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Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție

unicef for every child

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LEGAL FRAMEWORK ASSESSMENT - Romania

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Bucharest, 2026

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List of Abbreviations

ANCOM – National Authority for Management and Regulation in Communications

ANPDCA – National Authority for the Protection of Children Rights and Adoption

CEDO – European Court of Human Rights (ECHR)

CJRAE – County Center for Educational Resources and Assistance

CMBRAE – Bucharest Municipality Center for Educational Resources and Assistance

CNA – National Audiovisual Council

DGASPC – General Directorate of Social Assistance and Child Protection

DIICOT – Directorate for Investigating Organized Crime and Terrorism

ICVAC – International Classification of Violence against Children

INML – National Institute of Forensic Medicine

ISO – International Organization for Standardization

MMFTSS – Ministry of Labour, Family, Youth and Social Solidarity

ONU – United Nations (UN)

SPAS – Public Social Assistance Service

I. Background

Whether it occurs online or offline, violence against children has consequences that affect society as a whole. Besides its direct costs – such as placing additional pressure on health, social assistance or justice systems – violence against children has been shown to generate long-term indirect costs and lasting effects, including on the education system or the labour market.

The Romanian Government is strongly committed to addressing violence against children. Romania's efforts focus on creating a robust protective environment, based on both data-driven policies and services and the adequate training of professionals from all relevant sectors. This is crucial not only for preventing and combating violence against children, but also for addressing gender-based violence and emerging threats in the digital environment.

With the unprecedented surge in digital technologies and the rapid digitalisation of social life, violence against children is taking various forms and increasingly moving into the virtual world. While it provides educational and social opportunities to children, the online environment is increasingly being used as a platform for abusive behaviour, such as cyberbullying, online sexual traps (grooming), sexual exploitation through digital material and other forms of psychological manipulation. Given the cross-border and complex nature of online violence against children, these phenomena require legal regulation not only at the national level but also at European and international levels.

In Romania, a significant percentage of children engage in various online activities, but they have little or no protection against risks and are sometimes exposed to harmful experiences. Almost a third of them believe that they are not adequately skilled to perform tasks like: *changing privacy settings for the information they share* (30%), *checking the accuracy of online information* (31%), *selecting the information they share* (22%), *managing the costs of digital service use* (26%).[1]

Specific measures to prevent and address violence against children, including emerging threats in the digital environment, are laid down in the National Strategy for the Protection and Promotion of Children's Rights 2023–2027 and in the National Action Plan for the Implementation of the Child Guarantee 2023-2030. Both strategic documents are coordinated by the National Authority for the Protection of Children's Rights and Adoption (NAPCRA), which is subordinate to the Ministry of Labour, Family, Youth and Social Solidarity.

Nevertheless, the legal framework on violence against children, and in particular on technology-facilitated violence, requires an in-depth analysis to make sure that it aligns with current international standards and reflects any changes in areas related to child protection, while identifying any gaps in national legislation.

This initiative follows a study on the scale of the phenomenon and aims to assess legal and policy frameworks, with a focus on technology-facilitated violence. Its findings and recommendations will provide a solid basis for strengthening national efforts to prevent and respond to cases of violence against children.

1 EU Kids Online 2020: Survey results from 19 countries, David Smahel, Hana Machackova, Giovanna Mascheroni, Lenka Dedkova, Elisabeth Staksrud, Kjartan Ólafsson, Sonia Livingstone and Uwe Hasebrink

II. Research methodology

II.1 Aim

The study aims to compare the Romanian legal framework and public policies on preventing and combating violence against children, in particular technology-facilitated violence, with European and international standards. The aim is to identify best practices and gaps and suggest ways to align with the leading standards in the field by:

- Mapping the forms of violence against children (including technology-facilitated violence), as regulated by Romanian legislation and public policies;
- Comparing national regulations with EU and international standards;
- Identifying best practices, inconsistencies and potential areas for improvement;
- Validating findings through consultations with experts and institutional stakeholders;
- Making public policy and legal recommendations.

II.2 Research design

A comparative study with two components: (a) a **desk review** mapping the forms of violence against children, as regulated by laws and public policies in Romania, in other EU Member States or at international level, and identifying best practices, inconsistencies and potential areas for improving the legal framework; and (b) a component designed to supplement and validate desk review findings through **focus groups and an online questionnaire-based sociological survey of experts** from various fields with an impact on child protection.

A. Desk review

A1. Document selection criteria

The documents were selected according to their thematic relevance, scope (national or European/international level), topicality as well as regulatory and institutional relevance, resulting in three main categories:

- Romanian legislation and public policies on preventing and combating violence against children, in particular online violence;
- International and European regulatory frameworks relevant to the research topic, with a focus on the latest provisions and/or international standards such as: International Classification of Violence against Children (ICVAC) 2023 or IWA 49:2025 Child-friendly multidisciplinary and interagency response services for children who are victims of violence – Requirements and recommendations;
- Recent studies and research reports (published between 2023 and 2025) which include recommendations for developing and/or extending the regulatory framework and/or public policies on preventing and combating violence against children in Romania.

A2. Identification and selection of countries with legislation on online child protection

Selection criteria: The EU Member States included in this analysis were selected based on whether their legislation was available online, in a comprehensive, up-to-date, and freely accessible format, as well as based on their progress in regulating online violence against children.

The following related legal topics were considered:

a. Protection of children's personal data

b. Online violence against children (cyberbullying, grooming, sextortion)

c. Online sexual exploitation of children

d. Children's digital privacy

e. The right to information and freedom of expression as well as restrictions on freedom of expression in the context of child protection

f. The state's obligation to protect children from (online and offline) violence and abuse

A3. Analysis criteria

The desk review paid special attention to:

a) *Forms of violence* – intentional minor assault (202), severe assault (201), isolating a child (203), non-contact sexual violence (303), sexual assault (302), rape (301), terrorizing a child (401), harassing, spurning or humiliating a child (402), exposure of a child to domestic violence (403), exposure of a child to other violent experiences (404), neglect of a child (501-505). The selected categories and related definitions align with those included in the questionnaire used for the survey measuring the prevalence of violence against children in Romania, which was coordinated by the National Authority for the Protection of Children's Rights and Adoption and UNICEF. They were selected in accordance with the International Classification of Violence against Children (ICVAC).

b) *Specific aspects or details* (for example the age of the child; the place/institution where the violence occurred – at home, at school, in a healthcare facility, in a social service unit; whether it occurred through the use of technology or offline; the history; individual perpetrator or a group of perpetrators);

c) *Compliance with ISO standards* during interventions responding to cases of violence against children from the following perspectives: prevention, protection, sanctions, inter-institutional cooperation, child participation, confidentiality. Standards are implemented through:

- A provision that ensures a child-centred approach and prioritises the child's best interests.
- Comprehensive prevention strategies that also focus on addressing the root causes, educating and raising awareness of violence and empowering children.
- An effective response and support system, regulating multisectoral collaboration, specialised responses and access to justice.
- Accountability and law enforcement to bring perpetrators to justice and work with the private sector, in particular to identify and remove online content.
- Data protection and confidentiality to protect children's personal data online and offline and to ensure that children's rights are respected when using technology.

A4. Desk review tool

The desk review used an analysis grid to identify best practices, inconsistencies and potential areas for improvement regarding children's rights and their protection from violence (especially in the online environment) in various legal systems. It is included in ***Annex 5. Criteria grid*** *for analysing the alignment of national legal provisions with international instruments and standards regarding children's rights and*

their protection from violence (in particular from technology-facilitated violence, including online violence). The grid includes the forms of violence and specific aspects or details identified in the International Classification of Violence against Children (ICVAC), as well as requirements and recommendations included in ISO IWA 49:2025 Child-friendly multidisciplinary and interagency response services for children who are victims of violence.

B. Questionnaire-based exploratory sociological survey and focus groups with experts

B1. Target group and selection criteria

The experts were selected using non-probability sampling methods (deliberate sampling), making sure that they worked in complementary fields (law, education, psychology, child protection, etc.). The selection was based on the following criteria:

- Professional reputation and proven experience in child-related public policies;
- Work experience in key institutions (ministries, relevant NGOs, regulatory agencies, universities);
- Previous involvement in legislative or advocacy initiatives;
- Broad institutional and work experience.

B2. Selected experts' profiles and organisation of data collection activities

Regarding the **quantitative research component**, twenty experts completed the online questionnaire between 22 July and 4 August 2025. They worked in various fields: public policy development; policies, strategies and international cooperation; child rights policies, strategies, standards, methodologies; supervision of subordinate prosecutors by the Romanian Prosecutor General; clinical psychology, forensic psychology, psychological support; social emergency; defence, protection and promotion of children's rights; child protection; European affairs, criminal law and criminal procedure and the rights of crime victims; investigation and prosecution of crimes against the person; perspectives on controversial legal issues; juvenile justice; legislation and documentation; social assistance for children, youth and women in detention; the judiciary; preventing and combating human trafficking; education.

The **qualitative research component** included two focus groups held on 7 August 2025 at the headquarters of UNICEF Romania, with a total of ten participants from the following fields: social assistance; the judiciary; Children's Ombudsman; child protection; protection of human trafficking victims; criminal investigations; cybercrimes; defence, protection and promotion of children's rights; prison administration; social assistance for children, youth, women in detention.

B3. Data collection tools

- A questionnaire, which can be found in ***Annex 6. Questionnaire*** *for assessing the alignment of national legal provisions with international instruments and standards regarding children's rights and their protection from violence (in particular from technology-facilitated violence, including online violence)*, comprising 68 items (generally closed-ended questions) which are related mainly to the forms of violence included in the International Classification of Violence against Children (ICVAC) as well as to the requirements and recommendations included in ISO IWA 49:2025 Child-friendly multidisciplinary and interagency response services for children who are victims of violence.
- Focus group guide for assessing best practices and identifying potential inconsistencies and areas for improvement regarding children's rights and their protection from violence (especially online) in various legal systems, which can be found in ***Annex 7. Focus group guide*** *for rigorously assessing the alignment of national legal provisions with international instruments and standards regarding children's rights and their protection from violence (in particular from technology-facilitated violence, including online violence).*

II.3 Research limitations

In this study, the laws and bills of other EU countries were examined and analysed by individuals who were not licensed to practise in the jurisdictions governed by those laws. Unofficial translations of the texts were used in some cases. Although due diligence was exercised throughout the study to check the latest versions and accuracy of the laws and policies in the other EU countries that were researched, those legal acts may have undergone changes that the study does not reflect.

Other possible limitations: cultural and legislative differences that may affect comparability; limited access to relevant data from other jurisdictions.

III. Identification of relevant legal acts

III.1 National legislation on violence against children, in particular online violence

The documents identified in *Romania* include: **Law No. 18/1990** ratifying the Convention on the Rights of the Child, republished; **Criminal Code**; **Law No. 272/2004** on the protection and promotion of children's rights, republished, as subsequently amended and supplemented; **Law No. 196/2003** on preventing and combating pornography, republished, as subsequently amended and supplemented; **Law No. 198/2023** on pre-university education, as subsequently amended and supplemented; **Law No. 217/2003** on preventing and combating domestic violence, republished, as subsequently amended and supplemented; **Government Decision No. 49/2011** approving the framework methodology for preventing and responding to violence against children and domestic violence through multidisciplinary teams and networks and the methodology for multidisciplinary and inter-institutional interventions targeting exploited children, children at risk of child labour, child victims of human trafficking and Romanian migrant children who are victims of other forms of violence in other states; **Order No. 6235/2023 of the Minister of Education** approving case management procedures for cases of violence against pre-preschoolers/preschoolers/pupils and school staff as well as other similar situations in the school environment and suspected violence against children outside the school environment; **Guide to combating illegal content** – National Audiovisual Council and Ministry of Education and Research; **Government Decision No. 969/2023** approving the National Strategy for the Protection and Promotion of Children's Rights: 'Protected Children, Safe Romania' 2023-2027; **National Action Plan for the Implementation of the Child Guarantee** (NAP); **Government Decision No. 1353/2024** approving the National Strategy for Parent Support 2024-2030; **Government Decision No. 1065/2024** approving the National Plan against School Violence; **Government Decision No. 592/2021** approving the National Strategy for Preventing and Combating Sexual Violence – SYNERGY 2021-2030 and the Action Plan for the Implementation of the National Strategy for Preventing and Combating Sexual Violence – SYNERGY 2021-2030; **Law No. 217/2003** on preventing and combating domestic violence; **Law No. 50/2024** laying down measures for the implementation of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act), as well as amending and supplementing Law No. 365/2002 on e-commerce; **Decision No. 533/2024** approving the National Strategy against Trafficking in Persons 2024-2028; **Law No. 211/2004** on certain measures to provide information, support and protection to victims of crime.

Annex 1. National legislation *on violence against children, in particular online violence* provides a detailed analysis of the relevant elements in these legal acts.

III.2 Relevant international and European legislation on violence against children, in particular online violence

The documents identified *at the EU level*, including at the level of some individual European countries, and at international level include: the United Nations **Convention on the Rights of the Child**, 1989; **General Comment No. 25** on children's rights in the digital environment – the UN Committee on the Rights of the Child (2021); **Council of Europe Convention** on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201), Lanzarote, 25 October 2007; **Convention on Cybercrime**, Budapest, 2001; **Guidelines to respect, protect and fulfil the rights of the child in the digital environment** – Recommendation CM/Rec(2018)7 of the Committee of Ministers – Council of Europe; **International Classification of Violence against Children (ICVAC**), 2023; **WePROTECT Global Alliance – Model National Response** (2015); **Audiovisual Media Services Directive** - Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services; **Directive (EU) 2011/93** on combating child sexual abuse; **Regulation (EU) 2022/2065** – Digital Services Act (DSA); **Regulation (EU) 2016/679** of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) – GDPR Regulation; Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions - **EU Strategy on the Rights of the Child 2021–2024**; **Commission Recommendation (EU) 2024/1238** of 23 April 2024 on developing and strengthening integrated child protection systems in the best interests of the child; the **European Strategy for a Better Internet for Kids** (37) (BIK+); **Fight against child sexual abuse**: updated rules to address new technologies; **Directive 2012/29/EU** of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA; IWA 49:2025 **Child-friendly multidisciplinary and interagency response services for children who are victims of violence** - Requirements and recommendations.

Annex 2. Relevant international and European legislation *on violence against children, in particular online violence* provides a detailed analysis of the relevant elements in these legal acts.

