEMIS Cluj and financed by the Open Society Foundation. It shows that between May 2012 and January 2013, 2453 petitions for the issuance of restraining orders were issued, 94% of them filed by women. 1070 were admitted, 699 were rejected, 273 were withdrawn by the plaintiff, and 393 were left unsolved.

The same research shows that the way in which Law no. 217/2003 is implemented fails to comply with the principle of celerity; the procedures for the issuance of a restraining order by the court mean that the victim cannot be safe in less than 24 hours, even if it proves acutely necessary, and the only solution for the victim is to turn to a friend, a relative or a shelter for temporary support; there is no supervision of the way in which the restraining order is carried out, and the contents of the restraining orders only ensure part of the victims' safety (TRANSCENA et. al. 2013) .

The same research also proves that, inspite of the provisions of Law no. 217/2003 republished, according to which the petition for the issuance of a restraining order is tried on an emergency basis, in the Board Room, only 23% of the total number of petitions are tried there – the other 77% are tried outside of that room. „There is no common practice for courts of justice. There are judges who dictate shorter terms and there are judges who dictate no term at all; however, procedure is almost constantly postponed”, states Carmen Nemeș, spokesperson of ANAIS. Only 2 out of the total number of petitions for the issuance of restraining order in the experience of ANAIS attorneys were issued within 24 to 48 hours, the longest ruling being 6 months (Casa jurnalistului 2014).

In yet another report of the Judicial Inspection it is shown that, throughout the country, „more than 3500 victims filed a petition for the issuance of a restraining order between May 2012 and March 2014. In Bucharest alone, 325 petitions were filed in 2013. Only 80 of them were admitted, 84 were rejected, and 31 were left pending. The others were cancelled, suspended or declined” (Casa jurnalistului 2014).

#### **4. Conclusions**

Considering the magnitude and seriousness of violence against women (Anghel 2017: p. 50), there were immediate reactions both internationally and regionally and there were adopted a series of laws that incriminates all forms of violence against women and that outlines directions for prevention and combating the phenomenon.

The latest international document on preventing and combating violence against women and domestic violence is known as the Istanbul Convention and entered into force on August 1, 2014 (Council of Europe 2014).

Istanbul Convention is an important step and a strong commitment and involvement of all signatory States to implement the measures to prevent and combat violence against women and domestic violence.

Therefore, unfortunately, in Romania, despite of the existence of the relevant legislation providing for the protection of the victims of domestic violence, there are constant complaints from attorneys, police officers, magistrates and members of various associations which combat domestic violence regarding the absence of specific implementation procedures.

Moreover, according to Ina Curic (Curic 2005: p. 25), Romania's problem in this field does not reside in the absence of a theory or legislation – especially given the fact that Romania has already adapted most of its legislation to the European one and has already signed a series of international agreements regarding the women's rights. It resides in the absence of the will and political vision that are necessary to create the suitable implementation mechanisms.

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