III.3 Relevant legislation on violence against children in five European countries, with a focus on online violence

For the legal analysis, the countries were selected based on their progress in regulating online violence against children, including legal aspects related to children and the protection of personal data, digital violence (cyberbullying, grooming, sextortion), online sexual exploitation, digital privacy, the right to information and freedom of expression and restrictions on freedom of expression in the context of child protection, etc.

Case studies focused on the relevant legal frameworks of the following countries:

- *Germany*[2]: **Youth Protection Act** (JuSchG); **Basic Law** – Grundgesetz (German Constitution); **Social Code** (SGB) - Book VIII (VIII) - Child and Youth Services; **Act on improving the enforcement of the law on social networks** - Gesetz zur Verbesserung der Rechtsdurchsetzung in sozialen Netzwerken (NetzDG); **Interstate Treaty on the Protection of Human Dignity and Minors in Broadcasting and Telemedia** (Interstate Treaty on Youth Media Protection – JMStV), as amended by the Fifth

2 Annex 4 provides a comparative analysis of forms of violence, as regulated by Romanian and German laws.

Interstate Treaty Amending the Interstate Treaties on Media Law (Fifth Media Amendment Treaty), in force since 1 October 2024; **Criminal Code** (Strafgesetzbuch – StGB).

- *France*: **Social Action and Family Code** (Code de l'action sociale et des familles); **legislation on the protection of children against online abuse**; **Studer Law No. 2022-300** of 2 March 2022 aimed at strengthening parental control over internet access devices (the obligations entered into force on 13 July 2024); **I PROTECT MY CHILD** – THE DIGITAL PARENTING INFORMATION AND SUPPORT PLATFORM / 'Je protège mon enfant' – la plateforme d'information et d'accompagnement à la parentalité numérique; **Criminal Code** (Code pénal).
- *Italy*: **Decree-Law No. 123/2023** (Caivano Decree) – Urgent measures to tackle youth hardship, educational poverty and juvenile crime as well as to ensure children's safety in the digital environment; **Law No. 71/2017** on the protection of minors to prevent and combat bullying and cyberbullying (Legge Ferrara); **Regulation implementing Article 41(9) of Legislative Decree No. 208 of 8 November 2021** on programmes, user-generated videos or audiovisual commercial communications addressed to the Italian public and broadcast via a video-sharing platform whose provider is established in another Member State – Resolution 298/23/CONS; **Criminal Code** (Codice Penale).
- *The United Kingdom of Great Britain and Northern Ireland*: **Children Act 1989** and **Children Act 2004** (England and Wales); **Children and Social Work Act 2017**; **Domestic Abuse Act 2021**; **Safeguarding Vulnerable Groups Act 2006**; **obligation to report child abuse**; **corporal punishment and the defence of 'reasonable punishment'**; **Online Safety Act 2023.**
- *Denmark*: **Parental Responsibility Act** (Lov om forældremyndighed og samvær, Act No. 387 of 14 June 1995); **Child's Act** (Barnets Lov); **Social Services Act** (Serviceloven); **Order on Children's Houses** (Bekendtgørelse om børnehuse); **definition of 'harmful content'** and 'harmful features' for children and young people on social media and other digital services; **Criminal Code** (Straffeloven).

Annex 3. Relevant legislation on violence against children in five European countries, with a focus on online violence provides a detailed analysis of the relevant elements in these legal acts.

III.4 Other recent studies and reports consulted, focusing on violence against children in Romania

In addition to analysing the above-mentioned documents, we also consulted other studies and reports on violence against children in Romania, such as: **Incidence of violence against children:** Results of consultations with parents and children – Bucharest, November 2024, **Save the Children**; **School Safety** – a study launched by the Ministry of Education, the General Inspectorate of the Romanian Police and the School Safety Directorate and carried out by the Education Research Unit of the National Centre for Educational Policies and Evaluation and the Crime Research and Prevention Institute, Bucharest, 2024; **Report on the interaction between child victims of sexual abuse and the state institutions managing their cases** (Barnahus Report), 2023[3]; **Case Report – 119 Helpline** – Out of Care for Children, Romanian Government, 2022; **Effects of cyberbullying on children's emotional well-being**, a national quantitative sociological research report, February 2025, **Save the Children**.

3 This report was developed as part of a project carried out by Save the Children in partnership with the General Directorate for Social Assistance and Child Protection – Sector 6, with the financial support of Active Citizens Fund Romania, a programme funded by Iceland, Liechtenstein and Norway through the EEA Grants 2014-2021.

Preliminary conclusions and implications

The analysis of international, European and national laws as well as the legislation of the five countries included in this study confirms that digital violence against children is a growing phenomenon, with more sophisticated and invasive forms, such as: cyberbullying, sextortion, online harassment, non-consensual distribution of sexual content, emotional manipulation (grooming).

Given the surge in online child abuse, both European and international laws are moving towards:

- Explicitly criminalising new forms of digital violence (grooming, cyberbullying, sextortion);
- Holding private entities in the digital environment accountable for monitoring, reporting and blocking abusive content;
- Ensuring the transnational harmonisation of legal frameworks through conventions, directives and direct regulations;
- Digitising criminal investigation tools, while providing key safeguards.

Some legal frameworks struggle to define 'harmful content' because it is often important to distinguish between the various ways in which content can be harmful, for example transgressive content (individual), violent content (individual, but also age-dependent) or other ways in which someone may be impacted, significantly affecting their thoughts/emotions/behaviour/physical reactions. The type of harmful content varies depending on age, cognitive development, context, etc.

On the other hand, according to other legal frameworks, 'harmful content' may refer to content related to suicide, self-harm, eating disorders and pornography.

Regarding regulatory solutions to this issue, a European trend suggests that overregulation could seriously undermine fundamental rights relating to freedom of expression, potentially leading to excessive and unaccountable censorship. This could fuel harsh political attitudes, an emerging form of political manipulation[4], and could become a dangerous tool for leaders who want to restrict online speech, forcing others to censor on their behalf.

This could happen when the criteria set for identifying harmful content are vague and ambiguous and when penalties are not directly proportional to the offence.

Another challenge could be the short deadline that the authorities responsible for removing this content from the online environment have to meet, as it could lead to preventive censorship and the removal of content that does not meet specific criteria for harmful content. It would be difficult for platforms to accurately assess the legality of information, since it often depends on context.

At the same time, the implementation mechanism requires procedures for storing user data (including private data) related to the distribution of harmful content, focusing on measures to protect the confidentiality and security of all relevant personal data.

4 Samuel C. Woolley (ed.), Philip N. Howard (ed.), Computational Propaganda: Political Parties, Politicians, and Political Manipulation on Social Media – https://academic.oup.com/book/25859

Legislation on online violence against children in Germany, Italy, France, the United Kingdom and Denmark reflects a common concern for the protection of children, but there are differences in enforcement mechanisms and the balance between freedom of expression and child safety.

Germany and the United Kingdom have strict and detailed legislative frameworks, Italy combines penalties with education and prevention, France focuses on balance and parental control, and Denmark prioritises education and inter-institutional cooperation. All countries recognise the importance of addressing cyberbullying and other forms of digital violence and they implement integrated national measures to protect children online.

IV. Assessment of Romania's legal and policy frameworks related to violence against children, with a special focus on online violence

IV.1 Assessment of Romania's legal and policy frameworks in light of the definitions included in the International Classification of Violence against Children (ICVAC)

The International Classification of Violence against Children (hereinafter referred to as the ICVAC) aims:

- At the international level:
  - To measure the forms of violence against children in a consistent and comprehensive manner, regardless of differences in legislation across countries;
  - To improve the comparability of statistics among countries.
- At the national level:
  - To be used as a model to provide structures and organise statistical data on violence against children from different data sources (e.g. administrative records, criminal records and statistical surveys). It can help bridge the gaps between judicial and administrative records and survey data: criminal and administrative data may have a more limited scope in certain contexts as they are linked to existing legislation, while surveys might have collected data on forms of violence that are not necessarily criminalised/regulated by the legislation of that country. Therefore, the ICVAC aims to provide operational definitions that do not depend on data sources and are aligned with human rights standards;
  - To improve consistency and comparability within and across sectors at country level. Given the multisectoral nature of violence against children, areas like health, education, social welfare and justice, among others, have been involved in collecting and reporting data in this regard. They have done this according to their own needs and sectoral approaches, contributing to the multitude of definitions, interpretations and classifications rather than to their standardisation;
  - To provide the basis for the disaggregation of data on violence against children, including the minimum set of variables to be collected across data sources;
  - To help build the capacities of national statistical institutions and improve the quality of data on violence against children;

» To change the basis of national statistics on violence against children from law-based to act-based definitions;

» To create data that will lead to better public policies and programmes to prevent and respond to violence against children, including for those who are particularly vulnerable to violence.

Section 1: Violent killing of a child

ICVAC definition – Any deliberate, unwanted and non-essential act that leads to the death or intends to cause the death of a child.

101 Intentional homicide of a child

Death inflicted upon a child with the intent to cause death or serious injury.

Illustrative examples: murder; honour killing; killing of a child in the context of armed conflict; death as a result of terrorist activities; dowry-related killing; femicide; infanticide; voluntary manslaughter; extra-judicial killing; killing caused by excessive use of force by law-enforcement/state officials.

Inclusions: severe assault leading to death.

Exclusions: death of a child due to legal interventions; justifiable homicide in self-defence; attempted intentional homicide of a child (102); non-intentional homicide of a child (103).

Corresponding offence under Romanian law

1. Homicide (Article 188 of the Criminal Code)

"The killing of a person shall be punishable with imprisonment for a term of 10 to 20 years and the revocation of certain rights."

If the victim is a child, the court will consider any mitigating/aggravating circumstances (as the case may be) and may classify the offence as aggravated.

2. Aggravated murder (Article 189 of the Criminal Code)

In particular, items:

- **(h)** "with cruelty";
- **(i)** taking advantage of the victim's obvious vulnerability due to age, health, disability or other factors.

Penalty: **life imprisonment or 15 to 25 years in prison**.

3. Battery or injury causing death (Article 195 of the Criminal Code)

It shall be punishable with imprisonment for a term of 6 to 12 years if death occurred as a result of violent acts without the intent to kill but with the intent to harm. Nevertheless, if the victim is underage, this may be considered an aggravating circumstance under Article 77(e)[5] of the Criminal Code.

5 Article 77 - The following constitute aggravating circumstances: e) committing the offence by taking advantage of the victim's obvious vulnerability due to age, health, disability or other factors.

ICVAC	National legislation
Honour killing	In Romania, it is not accepted as a legitimate reason; it is classified as aggravated murder.
Killing of a child in the context of armed conflict	Crimes against humanity – **Article 439(1)(g)[6](i)**[7] of the Criminal Code. War crimes against persons – Article 440 of the Criminal Code. Law No. 272/2004 on the protection and promotion of children's rights **Article 110 (2)** According to their responsibilities, public institutions and authorities shall adopt specific regulations and take appropriate measures to prevent, among other things: **e)** the involvement of children in armed conflicts;
Death as a result of terrorist activities	Crimes and offences – **Article 32** et seq. of Law No. 535/2004 on preventing and countering terrorism. If it results in the death of a person: aggravated murder with a terrorist connection.
Femicide	It is not explicitly criminalised. Criminal Code Homicide – **Article 188** Aggravated murder – **Article 189** (if the perpetrator is a former/current partner acting with premeditation, etc.) Domestic violence – **Article 199(1)** of the Criminal Code, as aggravating circumstances Although Romania does not legally recognise the term FEMICIDE, there are legislative proposals and civil society initiatives to define it as a distinct crime.
Dowry-related killing	Aggravated murder – **Article 189(b)** of the Criminal Code: "for material gain". In Romania, there is no dowry tradition as in other jurisdictions, but death caused by an individual for economic reasons may be treated as aggravated murder.
Infanticide	Article 200 of the Criminal Code – Killing or harming a newborn baby by their mother. Penalty: **imprisonment for one to five years**.
Voluntary manslaughter	Manslaughter – **Article 192** of the Criminal Code Manslaughter – punishable by imprisonment for a term of one to five years (or more, depending on context and circumstances).
Extra-judicial killing or abuse of authority	**Article 297** (abuse of power), **Article 280** (abusive investigation) – in the context of murder, classifiable as **aggravated murder** or **complicity in murder**.
Excessive use of force by the authorities	It can lead to criminal liability – depending on the outcome, it may be classified as: **homicide, battery resulting in death, abusive conduct,** etc.

102 Attempted intentional homicide of a child

Attempt to inflict death upon a child with the intent to cause death or serious injury.

Illustrative examples: attempted murder; attempt to inflict death as a result of terrorist activities; attempted femicide; attempted infanticide.

Exclusions: non-intentional homicide of a child (103); threatening to commit acts that could harm or kill a child with or without a weapon, including by organised criminal groups (401).

6 (g) Harm to a person's physical or mental integrity;
7 (i) Incarceration or other forms of serious deprivation of liberty that violate the general rules of international law;

ICVAC	National legislation
Attempted murder	**Article 188** of the Criminal Code – Homicide **Article 32** of the Criminal Code – Attempt Attempted murder is a **criminal offence,** and it is **punished** with a fraction of the penalty set for the completed crime (usually between one-third and one-half). E.g.: Attempted murder is punishable by imprisonment for a term ranging from 3 years and 4 months to 13 years and 4 months, depending on circumstances.
Attempt to inflict death as a result of terrorist activities	**Article 32** of the Criminal Code – Attempt Law No. 535/2004 on preventing and countering terrorism – in particular **Article 32** et seq. Depending on the predicate crime: Attempted murder (**Article 188 + Article 32** of the Criminal Code) Attempted destruction for terrorist purposes (**Article 32** of the Criminal Code + the crimes set out in Law No. 535/2004) Attempted acts of terrorism are **explicitly criminalised**. If the attempt is carried out with the intent to kill, it will be prosecuted in conjunction with attempted murder or aggravated murder, depending on the context.
Attempted femicide	This is not defined as a distinct crime under Romanian law. Possible classification: Attempted murder (**Article 188 + Article 32** of the Criminal Code) Domestic violence is considered an aggravating circumstance – **Article 199(1)** of the Criminal Code – if the victim is the spouse/concubine or ex-partner.
Attempted infanticide	**Article 200** of the Criminal Code – Killing or harming a newborn baby by their mother **Article 32** of the Criminal Code – Attempt An attempt is punishable **only if stipulated by law**. **Article 200** of the Criminal Code does **NOT expressly criminalise the attempt**, but: If the act qualifies as attempted murder (e.g. the child is no longer a newborn or the mother is acting without extenuating circumstances), the attempt may fall under **Article 188**, possibly with mitigating circumstances. In doctrine and case law, attempted infanticide is assessed ***in concreto*** based on the timing of the act and the mother's psychophysiological condition. Where **Article 200** is not applicable, **Article 32** applies in conjunction with **Article 188 or 189**.

109 Other acts leading to death of a child, not elsewhere classified

Acts leading to death or intending to cause the death of a child, not described in categories 101-103.

ICVAC	National legislation
Acts leading to death or intending to cause the death of a child, not described in categories 101-103	• Child trafficking resulting in death: **Article 211** with **Article 195/Article 192** of the Criminal Code (combined with homicide/battery resulting in death) • Torture resulting in death: **Article 282** with **Article 195/Article 188** of the Criminal Code • Failure to render assistance resulting in the death of a child: **Article 203** with **Article 192** of the Criminal Code.

Section 2: Physical violence against a child

Any deliberate, unwanted and non-essential act that uses physical force against the body of a child and that results in or has a high likelihood of resulting in injury, pain or psychological suffering.

201 Severe assault against a child

Intentional or reckless application of serious physical force inflicted upon the body of a child resulting in serious injury.

Illustrative examples: maiming a child in the context of armed conflict; wounding; battery or beating a child; acid attack; removal of organs for non-medical reasons; genital mutilation; poisoning; assault with an object or weapon; forced sterilisation; burning; choking; abusive head trauma.

Inclusions: torture, including in the context of armed conflict.

ICVAC	National legislation
Maiming a child in the context of armed conflict	**Articles 440–442 of the Criminal Code** – War crimes against persons. **Article 439(g) of the Criminal Code** – Harm to a person's physical or mental integrity; Penalty: **10 to 20 years in prison** or **life imprisonment.** Law No. 272/2004 on the protection and promotion of children's rights: **Article 110 (2)** According to their responsibilities, public institutions and authorities shall adopt specific regulations and take appropriate measures to prevent, among other things: **e)** the involvement of children in armed conflicts;
Wounding a child	**Article 194 of the Criminal Code** – Bodily harm Penalty: **two to seven years** If it is classified as grievous bodily harm, the sentence is longer (paragraphs 2 and 3).
Battery or beating a child	**Article 193 of the Criminal Code** – Battery or other acts of violence Penalty: **six months to three years** or a **fine.** If it is committed against a child → **aggravating circumstance** [Article 77(e)].
Acid attack on a child	**Article 194 of the Criminal Code** – Bodily harm **Article 77(e) of the Criminal Code** – the victim is unable to defend themselves Penalty: **two to seven years**, possibly longer depending on the outcome.
Removal of organs for non-medical reasons	**Article 182(e) of the Criminal Code** – Exploitation of a person **If the offence is committed against a minor (child):** **Aggravating circumstances apply** – **Article 77(e) of the Criminal Code**. It may result in a more severe punishment in practice (the statutory maximum). **If it is committed for commercial purposes or by coercion:** It may be classified **in conjunction with**: – Child trafficking – **Articles 210** and **211 of the Criminal Code** – Unlawful deprivation of liberty – **Article 205 of the Criminal Code** – Bodily harm – **Article 194 of the Criminal Code**, in case of injuries **If the victim dies as a result of organ removal:** **Article 192 of the Criminal Code – Manslaughter or Article 188 of the Criminal Code – Homicide** also applies **if intent is proven**.
Genital mutilation of a child	**Article 194 of the Criminal Code** – Bodily harm **Article 439(g) of the Criminal Code** – if committed in the context of a widespread or systematic attack against a civilian population. Penalty: **15 to 25 years**

Poisoning a child	**Article 194 of the Criminal Code** – if it results in bodily harm Possibly **attempted murder** – Articles 32 + 188 of the Criminal Code if intent is proven Penalty: **two to seven years** or more, depending on the outcome.
Assault with an object or weapon	**Article 193 of the Criminal Code -** Battery or other acts of violence **or Article 194 -** Bodily harm, depending on the severity of the injuries Weapon → **aggravating circumstance** [Article 77(d)] Penalty: **6 months to 10 years**, depending on the type of injury.
Forced sterilisation of a child	**Article 439(f)**[8] – Crimes against humanity Penalty: **15 to 25 years**
Burning a child	**Article 194 of the Criminal Code** – Bodily harm Penalty: **two to seven years** or more if it results in disability/death.
Choking a child	**Article 194 of the Criminal Code – Bodily harm** – if it inflicts injury **Article 188 of the Criminal Code – Homicide**– if it results in death (murder) Penalty: **two to seven years** or more, depending on the outcome.
Abusive head trauma (Shaken Baby Syndrome)	**Article 194 of the Criminal Code** – Bodily harm **Article 199 of the Criminal Code – Domestic violence** – if it is committed in the family Penalty: if the offence is committed against a family member, the statutory maximum penalty provided by law is increased by a quarter.
Torture, including in the context of armed conflict	**Article 282 of the Criminal Code** – Torture In the context of war: **Articles 439-440 of the Criminal Code** Penalty: **two to seven years** (torture) **up to life imprisonment** (international crimes) Law No. 272/2004 on the protection and promotion of children's rights **Article 110 (2)** According to their responsibilities, public institutions and authorities shall adopt specific regulations and take appropriate measures to prevent, among other things: **e)** the involvement of children in armed conflicts;

202 Minor assault against a child

Intentional or reckless application of minor physical force inflicted upon the body of a child resulting in no immediate physical injury or in minor injury.

Illustrative examples: physical bullying; throwing or knocking a child down; slapping; pushing; hitting; spanking; kicking; scratching; pinching; biting; hair pulling; boxing ears; forcing a child to stay in an uncomfortable position; scalding.

Inclusions: hazing.

ICVAC	National legislation
Harassment	**Article 208 of the Criminal Code** – the act of repeatedly following another person, without justification or legitimate interest, or watching their home, workplace or other places they frequent, thereby making them feel frightened Penalty: **three to six months** in prison or a fine.
Physical bullying	It is not defined as a distinct crime, but any violent physical contact falls under the following: **Article 193 of the Criminal Code** – Battery or other acts of violence Penalty: **six months to three years** or a fine.

8 (f) Rape or sexual assault, forced prostitution, forced sterilisation or illegal detention of a woman who has been forcibly impregnated for the purpose of changing the ethnic composition of a population;

Throwing or knocking a child down	If there are no serious injuries – **Article 193 of the Criminal Code –** Battery or other acts of violence. In case of bodily injury – **Article 194 of the Criminal Code –** Bodily harm. The penalty may be up to **seven years** in the case of serious injuries.
Slapping	It constitutes **battery** under **Article 193 of the Criminal Code -** Battery or other acts of violence. Penalty: **six months to three years** or a fine. **Aggravating circumstances apply i**f the victim is a child (Article 77(e) of the Criminal Code).
Pushing	**Article 193 of the Criminal Code –** Battery or other acts of violence **– or Article 194 –** Bodily harm, depending on the outcome of the act (e.g. if the victim is injured). Penalty: **6 months to 7 or 10 years**.
Hitting	Any form of physical violence is punishable under **Article 193 of the Criminal Code** - Battery or other acts of violence – **or under Article 194 –** Bodily harm, depending on the severity of the outcome.
Spanking	**Article 193 of the Criminal Code** - Battery or other acts of violence **Article 95 of Law No. 272/2004 on the protection and promotion of children's rights** - It is forbidden to commit any act of violence or deprive a child of their rights in a manner that may endanger their life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health, both within the family and in institutions providing protection, care and education to children, in healthcare facilities, educational establishments and in any other public or private institution providing services or carrying out activities with children.
Kicking	If it results in serious injury: **Article 194 of the Criminal Code –** Bodily harm.
Scratching/pinching/biting	**Article 193 of the Criminal Code** – Battery or other acts of violence If it causes serious injury (e.g. hearing impairment), it may be classified as **grievous bodily harm** – **Article 194 of the Criminal Code**.
Hair pulling	**Article 193 of the Criminal Code** - Battery or other acts of violence. If it results in injuries (e.g. hematomas, scalping): **Article 194 of the Criminal Code**. The penalty can reach **seven years**.
Boxing ears	If it causes serious injury (e.g. hearing impairment), it may be classified as **grievous bodily harm** – **Article 194 of the Criminal Code**.
Forcing a child to stay in an uncomfortable position	**Article 197 of the Criminal Code** – Child maltreatment Possibly **Article 282 of the Criminal Code** – Torture, if committed with great intensity Penalty: **three to seven years** or more.
Scalding (e.g. hot liquid burns)	**Article 194 of the Criminal Code** – Bodily harm. If it results in permanent disability: **Article 195 of the Criminal Code** – Battery resulting in death. Penalty: **2 to 12 years.**

203 Isolating a child

Separating a child from other children or adults to whom he/she is connected, including while in residential care, police custody or detention.

Illustrative examples: placement in solitary confinement, isolation or humiliating or degrading conditions of detention; repeatedly confining a child, placing unreasonable limitations on his/her freedom of movement or social interactions.

ICVAC	National legislation
Placement in solitary confinement/isolation in degrading conditions	The Criminal Code does not explicitly define this as a distinct crime, but it may fall under: **Article 282 of the Criminal Code** – Torture: Applicable when isolation involves intentionally inflicted severe physical or mental suffering. Penalty: two to seven years (or more if it causes serious injury) **Article 197 of the Criminal Code** – Child maltreatment: Applicable if a child is subjected to inappropriate, humiliating or degrading treatment by those responsible for supervising him or her (a parent, an educator, institutional staff). Penalty: three to seven years **Article 95[9] of Law No. 272/2004** on the protection and promotion of children's rights.
Repeatedly confining a child	The Criminal Code does not explicitly define this as a distinct crime, but: If the act is committed intentionally, abusively, systematically without legal justification, it may fall under: **Article 197 of the Criminal Code** – Child maltreatment **Article 282 of the Criminal Code** – Torture, in case of cruelty **Article 296 of the Criminal Code** – Abusive conduct, if committed by an official (an educator, a police officer, a social worker) It may also be treated as a form of severe emotional neglect, which is punishable by civil law through special protection measures (Law No. 272/2004 on the protection and promotion of children's rights).
Placing unreasonable limitations on a child's freedom of movement or social interactions	If it exceeds the limits of parental authority or occurs in an institution (such as a school, a centre), such behaviour may qualify as: Child maltreatment (**Article 197 of the Criminal Code**) – if it involves serious emotional distress or abusive social isolation. Psychological abuse, as defined by **Article 94(1) of Law No. 272/2004 on the protection and promotion of children's rights**, which provides for a child's right to live in an environment free from abuse. Unlawful deprivation of liberty – it incurs administrative penalties and may constitute an extreme form of the offence (**Article 205 of the Criminal Code**).
Applicable international standards	**UN Convention on the Rights of the Child** European Convention on Human Rights (ECHR)

209 Other acts of physical violence against a child not elsewhere classified

Acts of physical violence not classified in categories 201–203.

Inclusions: sale of a child; abduction of a child; enforced disappearance.

ICVAC	National legislation
Sale of a child	**Article 211 of the Criminal Code** – Child trafficking The recruitment, transportation, transfer, harboring or receipt of a child, with the aim of exploiting him or her. Penalty: imprisonment for a term of **7 to 15 years** and the revocation of certain rights.

9 It is forbidden to commit any act of violence or deprive a child of their rights in a manner that may endanger the child's life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health, both within the family and in institutions providing protection, care and education to children, in healthcare facilities, educational establishments and in any other public or private institution providing services or carrying out activities with children.

Abduction of a child	**Article 205 of the Criminal Code** – Unlawful deprivation of liberty Applicable to anyone, regardless of age. Aggravating circumstances apply if the victim is a child. If the abduction is followed by trafficking/exploitation, the charges may also include child trafficking (**Article 211 of the Criminal Code**).
Enforced disappearance	**The term 'enforced disappearance' is used in international law (e.g. the 2006 UN Convention for the Protection of All Persons from Enforced Disappearance), but Romanian law does not define it as a distinct crime.** **However, it may be classified as**: Unlawful deprivation of liberty – **Article 205 of the Criminal Code**, Torture – **Article 282 of the Criminal Code or** Homicide or human/child trafficking where the disappearance is the result of a serious crime. **Article 439(h) of the Criminal Code** – Crimes against humanity – criminalises 'the enforced disappearance of persons' committed systematically as part of an attack against the civilian population. Penalty: imprisonment for **15 to 25 years** or life imprisonment. This offence is particularly associated with state repression, dictatorships, armed conflicts or state crimes.

Section 3: Sexual violence against a child

Any deliberate, unwanted and non-essential act of a sexual nature, either completed or attempted, that is perpetrated against a child, including for exploitative purposes, and that results in or has a high likelihood of resulting in injury, pain or psychological suffering.

301 Rape of a child

Vaginal, anal or oral penetration of a sexual nature of a child's body with any bodily part or object, with or without the use of force and without consent because the child is too young to consent or consent is not given.

Illustrative examples: physically forced rape; pressured or coerced rape; drug- and/or alcohol-facilitated rape; non-consensual sexual penetration without physical force or threats; rape in the context of armed conflict; gang-penetrated rape.

ICVAC	National legislation
Physically forced rape	**Article 218¹(2) of the Criminal Code** – Rape of a minor – Sexual intercourse, oral or anal sex as well as any other act of vaginal or anal penetration committed by an adult against a minor through coercion, by making them unable to defend themselves or express their will or by taking advantage of such a state. Penalty: 8 to 15 years or more If the acts are committed by parents or relatives: statutory aggravating factors – **Article 218¹(4)(a)(b) of the Criminal Code**.
Pressured or coerced rape	**Article 218¹(2) of the Criminal Code** – Rape of a minor – Sexual intercourse, oral or anal sex as well as any other act of vaginal or anal penetration committed by an adult against a minor through coercion, by making them unable to defend themselves or express their will or by taking advantage of such a state. Penalty: 8 to 15 years or more If the acts are committed by parents or relatives: statutory aggravating factors – **Article 218¹(4)(a)(b) of the Criminal Code.**

Drug- and/or alcohol-facilitated rape	**Article 218¹(2) of the Criminal Code** – Rape of a minor Penalty: 8 to 15 years or more Where the perpetrator **administers substances** to facilitate the act, such conduct may also be combined with offences under **Article 193 of the Criminal Code (Battery)** or **Article 192 (Negligence causing bodily harm)**. If the acts are committed by parents or relatives: statutory aggravating factors – **Article 218¹(4)(a)(b) of the Criminal Code.**
Non-consensual sexual penetration without physical force or threats	**Article 218¹(2) of the Criminal Code** – Rape of a minor – Sexual intercourse, oral or anal sex as well as any other act of vaginal or anal penetration committed by an adult against a minor through coercion, by making them unable to defend themselves or express their will or by taking advantage of such a state. Penalty: 8 to 15 years or more If the acts are committed by parents or relatives: statutory aggravating factors – **Article 218¹(4)(a)(b) of the Criminal Code**.
Rape in the context of armed conflict	**Article 218¹(2) of the Criminal Code** – Rape of a minor – Sexual intercourse, oral or anal sex as well as any other act of vaginal or anal penetration committed by an adult against a minor through coercion, by making them unable to defend themselves or express their will or by taking advantage of such a state. Penalty: 8 to 15 years or more If the acts are committed by parents or relatives: statutory aggravating factors – **Article 218¹(4)(a)(b) of the Criminal Code.** **Law No. 272/2004 on the protection and promotion of children's rights** **Article 110 (2)** According to their responsibilities, public institutions and authorities shall adopt specific regulations and take appropriate measures to prevent, among other things: **(e)** the involvement of children in armed conflicts;
Gang-penetrated rape	**Article 218¹(4) of the Criminal Code** – Rape of a minor – it is punishable by imprisonment for a term of three to ten years if (e) it is committed by two or more individuals acting together, as set out in paragraph (5²)(a). If the acts are committed by parents or relatives: statutory aggravating factors – **Article 218¹(4)(a)(b) of the Criminal Code**.

302 Sexual assault of a child

Touching the private parts of a child (not including penetration) or making a child touch someone else's private parts, with or without the use of force and without consent because the child is too young to consent or consent is not given.

Illustrative examples: attempted rape; unwanted groping, fondling or other touching.

ICVAC	National legislation
Attempted rape	**Article 218¹(2) of the Criminal Code** – Rape of a minor The attempt is punishable. If the acts are committed by parents or relatives: statutory aggravating factors – **Article 218¹(4)(a)(b) of the Criminal Code.**
Unwanted groping, fondling or other touching	**Article 219¹ of the Criminal Code** - Sexual assault of a minor If the acts are committed by parents or relatives: statutory aggravating factors – **Article 219¹(3)(a)(b) of the Criminal Code.**

303 Non-contact sexual violence against a child

Any form of verbal or non-verbal non-physical conduct, whether isolated or persistent, that involves unwanted references to any part of the body used for sexual activity or to the sexuality of the child, including conduct facilitated via technology.

Illustrative examples: sexual harassment, including via information and communication technologies (ICTs); threat of a sexual nature; exposure of a child to sexual abuse and pornography, including via ICTs; online solicitation; sexual grooming, including cyber-grooming; sexual bullying and/or unwanted sexual jokes, taunts or comments; exposing of sexual organs; trapping a child and subjecting him/her to sexual advances; subjecting a child to sexual rumours; persistent leering looks; stalking of a sexual nature; unwanted sexting; live streaming sexual abuse of a child; sexual extortion, coercing and blackmailing a child for sexual purposes; non-consensual image-taking of the sexual organs of or sexual activities with a child, including when amounting to sexual violence.

ICVAC	National legislation
Sexual harassment, including via information and communication technologies (ICTs)	**Article 223 of the Criminal Code** – Sexual harassment **Law No. 217/2003 on preventing and combating domestic violence**, if the perpetrator is a family member. **Article 4(1)(h) Cyberviolence** – cyberbullying, online messages inciting gender-based hatred, online stalking, online threats, non-consensual publication of intimate details and graphic content, illegal access to communications and private data and any other misuse of information and communication technologies through computers, smartphones or similar devices that use telecommunications, connect to the internet or enable communication via social media or email platforms, with the aim of shaming, humiliating, frightening, threatening or silencing the victim.
Threat of a sexual nature	**Article 206 of the Criminal Code** – Threat It may also apply to threats of rape or sexual acts if they cause legitimate fear. If the act is of a sexual nature, it may be prosecuted in conjunction with sexual harassment or attempted sexual assault.
Exposure of a child to sexual abuse and pornography, including via ICTs	**Article 374 of the Criminal Code** – Child pornography **Article 221 of the Criminal Code** – Sexual corruption of minors – paragraph (4) Any adult who causes a minor under the age of 16 to witness acts of exhibitionism, performances or shows involving sexual acts of any kind or who provides the minor with pornographic material shall be punished by imprisonment for a term of three months to three years or by a fine. **Article 219¹ of the Criminal Code** – Sexual assault of a minor – paragraph (3)(d): The act was committed for the purpose of producing pornographic material.
Online solicitation	**Article 221(4¹) of the Criminal Code** - Any adult who incites a minor under the age of 16, through means of remote communication, **electronic communication or social media**, to commit any act of a sexual nature on themselves, on another person or with another person, including when the act of a sexual nature is not completed, shall be punished by imprisonment for a term of six months to three years or by a fine.

Sexual grooming, including cyber-grooming	**Article 219[1] of the Criminal Code** - Sexual assault of a minor. **Law No. 217/2003 on preventing and combating domestic violence**, if the perpetrator is a family member. **Article 4(1)(h) Cyberviolence** - cyberbullying, online messages inciting gender-based hatred, online stalking, online threats, non-consensual publication of intimate details and graphic content, illegal access to communications and private data and any other misuse of information and communication technologies through computers, smartphones or similar devices that use telecommunications, connect to the internet or enable communication via social media or email platforms, with the aim of shaming, humiliating, frightening, threatening or silencing the victim.
Sexual bullying and/or unwanted sexual jokes, taunts or comments	**Article 223 of the Criminal Code** – Sexual harassment
Exposing of sexual organs	**Article 221 of the Criminal Code** – Sexual corruption of minors
Trapping a child and subjecting him/her to sexual advances	**Article 223 of the Criminal Code** – Sexual harassment
Subjecting a child to sexual rumours	
Persistent leering looks	
Stalking of a sexual nature	
Unwanted sexting	**Article 221 of the Criminal Code** – Sexual corruption of minors. **Article 374 of the Criminal Code** - Child pornography.
Live streaming sexual abuse of a child	**Article 374 of the Criminal Code** - Child pornography. **Article 218[1](2) of the Criminal Code** - Rape of a minor. **Article 219[1] of the Criminal Code** - Sexual assault of a minor.
Sexual extortion, coercing and blackmailing a child for sexual purposes	**Article 207 of the Criminal Code** - Blackmail. **Article 219[1] of the Criminal Code** - Sexual assault of a minor. **Article 221 of the Criminal Code** - Sexual corruption of minors.
Non-consensual image-taking of the sexual organs of or sexual activities with a child, including when amounting to sexual violence	**Article 219[1] of the Criminal Code** - Sexual assault of a minor. **Article 221 of the Criminal Code** - Sexual corruption of minors. **Article 374 of the Criminal Code** - Child pornography.

309 Other acts of sexual violence against a child not elsewhere classified

Acts of sexual violence not described in categories **301–303.**

ICVAC	National legislation
Acts of sexual violence not described in categories 301–303	n/a

Section 4: Psychological violence against a child

Any deliberate, unwanted and non-essential act, verbal and non-verbal, that harms or has a high likelihood of harming the development of a child, including long-term physiological harm and mental health consequences.

401 Terrorizing a child

Repeatedly making a child feel frightened by threatening to kill, hurt or abandon him/her.

Illustrative examples: threat of abandonment, harm or danger against a child or a child's loved ones or objects; threatening minor injury.

Inclusions: threatening to commit acts that could harm or kill a child with or without a weapon, including by organised criminal groups.

ICVAC	National legislation
Threat of abandonment, harm, or danger against a child or a child's loved ones or objects	**Article 206 of the Criminal Code –** Threat **Article 197 of the Criminal Code** – Child maltreatment Aggravated offence: If the victim is a minor and the act is repeated, it may also be classified as psychological violence (**Law No. 217/2003 on preventing and combating domestic violence**, Article 4(b) – if the perpetrator is a family member).
Threatening minor injury	**Article 206 of the Criminal Code –** Threat **Article 197 of the Criminal Code -** Child maltreatment If the victim is a minor and the act is repeated, it may also be classified as **psychological violence** (Article 4(b) of **Law No. 217/2003 on preventing and combating domestic violence**).
Threatening to commit acts that could harm or kill a child with or without a weapon, including by organised criminal groups	**Article 206 of the Criminal Code –** Threat **Article 197 of the Criminal Code** - Child maltreatment Aggravated offence: Using a **weapon to commit the act** constitutes **an aggravating circumstance** (Article 77(d) of the Criminal Code). It may be classified as **indecent exposure** if it takes place in public or in front of other minors (Article 375 of the Criminal Code). If the victim is a minor and the act is repeated, it may also be classified as **psychological violence** (**Law No. 217/2003 on preventing and combating domestic violence**, Article 4(b) – if the perpetrator is a family member).

402 Harassing, spurning and humiliating a child

Repeated interactions with a child that convey that he/she is worthless, flawed, unloved, unwanted, endangered or only of value in meeting others' needs

Illustrative examples: repeatedly belittling, degrading, shaming or ridiculing a child; repeatedly singling out a child to criticise or punish; repeatedly humiliating a child, including in public; repeatedly pushing a child away and ignoring him/her; repeatedly insulting, name-calling, hurting a child's feelings; psychological bullying (direct and indirect), including cyber-bullying; stalking, including cyber-stalking.

Inclusions: harassment.

ICVAC	National legislation
Repeatedly belittling, degrading, shaming or ridiculing a child	**Article 197 of the Criminal Code** - Child maltreatment If the victim is a minor and the act is repeated, it may also be classified as **psychological violence** (**Law No. 217/2003 on preventing and combating domestic violence**, Article 4(b) – if the perpetrator is a family member).

Repeatedly singling out a child to criticise or punish	**Psychological violence – Article 4(b) of Law No. 217/2003 on preventing and combating domestic violence**, if the perpetrator is a family member. - If committed in school – **Order No. 4342/2020 of the Minister of Education and Research approving the Methodological rules for implementing the provisions of Article 7(11), Article 561 and paragraph 61 of the Annex to the National Education Law No. 1/2011 regarding psychological violence** – bullying - **Article 1(d)** Emotional abuse involves repeatedly exposing a child to situations that have an emotional impact beyond their ability to process. In this context, emotional abuse involves a person who is in a position of trust, responsibility or power over the child. Specifically, emotional abuse can manifest as verbal and/or non-verbal humiliation, intimidation, threats, terrorisation, restriction of freedom of action, denigration, unfair accusations, discrimination, ridicule and other hostile or rejecting attitudes towards the child.
Repeatedly humiliating a child, including in public	**Psychological violence** – Article 4(b) of **Law No. 217/2003 on preventing and combating domestic violence** (if the perpetrator is a family member) If committed in school – **Order No. 4342/2020 of the Minister of Education and Research approving the Methodological rules for implementing the provisions of Article 7(11), Article 561 and paragraph 61 of the Annex to the National Education Law No. 1/2011 regarding psychological violence** – bullying - **Article 1(d)** Emotional abuse involves repeatedly exposing a child to situations that have an emotional impact beyond their ability to process. In this context, emotional abuse involves a person who is in a position of trust, responsibility or power over the child. Specifically, emotional abuse can manifest as verbal and/or non-verbal humiliation, intimidation, threats, terrorisation, restriction of freedom of action, denigration, unfair accusations, discrimination, ridicule and other hostile or rejecting attitudes towards the child.
Repeatedly pushing a child away and ignoring him/her	**A subtle form of emotional neglect**: **Law No. 272/2004 on the protection and promotion of children's rights** Protection of children from abuse, neglect, exploitation and any form of violence – **Article 89, Article 94** It is considered a form of emotional abuse and is punishable by administrative and civil sanctions if it has a serious impact on mental health → **Article 197 of the Criminal Code** (Child maltreatment) may be invoked if the perpetrator is a guardian, parent, etc.

Repeatedly insulting, name-calling, hurting a child's feelings	**Law No. 272/2004 on the protection and promotion of children's rights** Protection of children from abuse, neglect, exploitation and any form of violence – **Article 89, Article 94.** **Psychological violence** – Article 4(b) of Law No. 217/2003 on preventing and combating domestic violence (if the perpetrator is a family member) If committed in school – **Order No. 4342/2020 of the Minister of Education and Research approving the Methodological rules for implementing the provisions of Article 7(11), Article 561 and paragraph 61 of the Annex to the National Education Law No. 1/2011 regarding psychological violence** – bullying. - **Article 1(d)** Emotional abuse involves repeatedly exposing a child to situations that have an emotional impact beyond their ability to process. In this context, emotional abuse involves a person who is in a position of trust, responsibility or power over the child. Specifically, emotional abuse can manifest as verbal and/or non-verbal humiliation, intimidation, threats, terrorisation, restriction of freedom of action, denigration, unfair accusations, discrimination, ridicule and other hostile or rejecting attitudes towards the child.
Psychological bullying (direct and indirect), including cyber-bullying	**Article 208 of the Criminal Code** – Harassment Romanian law does not explicitly criminalise cyberbullying, but it may fall under: **Article 208 of the Criminal Code** – Harassment, in its extended digital form **Article 206 of the Criminal Code** – Threat (in case of aggressive content) **Article 374 of the Criminal Code** Child pornography; **Article 375 of the Criminal Code** Indecent exposure – if the messages are of a sexual nature.

Stalking, including cyber-stalking	**Article 208 of the Criminal Code** – Harassment **Article 206 of the Criminal Code** – Threat **Article 207 of the Criminal Code** – Blackmail **Law No. 217/2003 on preventing and combating domestic violence**, if the perpetrator is a family member. **Article 4(1)(h)** Cyberviolence – cyberbullying, online messages inciting gender-based hatred, online stalking, online threats, non-consensual publication of intimate details and graphic content, illegal access to communications and private data and any other misuse of information and communication technologies through computers, smartphones or similar devices that use telecommunications, connect to the internet or enable communication via social media or email platforms, with the aim of shaming, humiliating, frightening, threatening or silencing the victim. **Pre-University Education Law No. 198/2023** **Article 120 (5)** The County/Bucharest Centre for Educational Resources and Assistance develops, coordinates, monitors and evaluates the following services: **(j)** information, counselling and support services for school staff and students intended to prevent drug trafficking and drug use, juvenile delinquency and pre-delinquency and other risky behaviours, as well as any form of violence in the school environment, including bullying, **cyberbullying**, harassment. Annex to **Order No. 4150/2022 of the Minister of Education approving the digital competence framework for education professionals**, 29 June 2022 – Ministry of Education **Article 34:** Competence 6.4. Responsible use requires education professionals to: (2) List of activities specific to this competence: **(g)** protect themselves and others from potential dangers in the digital environment, such as cyberbullying or similar risks; **(i)** be aware of the impact that digital technologies and their use have on the environment; monitor the online behaviour of pre-preschoolers/preschoolers/pupils/students/other learners to protect their well-being; take immediate and effective action when cyberbullying or similar risks threaten the well-being of pre-preschoolers/preschoolers/pupils/students/other learners in the digital environment.

403 Exposure of a child to domestic violence

Exposure of a child to an act of physical, sexual or psychological violence that occurs within the family or domestic unit between intimate partners, resulting in or with a high likelihood of resulting in psychological, social, emotional and behavioural problems.

Illustrative examples: exposure of a child to physical, sexual and psychological attacks among parents, caregivers or other members of the family.

ICVAC	National legislation
Exposure of a child to physical, sexual and psychological attacks among parents, caregivers or other members of the family	Physical violence **Article 193 of the Criminal Code** – Battery or other acts of violence, **Article 194 of the Criminal Code** – Bodily harm, **Article 197 of the Criminal Code** – Child maltreatment Psychological violence - It is not defined as a distinct crime, but it may fall under: **Article 197 of the Criminal Code** – if it results in severe deterioration of mental health **Article 206 of the Criminal Code** – Threat **Article 208 of the Criminal Code** – Harassment **Article 207 of the Criminal Code** – Blackmail, if the child is emotionally manipulated or coerced Sexual violence **Article 218[1] of the Criminal Code** – Rape of a minor **Article 219[1] of the Criminal Code** – Sexual assault of a minor **Article 221 of the Criminal Code** – Sexual corruption of minors **Articles 374–375 of the Criminal Code** – Child pornography, indecent exposure If the acts are committed by parents or relatives: statutory aggravating factors – Article 218[1](4)(a)(b) and Article 219[1](3)(a)(b). Domestic violence **Article 4 – Law No. 217/2003 on preventing and combating domestic violence** (if the perpetrator is a family member) – paragraph (1) **(a)** verbal violence, **(b)** psychological violence, **(c)** physical violence, **(d)** sexual violence.

404 Exposure of a child to other violent experiences

Exposure of a child to community violence or delinquency resulting in or with a high likelihood of resulting in psychological, social, emotional and behavioural problems.

Illustrative examples: witnessing crimes of genocide, crimes against humanity, war crimes and crimes of aggression as in articles 6–8 bis of the Rome Statute of the International Criminal Court; exposure of a child to gang violence or organised crime's violent activities; unwanted exposure of a child to the use of guns/weapons; witnessing the kidnapping, sexual abuse or torture of a family member; exposure of a child to gun attacks in schools or in the community.

ICVAC	National legislation
Witnessing crimes of genocide, crimes against humanity, war crimes and crimes of aggression as in articles 6–8 bis of the Rome Statute of the International Criminal Court	**WITNESSING is not criminalised by law, however:** Psychological violence - It is not defined as a distinct crime, but it may fall under: **Article 206 of the Criminal Code** – Threat **Article 197 of the Criminal Code** - Child maltreatment

Exposure of a child to gang violence or organised crime's violent activities; unwanted exposure of a child to the use of guns/weapons	Physical violence **Article 193 of the Criminal Code** – Battery or other acts of violence **Article 194 of the Criminal Code** – Bodily harm **Article 197 of the Criminal Code** – Child maltreatment Psychological violence - It is not defined as a distinct crime, but it may fall under: **Article 197 of the Criminal Code** – if it results in severe deterioration of mental health **Article 206 of the Criminal Code** – Threat **Article 208 of the Criminal Code** – Harassment **Article 207 of the Criminal Code** – Blackmail, if the child is emotionally manipulated or coerced
Witnessing the kidnapping, sexual abuse or torture of a family member	Physical violence **Article 193 of the Criminal Code** – Battery or other acts of violence **Article 194 of the Criminal Code** – Bodily harm **Article 197 of the Criminal Code** – Child maltreatment Psychological violence - It is not defined as a distinct crime, but it may fall under: **Article 206 of the Criminal Code** – Threat **Article 208 of the Criminal Code** – Harassment **Article 207 of the Criminal Code** – Blackmail, if the child is emotionally manipulated or coerced
Exposure of a child to gun attacks in schools or in the community	**School shooting** is not explicitly regulated in Romania, but it may be classified as: Psychological violence - It is not defined as a distinct crime, but it may fall under: **Article 206 of the Criminal Code** – Threat **Article 208 of the Criminal Code** – Harassment **Article 207 of the Criminal Code** – Blackmail, if the child is emotionally manipulated or coerced

409 Other acts of psychological violence against a child not elsewhere classified

Acts of psychological violence not described in categories 401–404.

Illustrative examples: encouraging a child to develop delinquent behaviours; defamation.

ICVAC	National legislation
Encouraging a child to develop delinquent behaviours	**Article 368 of the Criminal Code** - Public incitement **(1)** Urging the public – whether verbally, in writing or by any other means – to commit crimes shall be punishable by imprisonment for a term of three months to three years or a fine. However, the penalty shall not exceed the one prescribed by law for the incited crime. **Article 47 of the Criminal Code** - Instigator An instigator is someone who intentionally causes another person to commit an act punishable under criminal law.

Defamation	**It is not explicitly defined as a crime**. **Law No. 272/2004 on the protection and promotion of children's rights** **Article 6(g)** Respecting the dignity of a child **Article 33 (1)** Every child has the right to respect for his or her personality and individuality and may not be subjected to physical punishment or other humiliating or degrading treatment. **Article 37 –** Every child has the right to grow up in conditions that support his or her physical, mental, spiritual, moral and social development. **Law No. 217/2003 on preventing and combating domestic violence**, if the perpetrator is a family member **Article 4(a)** verbal violence – addressing someone using offensive and brutal language, such as insults, threats, degrading or humiliating words and expressions; **If these acts exceed the scope of a misdemeanour, they may be classified as criminal offences under the Criminal Code**: **Article 193 of the Criminal Code** – Battery or other acts of violence **Article 194 of the Criminal Code** – Bodily harm **Article 197 of the Criminal Code** – Child maltreatment

Section 5: Neglect of a child

The deliberate, unwanted and non-essential failure to meet a child's physical or psychological needs, protect a child from danger, or obtain medical, educational or other services when those responsible for the child's care have the means, knowledge and access to services to do so.

501 Physical neglect of a child

Ongoing failure to protect a child from harm, including through lack of supervision, or ongoing failure to provide a child with basic necessities, including adequate food, shelter, clothing when those responsible for the child's care have the means, knowledge and access to services to do so.

Illustrative examples: ongoing inadequate nutrition, including in residential care, boarding schools or refugee camps; ongoing failure to protect a child from harm through lack of supervision by parents or caregivers, including in residential care, boarding schools or refugee camps; constantly leaving a child with a dirty or smelly appearance, unwashed or in improper clothing for the season; constantly letting a child live in an unsuitable/unhealthy home environment.

ICVAC	National legislation
Neglect	**Law No. 272/2004 on the protection and promotion of children's rights** **Article 94 (2)** Child neglect is the intentional or unintentional failure of a person responsible for the upbringing, care or education of a child to take the measures required to fulfil their responsibilities, thereby endangering the child's life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health. It can take many forms: failure to provide food, clothing, hygiene or medical care; educational neglect; emotional neglect; child abandonment/family desertion, which is the most serious form of neglect. **Law No. 217/2003 on preventing and combating domestic violence**, if the perpetrator is a family member **Article 4(4)(c)** Physical violence – bodily harm or health damage caused by hitting, pushing, throwing, hair pulling, stabbing, cutting, burning, strangling or biting, in any form and at any intensity, including those disguised as accidents. It also includes poisoning, intoxication or other actions with similar effects, subjection to exhausting physical effort or activities that pose a high risk to life, health or bodily integrity, other than those referred to in point (e).
Ongoing failure to protect a child from harm through lack of supervision by parents or caregivers, including in residential care, boarding schools or refugee camps	**Law No. 272/2004 on the protection and promotion of children's rights** **Article 94(2)** – Child neglect **Article 197 of the Criminal Code** – Child maltreatment
Lack of supervision against potential dangers (in family or residential care settings)	**Law No. 272/2004 on the protection and promotion of children's rights** **Article 97 (1) -** Parents or legal representatives have the obligation to supervise children and take all necessary measures to prevent them from begging or facilitating begging. **Article 197 of the Criminal Code** – Child maltreatment **Article 378 of the Criminal Code** - Family desertion (1) The commission of any of the following acts against a person entitled to support by someone who has a legal obligation to provide such support: a) deserting them, sending them away or leaving them without assistance, thereby exposing them to physical or moral suffering;
Constantly leaving a child with a dirty or smelly appearance, unwashed or in improper clothing for the season	Law No. 272/2004 on the protection and promotion of children's rights **Article 94 (2)** Child neglect is the intentional or unintentional failure of a person responsible for the upbringing, care or education of a child to take the measures required to fulfil their responsibilities, thereby endangering the child's life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health. It can take many forms: failure to provide food, clothing, hygiene or medical care; educational neglect; emotional neglect; child abandonment/family desertion, which is the most serious form of neglect.
Constantly letting a child live in an unsuitable/unhealthy home environment	Law No. 272/2004 on the protection and promotion of children's rights **Article 94 (2)** Child neglect is the intentional or unintentional failure of a person responsible for the upbringing, care or education of a child to take the measures required to fulfil their responsibilities, thereby endangering the child's life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health. It can take many forms: failure to provide food, clothing, hygiene or medical care; educational neglect; emotional neglect; child abandonment/family desertion, which is the most serious form of neglect.

502 Psychological neglect of a child

Ongoing failure to provide adequate nurturing and affection to a child, when those responsible for the child's care have the means, knowledge and access to services to do so.

Illustrative examples: constant lack of any emotional support and love, chronic inattention to a child; caregivers being constantly 'psychologically unavailable/inaccessible' by overlooking a young child's cues and signals, including in residential care.

ICVAC	National legislation
Constant lack of any emotional support and love, chronic inattention to a child	**Law No. 272/2004 on the protection and promotion of children's rights** **Article 94 (1)** Child abuse is any intentional act committed by a person who is in a position of responsibility, trust or authority over a child that endangers the child's life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health. It can be physical, emotional, psychological, sexual and economic. **Article 6(g)** Respecting the dignity of a child **Article 33 (1)** Every child has the right to respect for his or her personality and individuality and may not be subjected to physical punishment or other humiliating or degrading treatment. **Article 37 –** Every child has the right to grow up in conditions that support his or her physical, mental, spiritual, moral and social development. Law No. 217/2003 on preventing and combating domestic violence, if the perpetrator is a family member **Article 4(a)** Verbal violence – addressing someone using offensive and brutal language, such as insults, threats, degrading or humiliating words and expressions; **(b)** Psychological violence – imposing one's will or personal control, causing tension and mental suffering in any way and by any means, through verbal threats or any other methods, blackmail, demonstrative violence against objects or animals, ostentatious display of weapons, neglect, control of one's personal life, acts of jealousy, any form of coercion, stalking, surveillance of the victim's home, workplace or other places frequented by the victim, making phone calls or other types of communication via remote transmission, which create fear due to their frequency, content or timing, as well as other actions with a similar effect.
Caregivers being constantly 'psychologically unavailable/ inaccessible' by overlooking a young child's cues and signals, including in residential care	**Law No. 272/2004 on the protection and promotion of children's rights** **Article 94 (1)** Child abuse is any intentional act committed by a person who is in a position of responsibility, trust or authority over a child that endangers the child's life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health. It can be physical, emotional, psychological, sexual and economic. **Article 6(g)** Respecting the dignity of a child **Article 33 (1)** Every child has the right to respect for his or her personality and individuality and may not be subjected to physical punishment or other humiliating or degrading treatment. **Article 37 –** Every child has the right to grow up in conditions that support his or her physical, mental, spiritual, moral and social development. **Law No. 217/2003 on preventing and combating domestic violence**, if the perpetrator is a family member **Article 4(a)** Verbal violence – addressing someone using offensive and brutal language, such as insults, threats, degrading or humiliating words and expressions; **Article 197 of the Criminal Code** – Child maltreatment.

503 Neglect of a child's physical or mental health

Ongoing withholding of proper medical care when those responsible for the child's care have the means, knowledge and access to services to do so.

Illustrative examples: ongoing failure to provide or allow needed care in accordance with the recommendations of a competent healthcare professional for a physical injury, illness, medical condition or physical or psychological impairment, including in residential care; ongoing failure to seek timely and appropriate medical care for a serious health problem.

ICVAC	National legislation
Ongoing failure to provide or allow needed care in accordance with the recommendations of a competent healthcare professional for a physical injury, illness, medical condition or physical or psychological impairment, including in residential care	**Law No. 217/2003 on preventing and combating domestic violence, if the perpetrator is a family member** **Article 4(4)(c)** Physical violence – bodily harm or health damage caused by hitting, pushing, throwing, hair pulling, stabbing, cutting, burning, strangling or biting, in any form and at any intensity, including those disguised as accidents. It also includes poisoning, intoxication or other actions with similar effects, subjection to exhausting physical effort or activities that pose a high risk to life, health or bodily integrity, other than those referred to in point (e). **Law No. 272/2004 on the protection and promotion of children's rights** **Article 37 –** Every child has the right to grow up in conditions that support his or her physical, mental, spiritual, moral and social development. **Article 94 (2)** Child neglect is the intentional or unintentional failure of a person responsible for the upbringing, care or education of a child to take the measures required to fulfil their responsibilities, thereby endangering the child's life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health. It can take many forms: failure to provide food, clothing, hygiene or medical care; educational neglect; emotional neglect; child abandonment/family desertion, which is the most serious form of neglect. **Article 197 of the Criminal Code** – Child maltreatment.
Ongoing failure to seek timely and appropriate medical care for a serious health problem	**Law No. 217/2003 on preventing and combating domestic violence**, if the perpetrator is a family member **Article 4(4)(c)** Physical violence – bodily harm or health damage caused by hitting, pushing, throwing, hair pulling, stabbing, cutting, burning, strangling or biting, in any form and at any intensity, including those disguised as accidents. It also includes poisoning, intoxication or other actions with similar effects, subjection to exhausting physical effort or activities that pose a high risk to life, health or bodily integrity, other than those referred to in point (e). Law No. 272/2004 on the protection and promotion of children's rights **Article 37 –** Every child has the right to grow up in conditions that support his or her physical, mental, spiritual, moral and social development. **Article 94 (2)** Child neglect is the intentional or unintentional failure of a person responsible for the upbringing, care or education of a child to take the measures required to fulfil their responsibilities, thereby endangering the child's life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health. It can take many forms: failure to provide food, clothing, hygiene or medical care; educational neglect; emotional neglect; child abandonment/family desertion, which is the most serious form of neglect. **Article 197 of the Criminal Code** – Child maltreatment.

504 Educational neglect of a child

Ongoing failure to secure a child's education through attendance at school or otherwise when those responsible for the child's care have the means, knowledge, and access to services to do so.

Illustrative examples: letting a child be absent from school in a repeated, unjustified way; repeated obstruction to home schooling; continuously missing appointments with teaching personnel.

ICVAC	National legislation
Letting a child be absent from school in a repeated, unjustified way; repeated obstruction to home schooling; continuously missing appointments with teaching personnel	**Law No. 272/2004 on the protection and promotion of children's rights** **Article 37 –** Every child has the right to grow up in conditions that support his or her physical, mental, spiritual, moral and social development. **Article 94 (2)** Child neglect is the intentional or unintentional failure of a person responsible for the upbringing, care or education of a child to take the measures required to fulfil their responsibilities, thereby endangering the child's life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health. It can take many forms: failure to provide food, clothing, hygiene or medical care; educational neglect; emotional neglect; child abandonment/family desertion, which is the most serious form of neglect. **Article 197 of the Criminal Code** – Child maltreatment.

505 Abandonment of a child

Any act by parents or other caregivers to leave behind a child with the intention to willingly relinquish parental responsibility, whether openly or anonymously.

Illustrative examples: abandonment of a newborn (secret or non-secret); permanently leaving a child behind without appropriate care; expulsion of a child from home without alternative arrangement for care; refusal to accept custody of a returned runaway; refusal to look for a runaway child, including by social workers or foster carers.

ICVAC	National legislation
Abandonment of a newborn (secret or non-secret)	**Article 200 of the Criminal Code** - Killing or harming a newborn by their mother **Article 378 of the Criminal Code** – Family desertion **Law No. 272/2004 on the protection and promotion of children's rights** **Article 37 –** Every child has the right to grow up in conditions that support his or her physical, mental, spiritual, moral and social development. **'Secret' (anonymous) abandonment at birth** is NOT regulated by Romanian law. In Romania, there is no legal system for **anonymous births** or **baby boxes**.

Permanently leaving a child behind without appropriate care	**Article 378 of the Criminal Code** – Family desertion **Article 197 of the Criminal Code** – Child maltreatment **Law No. 272/2004 on the protection and promotion of children's rights** **Article 37 –** Every child has the right to grow up in conditions that support his or her physical, mental, spiritual, moral and social development. **Article 94 (2)** Child neglect is the intentional or unintentional failure of a person responsible for the upbringing, care or education of a child to take the measures required to fulfil their responsibilities, thereby endangering the child's life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health. It can take many forms: failure to provide food, clothing, hygiene or medical care; educational neglect; emotional neglect; child abandonment/family desertion, which is the most serious form of neglect.
Expulsion of a child from home without alternative arrangement for care	**Article 378 of the Criminal Code** - Family desertion **Article 197 of the Criminal Code** – Child maltreatment **Law No. 272/2004 on the protection and promotion of children's rights** **Article 36** - (1) Both parents shall be responsible for the upbringing of their children. **Article 37 –** Every child has the right to grow up in conditions that support his or her physical, mental, spiritual, moral and social development. **Article 94 (2)** Child neglect is the intentional or unintentional failure of a person responsible for the upbringing, care or education of a child to take the measures required to fulfil their responsibilities, thereby endangering the child's life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health. It can take many forms: failure to provide food, clothing, hygiene or medical care; educational neglect; emotional neglect; child abandonment/family desertion, which is the most serious form of neglect.
Refusal to accept custody of a returned runaway	**Article 378 of the Criminal Code** - Family desertion **Article 197 of the Criminal Code** – Child maltreatment **Law No. 272/2004 on the protection and promotion of children's rights** **Article 36** - (1) Both parents shall be responsible for the upbringing of their children. **Article 37 –** Every child has the right to grow up in conditions that support his or her physical, mental, spiritual, moral and social development. **Article 94 (2)** Child neglect is the intentional or unintentional failure of a person responsible for the upbringing, care or education of a child to take the measures required to fulfil their responsibilities, thereby endangering the child's life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health. It can take many forms: failure to provide food, clothing, hygiene or medical care; educational neglect; emotional neglect; child abandonment/family desertion, which is the most serious form of neglect.

Refusal to look for a runaway child, including by social workers or foster carers	**Article 378 of the Criminal Code** - Family desertion **Article 197 of the Criminal Code** - Child maltreatment **Law No. 272/2004 on the protection and promotion of children's rights** **Article 36** - (1) Both parents shall be responsible for the upbringing of their children. **Article 37 –** Every child has the right to grow up in conditions that support his or her physical, mental, spiritual, moral and social development. **Article 94 (2)** Child neglect is the intentional or unintentional failure of a person responsible for the upbringing, care or education of a child to take the measures required to fulfil their responsibilities, thereby endangering the child's life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health. It can take many forms: failure to provide food, clothing, hygiene or medical care; educational neglect; emotional neglect; child abandonment/family desertion, which is the most serious form of neglect. **Government Order No. 27/2024 on the conditions for obtaining certification, the certification procedure and the status of foster carers** **Article 18 –** Foster carers' obligations

509 Other acts of neglect of a child not elsewhere classified

Acts of neglect not described in categories 501–505.

Illustrative examples: law-enforcement personnel failing to respond to protect a child in domestic violence incidents; court personnel awarding primary custody of a child to a known batterer.

ICVAC	National legislation
Law-enforcement personnel failing to respond to protect a child in domestic violence incidents	Law No. 217/2003 on preventing and combating domestic violence, if the perpetrator is a family member **Article 28 (5)** If an assessment of the facts shows that the conditions for issuing a temporary protection order, as provided for in paragraph (1), are not met, the police officers shall inform the persons claiming to be victims of domestic violence of their right to apply for a protection order in accordance with the provisions of Article 38 and shall provide them with the application form referred to in Article 41. **Article 298 Criminal Code** – Neglect of duty[10] **Article 297 Criminal Code** – Abuse of power[11]

10 Any public servant who, by negligently exercising his or her official duties, fails to perform an action required by law, government order, emergency government order or any other regulatory act having the force of law at the time of adoption, or performs it in violation of a provision contained in that regulatory act and thereby causes damage or harm to the legitimate rights or interests of a natural or legal person, shall be punishable with imprisonment for a term of three months to three years or a fine.

11 (1) Any public servant who, by negligently exercising his or her official duties, fails to perform an action required by law, government order, emergency government order or any other regulatory act having the force of law at the time of adoption, or performs it in violation of a provision contained in that regulatory act and thereby causes damage or harm to the legitimate rights or interests of a natural or legal person, shall be punishable with imprisonment for a term of two to seven years and the deprivation of the right to hold public office. (2) The same penalty shall also apply to any public servant who, while exercising his or her official duties, restricts a person's rights or places that person in a position of inferiority based on race, nationality, ethnicity, language, religion, sex, sexual orientation, political affiliation, wealth, age, disability, non-contagious chronic disease or HIV/AIDS infection.

Court personnel awarding primary custody of a child to a known batterer	Article 297 of the Criminal Code – Abuse of power Law No. 303/2022 on the status of judges and prosecutors Article 270 - (1) Judges, prosecutors, assistant magistrates and related legal professionals shall face disciplinary action for intentionally committing disciplinary offences as defined by law. Article 271 - The following shall constitute disciplinary offences: (g) repeated and attributable failure to comply with legal provisions regarding the prompt resolution of cases or repeated and attributable delays in performing the tasks; (s) performing official duties in bad faith or with gross negligence. Article 272 - (1) Bad faith occurs when a judge or prosecutor knowingly violates substantive or procedural law, seeking to harm or accepting harm to a person. (2) Gross negligence occurs when a judge or prosecutor disregards substantive or procedural law in a serious, undeniable and inexcusable manner.

Section 9: Other acts of violence against a child not classified elsewhere

- **909 Other acts of violence against a child not elsewhere classified**

Any form of violence not described in sections 1-5.

ICVAC	National legislation
Any form of violence not described in sections 1-5.	n/a

Preliminary conclusions and recommendations

Romania has an extensive regulatory framework which largely covers the categories of violence against children defined by the ICVAC, as follows:

Opinion on the correspondence between the ICVAC and Romanian legislation

ICVAC	Corresponding legislation in Romania	Observations
Killing of a child	**Criminal Code**: Articles 188, 189, 195, 192, 200	Full coverage, including specific forms (*infanticide*, *aggravated murder*). Although femicide is not distinctly defined, aggravating circumstances apply.
Physical violence	**Criminal Code**: Articles 193, 194, 197, 282; **Law No. 272/2004, Law No. 217/2003**	All forms of physical violence are included. *Severe assault* and *minor assault* are treated separately.
Sexual violence	**Criminal Code:** Articles 218, 219, 221, 374; **Law No. 272/2004, Law No. 217/2003**	Romania fully criminalises *rape*, *sexual assault*, *child pornography*, *sexual corruption of minors*, etc.
Psychological violence	**Criminal Code:** Articles 206, 208, 197; **Law No. 217/2003; Law No. 272/2004; Order No. 4342/2020 (bullying)**	Despite multiple regulations, psychological violence does not have a corresponding criminal offence, being classified as *maltreatment*, *harassment*, *threats*, etc.
Neglect	**Criminal Code**: Articles 197 and 378; **Law No. 272/2004: Article 94; Law No. 217/2003**	The definition of *neglect* in Law No. 272/2004 aligns with the ICVAC, but it is difficult to implement (standardisation, data collection, etc.).

Exposure of a child to violence	Law No. 217/2003, Law No. 272/2004, Criminal Code	Exposure to violence indirectly falls under *maltreatment* and *psychological violence*, but it is not expressly regulated as a *separate crime*.

Gaps and inconsistencies

ICVAC	National legislation
Data standardisation and unified classification	Romania does not have a consistently operationalised ICVAC-based classification for collecting and reporting multisectoral data (health, education, justice).
Femicide	This is not distinctly criminalised; it is covered by aggravated murder under Article 199 of the Criminal Code, but there is no distinct legal recognition.
'Secret' abandonment	There is no legal basis for 'baby boxes' or anonymous births.
Exposure to violence (witnessing severe acts)	There is no specific criminal offence relating to the exposure of a child to violence (witnessing crimes, domestic violence), but it may fall under maltreatment or neglect.
Psychological violence	Lack of recognition as a distinct crime; it is generally treated as part of other crimes or as a civil or administrative offence.
Cyberbullying	It is indirectly included in the definition of bullying (Article 208 of the Criminal Code) and Law No. 217/2003, but there is no specific criminal law provision relating to the cyberbullying of children.

Partial to high compliance

- **Romanian criminal law covers most forms of violence defined by the ICVAC.**
- **Law No. 272/2004** includes many ICVAC standards, especially those concerning neglect and protection from abuse.
- **Law No. 217/2003** on domestic violence regulates specific aspects of domestic violence, including violence against children.

Areas for improvement

1. Implement a national data collection system compatible with the ICVAC and define uniform reporting procedures for the justice, education, health and child protection sectors.

Responsible institutions: Ministry of Justice, Ministry of Internal Affairs, Ministry of Education and Research, Ministry of Health, Ministry of Labour, Family, Youth and Social Solidarity.

2. Develop distinct legislation on specific forms of violence:

- **Isolation of a child**
- **Non-contact sexual violence**
- **Femicide** (distinct crime)
- **Cyberbullying**
- **Exposure of a child to severe violence as a witness (indirect trauma)**

Responsible institutions: pursuant to Article 73(3)(h) of the Constitution, crimes, penalties and their enforcement shall be regulated by an organic law adopted by Parliament. The legislative initiative may be taken by the government, deputies, senators or at least 100,000 citizens with voting rights, as the case may be.

3. Clarify institutional responsibility in the event of systemic negligence, including for the personnel working in the child protection and justice systems.

Responsible institutions: Ministry of Justice, Ministry of Internal Affairs.

4. Harmonise the terminology used in criminal law, civil law and administrative law to avoid divergent interpretations.

Responsible institutions: Ministry of Justice, Ministry of Internal Affairs, Ministry of Education and Research, Ministry of Health, Ministry of Labour, Family, Youth and Social Solidarity.

Alignment with European and international standards

- Romania ratified **the UN Convention on the Rights of the Child** (Law No. 18/1990) and the Lanzarote Convention (Law No. 252/2010).
- ICVAC recommendations are in line with **Article 19 of the UN Convention** and with the EU Strategy on the Rights of the Child (2021–2024).
- It is necessary **to transpose the ICVAC into both the legal framework and the national monitoring and statistical system**.

IV.2 Assessment of Romania's legal and policy frameworks regarding the coordination between criminal investigation services and child protection services in cases involving children who are victims of violence in accordance with the Requirements for child-friendly services for victims of violence, IWA 49:2025

Government Decision No. 49/2011 approving the framework methodology for preventing and responding to violence against children and domestic violence through multidisciplinary teams and networks and the methodology for multidisciplinary and inter-institutional interventions targeting exploited children, children at risk of child labour, child victims of human trafficking and Romanian migrant children who are victims of other forms of violence in other states:

- This is the **common methodological framework** for the authorities responsible for protecting children and families from violence, for service providers in this field and for professionals working directly with children, their families and alleged perpetrators/abusers;
- It covers the main aspects of working methodologies and procedures in accordance with applicable laws and the **specific characteristics of each institution involved** in preventing and responding to cases of violence against children;
- It presents the **roles and responsibilities of the various institutions and professionals** involved in prevention and case resolution;
- It sets out **procedures for intra- and inter-institutional cooperation** in this field.

The Government Decision adopted in 2011 has not been amended or supplemented yet.

Comparative analysis of IWA 49:2025 and Romania's regulatory framework

IWA 49:2025	National legislation	Legal observations on the correspondence between the two regulatory frameworks
Multidisciplinary teams: Synchronised involvement of the child protection, criminal investigation, medical care and psychotherapy systems to ensure a coordinated and coherent response.	**Law No. 272/2004 on the protection and promotion of children's rights** Article 6 - The rights of the child shall be respected and guaranteed based on the following principles: e) decentralisation of child protection services, multisectoral interventions and partnerships between public institutions and accredited private providers. **Government Decision No. 49/2011** "- **The multidisciplinary and inter-institutional team** may intervene both in the assessment process and in the provision of specialised services." "Minimum member requirements: **1.** A **social worker**, who is usually also the case manager; **2.** A **psychologist** (usually from a specialised department/service of the GDSACP); **3.** A **physician** (usually from a specialised service of the GDSACP). In the case of child victims, it is recommended that a paediatrician be included in the team; if needed, they can request a specialist medical examination and/or forensic medical examination in accordance with applicable laws; depending on the case, doctors from other specialties will also be consulted: gynaecology-obstetrics, psychiatry, etc.; **4.** A **police officer**. Depending on the case, collaboration may involve one or more police officers, preferably from the following departments: Criminal Investigations, Public Order (community police and police stations), Analysis, Prevention and Investigation, Prosecution and Countering Organised Crime, as well as the police officer who is a designated member of the Child Protection Commission (CPC). **5.** A **legal advisor** (usually the GDSACP legal advisor). The social worker, the psychologist and the legal advisor should be GDSACP employees, and the physician and the police officer should attend regular team meetings. The GDSACP can conclude cooperation agreements with the institutions of the multidisciplinary team members and receive a list of people who can be involved in the team at any given time, depending on the case. Team participation shall be included in job duties and team-related responsibilities shall be specified in job descriptions. Based on the case, the **child's teacher** and/or **school counsellor** may be invited to join the multidisciplinary team (this is mandatory for cases of child labour, child trafficking and repatriation of Romanian migrant children who are victims of other forms of violence in other states). In addition to the minimum number of team members, **other professionals** may also be involved**: (a)** teachers; **(b)** forensic doctors; **(c)** specialised therapists; **(d)** probation officers; **(e)** lawyers; **(f)** priests; **(g)** the caregiver; **(h)** the child's trusted person."	! The team also works with external professionals; not all services are available under one roof/in one location, meaning that child victims have to visit several locations and tell their stories several times/to several professionals, which increases the risk of re-traumatisation. ! There are no clear and detailed procedures on how to work within the team. ! The resources available to each team member vary from one professional to another (e.g. the social worker may not have the financial resources needed to visit the child's home). ! Guidelines are needed for all team members, describing individual roles within the team and including information on how to approach child victims/witnesses. ! The absence of an information system to communicate case updates to all team members in real time.

Child-centred approach: All services pursue the best interests of the child and are tailored to the child's developmental level, needs and rights.	**Civil Code – Article 263 (1)**[12] The principle of the best interests of the child **Law No. 272/2004 on the protection and promotion of children's rights** "Article 2 - (1) This law, **any other regulations adopted to ensure the respect and promotion of children's rights** and **any legal act issued** or, as the case may be, concluded in this field shall be primarily guided by the principle of the best interests of the child." **Law No. 211/2004 on certain measures to provide information, support and protection to victims of crime** "**Article 3**[3] Victims of crime shall receive information, support and protection in accordance with the following general principles: h) The best interests of the child – If the victim is a child, the best interests of the child – as defined in Law No. 272/2004, republished, as subsequently amended and supplemented, and assessed on an individual basis – shall be taken into account as a matter of priority;"	**! It does not specify the measures taken by these services to ensure the implementation of this principle.**
Dedicated premises: In the case of child victims, interviews, medical examinations and therapy sessions are conducted in child-friendly spaces.	Annex to Government Decision No. 969/2023 approving the National Strategy for the Protection and Promotion of Children's Rights: 'Protected Children, Safe Romania' 2023-2027, 12 October 2023 "Child-friendly interview rooms set up by the Ministry of Internal Affairs and the Public Prosecutor's Office with the support of NAPCRA, deadline: 2024." **Code of Criminal Procedure** **"Article 111 (6)** In cases where specific protection needs have been established for victims under the law, the judicial body shall order one or more of the following measures, without prejudice to the proper conduct of proceedings or to the rights and interests of the parties: **(a)** Interview them in spaces that are specifically designed or adapted for this purpose; **(8[1])** Victims under 14 years of age shall be interviewed in the presence of one of their parents, their guardian, the person or the representative of the institution responsible for their upbringing and education, as well as in the presence of a psychologist appointed by the judicial body. The psychologist shall provide specialised counselling to minors throughout the judicial proceedings." **Code of Civil Procedure** "**Article 226 (1)** If a minor is to be interviewed under the law, the interview shall take place in chambers." **Government Decision No. 49/2011** "Children shall be interviewed in a place that they perceive as safe: at home (unless this is where the abuse/neglect/exploitation/violence took place), at school, in an office, etc. The most suitable place for interviewing/hearing children is the psychologist's office, which shall be equipped with a one-way mirror and an audio- and video-recording system. These facilities must be available in public and private counselling centres for abused, neglected and exploited children, pursuant to Order No. 177/2003 of the Secretary of State of the National Authority for Child Protection and Adoption."	! **Romania does not have an extensive network of specialised centres yet (e.g. Barnahus centres), but there are pilot initiatives in some counties.** **! Although repeated interviews should be avoided, there is no standard interviewing mechanism in place.** **! The lack of a unified national framework for setting up such spaces.** **! The lack of child-friendly medical exam rooms (including for collecting samples).** **! It is recommended that these services be integrated and provided by a single psychologist throughout the counselling period for children who are victims of violence (using the same psychologist from the GDSACP/private centres during and after judicial proceedings).** **! It is recommended that the Code of Criminal Procedure be amended to stipulate that psychologists should also accompany minors over the age of 14.**

12 (1) All measures concerning the child, regardless of who takes them, shall prioritise the best interests of the child.

Child participation: Children's rights to express their views, to be heard and to receive information are respected.	**Law No. 272/2004 on the protection and promotion of children's rights** "**Article 2 (6)** When determining the best interests of the child, the following minimum aspects shall be taken into account: **b)** The child's views, depending on his or her age and maturity; **Article 29 (1)** Children who are capable of forming their own views have the right to freely express their views on all matters affecting them. Children have the right to be heard in any judicial or administrative proceedings affecting them. Children who have reached the age of 10 shall be heard. However, children under the age of 10 may also be heard if the relevant authority deems it necessary for resolving the case. **(3)** The right to be heard gives children the opportunity to request and receive any relevant information, to be consulted, to express their views and to be informed of the consequences that their views may have if they are taken into account, as well as the consequences of any decision that affects them. **(4)** In all cases referred to in paragraph (2), the views of the children who have been heard shall be taken into account and given due weight, according to their age and maturity. **(5)** Any child may request to be heard pursuant to paragraphs (2) and (3). If such request is denied, the relevant authority shall provide justification for its decision. **(6)** The special legal provisions regarding the consent or presence of children in the proceedings affecting them as well as the provisions regarding the appointment of a guardian in the event of a conflict of interest are and shall remain applicable. **Article 32 (2)** Children belonging to national minorities have the right to express themselves in their mother tongue in the proceedings affecting them. **Article 34 (1)** – Children have the right to file their own complaints regarding the violation of their fundamental rights." **Government Decision No. 49/2011** "**II.1.** Working principles The specific circumstances of a child's life require those responsible for his or her upbringing, care, protection and education to observe certain principles and values. Consequently, professionals handling cases of violence against children and domestic violence shall comply with the following principles: **3.** Involve the child and the parent or, as the case may be, the caregiver, as well as the adult victim and, where appropriate, the guardian in addressing incidents of violence; **IV.** Case management in the event of violence against children and domestic violence It is also very important that professionals encourage and support the involvement and participation of children and families at all stages of the process, whenever possible, considering children's level of maturity and using appropriate approaches."	**! Children have to attend several interviews, with each institution involved — this can lead to re-traumatisation.**

Child victim/survivor engagement: Survivors who benefit from response services are involved in assessing their needs for such services and in all stages of service provision.	**Government Decision No. 49/2011** **IV.** Case management in the event of violence against children and domestic violence "It is also very important that professionals encourage and support the involvement and participation of children and families at all stages of the process, whenever possible, considering children's level of maturity and using appropriate approaches." **Law No. 272/2004 on the protection and promotion of children's rights** "**Article 29 (1)** Children who are capable of forming their own views have the right to freely express their views on all matters affecting them. **(2)** Children have the right to be heard in any judicial or administrative proceedings affecting them. Children who have reached the age of 10 shall be heard. However, children under the age of 10 may also be heard if the relevant authority deems it necessary for resolving the case. **(3)** The right to be heard gives children the opportunity to request and receive any relevant information, to be consulted, to express their views and to be informed of the consequences that their views may have if they are taken into account, as well as the consequences of any decision that affects them. **(4)** In all cases referred to in paragraph (2), the views of the children who have been heard shall be taken into account and given due weight, according to their age and maturity. **(5)** Any child may request to be heard pursuant to paragraphs (2) and (3). If such request is denied, the relevant authority shall provide justification for its decision. **(6)** The special legal provisions regarding the consent or presence of children in the proceedings affecting them as well as the provisions regarding the appointment of a guardian in the event of a conflict of interest are and shall remain applicable. **Article 32 (2)** Children belonging to national minorities have the right to express themselves in their mother tongue in the proceedings affecting them. **Article 34 (1)** – Children have the right to file their own complaints regarding the violation of their fundamental rights."	

Preventing undue delays in cases involving children who are victims of violence: Investigative interviews, child protection assessments, judicial and law enforcement proceedings, medical examinations and psychotherapeutic interventions are carried out within a specified, reasonable timeframe.	**Law No. 303/2022 on the status of judges and prosecutors** "**Article 270 - (1)** Judges, prosecutors, assistant magistrates and related legal professionals shall face disciplinary action for intentionally committing disciplinary offences as defined by law. **Article 271 -** The following shall constitute disciplinary offences: (g) repeated and attributable failure to comply with legal provisions regarding the prompt resolution of cases or repeated and attributable delays in performing the tasks; (s) performing official duties in bad faith or with gross negligence. **Article 272** - (1) Bad faith occurs when a judge or prosecutor knowingly violates substantive or procedural law, seeking to harm or accepting harm to a person. (2) Gross negligence occurs when a judge or prosecutor disregards substantive or procedural law in a serious, undeniable and inexcusable manner." **Civil Code** "**Article 263 (4)** Proceedings concerning children shall be carried out within a reasonable timeframe so that the best interests of the child and family relations are not affected." **Government Decision No. 49/2011** **IV.1.3.** Notifying/reporting cases of violence against children and domestic violence "All institutions whose employees come into direct contact with children in the course of their duties shall include internal procedures for reporting cases of violence against children in their regulations, including disciplinary investigation procedures and procedures for reporting such cases to the relevant authorities. Such procedures should comply with the following principles: **(b)** Internal procedures shall not cause unnecessary or excessive delays in reporting to the relevant authorities, hinder or prevent the collection of evidence;" **Code of Criminal Procedure** "**Article 111 (9)** The judicial body shall interview any victim who has filed a complaint about a crime immediately or, if that is not feasible, as soon as possible after the complaint has been filed, without unnecessary delay." **! The prosecutor coordinates the criminal investigation separately from the social intervention - the prosecutor must be present from the beginning of the intervention for an integrated approach.**	

Inclusion of services for children who are victims of violence into national laws or policies to ensure their formal recognition: there are explicit provisions covering the scope, responsible institutions, their organisation and operation.	A. Scope: Formal recognition of services for children who are victims of violence Law No. 272/2004 CHAPTER VI – Protection of children from abuse, neglect, exploitation and any form of violence Article 98 – The GDSACP shall: - Investigate and resolve all reports concerning potential cases of abuse, neglect, exploitation or any form of violence against children; - Ensure that services are provided to prevent the separation of children from their parents and to provide special protection for those who are temporarily or permanently separated from their parents, addressing the needs of children who are victims of abuse, neglect, exploitation or any form of violence against children. Article 119 establishes the types of services – **day services**, **family-based services**, **residential services –** and stipulates that the framework regulations for their organisation and operation are approved by a government decision (**Government Decision No. 867/2015 approving the Classification of Social Services and the framework regulations for the organisation and operation of social services**). Article 146 (2) – distinct recognition of this type of services –they are considered to be of county interest and are not transferred to the local councils in whose areas they operate. - Organisation and operation of specialised services for children who are victims of violence: Classification of social services and minimum standards – Government Decision No. 867/2015 – Order No. 25/2019 of the Minister of Labour and Social Justice approving minimum quality standards for residential services for children in special care - emergency reception centres for abused, neglected or exploited children, code 8790CR-C-II; Order No. 27/2019 approving minimum quality standards for day services for children; Emergency Order No. 105/2021 on the approval and implementation of the National Support Programme for Children in the context of the COVID-19 pandemic - 'Out of care for children' - Child Helpline (119); - Domestic violence – Law No. 217/2003 on preventing and combating violence; - Victims of crime - Law No. 211/2004 on certain measures to provide information, support and protection to victims of crime **B. Responsible institutions** Central level: **National Authority for the Protection of Children's Rights and Adoption; Ministry of Labour, Family, Youth and Social Solidarity; National Agency for Equal Opportunities for Women and Men; Ministry of Education; Ministry of Health; Ministry of Internal Affairs/the police/prosecutors' offices.** Local level: County Councils/Bucharest Sector Councils set up and finance the GDSACP and specialised services. The GDSACP – central player at operational level: take over and manage cases of abuse/neglect/exploitation, including those reported via the 119 helpline; manage the emergency reception centres for abused/neglected/exploited children; provide counselling, case management, emergency placement, etc. Public Social Assistance Services (PSAS) prevent, identify and refer cases to the GDSACP; Article 118 of Law No. 272/2004 outlines the roles of PSAS and their collaboration with the GDSACP, including on domestic violence and child protection. Schools/educational establishments have clear obligations to prevent and report violence, including their staff's duty to call 112 and protect students in case of violence. **C. Service organisation and operation** There is a classification of social services, along with minimum quality standards for social services provided to children, including a national reporting and referral mechanism (119).	**! Romania has explicit provisions that cover the scope of social services for children who are victims of violence; the responsible institutions have been identified; the organisation and operation of certain types of services have been regulated.** **! Social services for children who are victims of violence are recognised in a fragmented manner across multiple legislative acts and policies.** **! There is still no single law that explicitly establishes and regulates** a national network of integrated Barnahus-type centres **as a distinct type of social service (although such centres are mentioned and encouraged at policy and project levels).**

Non-discrimination: All children are treated equally, regardless of their own or their parents' race, colour, sex, language, religion, political views or other opinions.	**Government Decision No. 49/2011** **Constitution of Romania** **Article 16** - Equal rights All citizens are equal before the law and public authorities, without privileges or discrimination. Law No. 272/2004 on the protection and promotion of children's rights "**Article 6** The rights of the child shall be respected and guaranteed based on the following principles: **(b)** equal opportunities and non-discrimination; **Article 7** The rights set out in this law shall be guaranteed to all children without discrimination, regardless of race, colour, sex, language, religion, political views or other opinions, nationality, ethnicity or social origin, property, level and type of disability, birth or acquired status, educational and developmental difficulties or any other difficulties experienced by the child, their parents or other legal representatives, or any other distinction." **Charter of Fundamental Rights of the European Union** "Article 21 Non-discrimination **(1)** Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited."	**! There are no explicit provisions regarding this aspect.**
Preventing contact with the alleged offender: The place used for interacting with children is properly designed to avoid contact between victims and alleged offenders.	**Government Decision No. 49/2011** **Code of Criminal Procedure** "**Article 113** **1)** When the legal conditions regarding the status of threatened or vulnerable witnesses or the protection of privacy or dignity are met, or where the release or escape of the perpetrator **may endanger the privacy or dignity of the victim**, the plaintiff or the threatened or vulnerable witness or may cause them harm of any kind or scale, the prosecuting body shall order the application of Articles 126[13] and 127[14] to the victim or, where appropriate, to the plaintiff. **(2)** Child victims, victims who depend on the perpetrator, victims of terrorism, organised crime, trafficking in human beings, intimate partner violence, sexual violence or exploitation, victims of hate crimes and victims of crimes motivated by prejudice or discrimination relating to their personal characteristics, victims with disabilities and victims who have suffered considerable damage as a result of a serious crime shall be considered vulnerable. **Article 124 (4)** The hearing of an underage witness shall avoid causing any negative effect on his or her mental state." **! The multidisciplinary team interacts with the child in different locations rather than in an integrated manner in the same place.**

13 Article 126 (1) During criminal proceedings, once the status of threatened witness has been granted, the prosecutor shall order one or more of the following measures: d) interviewing the witness remotely through means of audio-video transmission, with their voice and image distorted, when the other measures are not sufficient.

14 Article 127 During court proceedings, once the status of threatened witness has been granted, the court shall order one or more of the following measures: d) hearing the witness remotely through means of audio-video transmission, with their voice and image distorted, when the other measures are not sufficient;

Support person: A trained person is designated to ensure that both children and their families are fully informed and supported throughout the process. The support person acts as a single point of contact and makes sure that children's voices are heard in all actions and decisions affecting them.	**Government Decision No. 49/2011** **Law No. 211/2004 on certain measures to provide information, support and protection to victims of crime** "**Article 3⁹ (6)** During the assessment, the victim may be accompanied by a trusted person, if they so request, unless this would be contrary to their interests. **Article 4 (6)** During the initial contact with the authorities, the victim may be accompanied by a person of their choice to facilitate their communication with the authorities." **Code of Criminal Procedure** "**Article 124 - (1)** Witnesses under 14 years of age shall be interviewed in the presence of one of their parents, their guardian, the person or the representative of the institution responsible for their upbringing and education, as well as in the presence of a psychologist appointed by the judicial body. The psychologist shall provide specialised counselling to minors throughout the judicial proceedings. **(2)** If the persons referred to in paragraph (1) cannot be present or are suspects, defendants, victims, plaintiffs, liable parties or witnesses in the case or if there is reasonable suspicion that they may influence the minor's statement, the child shall be interviewed in the presence of a guardianship authority representative or a relative with full legal capacity, as well as in the presence of a psychologist appointed by the judicial body. The psychologist shall provide specialised counselling to the minor throughout the judicial proceedings."	**! Lack of a clear mechanism for designating a single support person for the child victim throughout the intervention.** **! Psychological intervention is carried out in parallel with the criminal investigation rather than in an integrated manner.** **! It should be noted that psychological support is provided by psychologists from the GDSACP or from private centres that offer services to children, and that sometimes these services are delivered alongside those provided by the psychologist assigned to the criminal investigation. Thus, psychological support is not integrated and does not begin at the time of disclosure.** **! It is recommended that these services be integrated and provided by a single psychologist throughout the counselling period for children who are victims of violence (using the same psychologist from the GDSACP/private centres during and after judicial proceedings).** **! It is recommended that the Code of Criminal Procedure be amended to stipulate that psychologists should also accompany minors over the age of 14.**
Observation and recording of interviews/hearings: Live observation of interviews should be possible from a separate room, and interviews should be audio-visually recorded to avoid children having to repeat their story. These recordings should be safeguarded to prevent unauthorised access by third parties and ensure they remain unaltered.	**Government Decision No. 49/2011** **Law No. 211/2004 on certain measures to provide information, support and protection to victims of crime** "**Article 3⁹ (6)** During the assessment, the victim may be accompanied by a trusted person, if they so request, unless this would be contrary to their interests. **Article 4 (6)** During the initial contact with the authorities, the victim may be accompanied by a person of their choice to facilitate their communication with the authorities." **Code of Criminal Procedure** "**Article 124 - (1)** Witnesses under 14 years of age shall be interviewed in the presence of one of their parents, their guardian, the person or the representative of the institution responsible for their upbringing and education, as well as in the presence of a psychologist appointed by the judicial body. The psychologist shall provide specialised counselling to minors throughout the judicial proceedings. **(2)** If the persons referred to in paragraph (1) cannot be present or are suspects, defendants, victims, plaintiffs, liable parties or witnesses in the case or if there is reasonable suspicion that they may influence the minor's statement, the child shall be interviewed in the presence of a guardianship authority representative or a relative with full legal capacity, as well as in the presence of a psychologist appointed by the judicial body. The psychologist shall provide specialised counselling to the minor throughout the judicial proceedings."	**! There is no standardised infrastructure for interviewing child victims, nor a unified procedure at the national level for recording interviews/ hearings with children.**

Medical examinations should be carried out by specialised staff, including paediatricians and paediatric nurses: staff are trained to conduct examinations	**Government Decision No. 49/2011** IV.2.1. Multidisciplinary and inter-institutional team '3. A physician (usually from a specialised service of the GDSACP). In the case of child victims, it is recommended that a paediatrician be included in the team; if needed, they can request a specialist medical examination and/or forensic medical examination in accordance with applicable laws. A. Medical examination The medical examination of a child/adult victim should not cause further trauma, but should improve his or her well-being in a professional manner. If there are no signs of acute illness or severe trauma, the medical examination may be postponed for a few more hours until the relevant specialist is contacted. Training is a key factor in the primary prevention of violence against children. In addition to positive discipline methods, professionals must learn non-violent attitudes, skills and behaviours. They focus on practising their profession in a way that protects children from violence, in terms of both their relationship with children and profession-specific methods."	**! Medical examinations need to be carried out in child-friendly spaces and using child-friendly communication.** **! There are no clear procedures stipulating the exclusive involvement of medical staff with paediatric training.**
Performance evaluation and improvement of response services: Performance evaluation criteria are established by deciding: what should be measured; measurement and data collection methods; when measurement results should be analysed and evaluated; how results should be used for improvements.	**Government Decision No. 49/2011** "Case management is a process that involves the following main stages, which have been tailored for cases of violence against children and domestic violence: **5.** Regular monitoring and re-evaluation of progress, decisions and specialised interventions **IV.5. Regular case monitoring and re-evaluation** In the case of a child victim who is an injured party or a witness in a criminal trial, post-service monitoring shall be extended for the duration of the trial and six months after the court decision becomes final and irrevocable. If the child victim benefits from special witness protection measures, post-service monitoring shall continue until the National Office for Witness Protection deems that all dangers have been removed."	**! There are no criteria in place for evaluating and improving the performance of response services.**

Preliminary conclusions and recommendations

Procedural and institutional fragmentation:

- In Romania, multidisciplinary intervention is stipulated by law, but it is not carried out yet in a consistent and integrated manner.
- Each institution acts based on its own procedures, and there is no unified procedure at the national level.
- The team collaborates with other specialists in the "network"; not all services are available under the same roof/in the same location. As a result, the child victim must go to multiple locations and recount their story several times/to multiple specialists, which increases the risk of re-traumatization.
- There are no clear and detailed procedures on how to work within the team.
- The resources available to each team member vary from one professional to another (e.g. the social worker may not have the financial resources needed to visit the child's home).
- Guidelines are needed for all team members, describing individual roles within the team and including information on how to approach child victims/witnesses.
- The prosecutor coordinates the criminal investigation separately from the social intervention – the prosecutor must be present from the beginning of the intervention for an integrated approach.
- The legislative framework does not include provisions/measures to ensure that services are provided in line with the principles of non-discrimination and the best interests of the child.
- The lack of a unified and mandatory training framework for the various categories of specialists.

High risk of re-traumatisation:

- Child victims have to recount their traumatic experiences to several specialists, which goes against the principle of psychological protection set out in international standards.
- Children have to attend several interviews, with each institution involved – this can lead to re-traumatisation.
- There are no clear procedures stipulating the exclusive involvement of medical staff with paediatric training.

Inadequate infrastructure:

- The multidisciplinary team interacts with the child in different locations rather than in an integrated manner in the same place.
- Specialized infrastructure for child-friendly interviewing, medical examination, and therapy is insufficient and unevenly distributed at the national level, and integrated spaces compliant with Barnahus standards are not ensured.
- Romania does not have an extensive network of specialised centres yet (e.g. Barnahus centres), but there are pilot initiatives in some counties.
- Although repeated interviews should be avoided, there is no standard interviewing mechanism in place.
- The lack of a unified national framework for setting up such spaces.

Lack of an integrated information system:

- Multidisciplinary team members do not share information about the case in real time, which can delay the intervention.
- The absence of an information system to communicate case updates to all team members in real time.
- There is no standardised infrastructure, nor a unified procedure at the national level for recording interviews/hearings with children.

Non-integrated psychological support:

- Psychological intervention is carried out in parallel with the criminal investigation rather than in an integrated manner, which reduces the effectiveness of the support provided to the child.
- It should be noted that psychological support is provided through social services and in parallel with the criminal investigation. It is therefore not integrated and does not begin at the time of disclosure.
- Lack of a clear mechanism for designating a single support person throughout the intervention.
- The court appoints the psychologist who will provide counselling to the child during the court hearing, which means that the psychological intervention is not integrated, as it is carried out by several people and at different stages.
- It is recommended that the Code of Criminal Procedure be amended to stipulate that psychologists should also accompany minors over the age of 14**.**

Need for standardisation:

- There are no clear guidelines describing the role of each specialist in the multidisciplinary team.
- There are no performance evaluation criteria or feedback mechanisms in place to improve services.

Recommendations:

- Legislation:

1. Implement the Barnahus model in Romania through specialised services for children who are victims of any form of violence, through a separate draft law or by amending Government Decision No. 49/2011.
2. Develop a unified procedure for interviewing children, with the obligation to use dedicated rooms, video recording and the presence of specially trained interviewers.
3. Developing and implementing a mechanism for the early identification of unreported cases of violence against children.

- Institutional coordination

4. Integrate social, judicial and medical services into a single intervention process carried out in one child-friendly location to reduce the risk of re-traumatisation and provide effective protection to children.
5. Create a secure inter-institutional information system for case management, with real-time access for multidisciplinary team members.

- Training

6. Standardise the training of professionals, including physicians, psychologists and police officers, in child-friendly working methods.

IV.3 Analysis of the national legal framework on online content harmful to children

The current Romanian legislation **does not provide a unified, explicit and exhaustive definition of 'online content that is harmful to children'.** The protection of children from harmful online content is covered by a **fragmented legal and strategic framework**, using a **sectoral approach** and including different legislative acts and strategies.

Nevertheless, several legislative acts partially address this issue, either by referring to specific types of prohibited or regulated content or by setting out obligations to protect children in the online environment.

Current legal and strategic frameworks

In Romania, the protection of children from harmful online content is covered by a **fragmented legal and strategic framework**, using a sectoral approach and including different legislative acts and strategies.

Relevant legislation and strategic documents

LEGISLATIVE ACT	RELEVANT PROVISIONS
Law No. 272/2004 on child protection	- It enshrines the principle of the best interests of the child. - It provides protection from any form of violence, including online violence. - It does not provide a specific definition of 'online content that is harmful to children'.
Law No. 196/2003 on preventing pornography *(no amendments or additions since 2003)	- It prohibits the exposure of children to pornographic content. - It mainly targets the offline environment, but it also applies to the online environment, as it restricts access to obscene material.
Criminal Code (Articles 374, 221, 222, 215, 216¹, 211, 226)	- It criminalises child pornography, solicitation of minors, sexual corruption, use of minors in illicit activities. - It sets out penalties for harassment, blackmail, non-consensual disclosure of intimate images.
Law No. 50/2024 (implementation of the DSA – EU Regulation 2022/2065)	- It designates the National Authority for Administration and Regulation in Communications (ANCOM) as the body responsible for monitoring digital services. - It sets out orders for removing illegal content. - It creates the framework for regulating online content that is dangerous, including for children.
Law No. 198/2023 on pre-university education	- It stipulates the introduction of online safety education.
Order No. 6235/2023 of the Minister of Education (Case management for violent incidents)	- Definition of cyberbullying and procedures for school interventions.
Law No. 217/2003 on domestic violence	- It introduces cyberviolence as a form of violence.
Guide developed by the National Audiovisual Council and the Ministry of Education	- It sets out procedures for removing harmful audiovisual content (violence, pornography, dangerous challenges).

Related strategic documents

NATIONAL STRATEGY	RELEVANT MEASURES/TARGETS
National Strategy 'Protected Children, Safe Romania' 2023-2027	- It identifies online risks: exposure to inappropriate content, violence, harassment, loss of control over digital identity. - Target 19: Adopt regulations to protect children from online violence by 2027.
Child Guarantee National Action Plan (NAP)	- Objective: Enhance children's safety in the online environment. - Take action to educate adults and children about online risks.
National Strategy for Parent Support 2024-2030	- Support parents in managing online violence (e.g. cyber-bullying, grooming, exposure to inappropriate content).
SYNERGY Strategy 2021-2030	- It recognises online sexual violence as a form of violence.
National Strategy against Trafficking in Persons	- It includes measures to prevent online sexual exploitation of children as well as awareness campaigns.
National Plan against School Violence	- It aims to prevent cyberviolence and cyberbullying.

Gaps and limitations of the current framework

Issue	**Regulations are fragmented, lacking a clear and unified definition of the concept.**
Lack of a unified legal definition of 'online content harmful to children'	Most regulations aim to remove illegal content (child pornography, trafficking) without proactively addressing **legal yet dangerous content** (e.g. dangerous challenges, eating disorders, etc.).
Reactive rather than preventive regulation	There is no obligation for device suppliers to provide pre-installed filters or guarantee a safe environment by design.
Lack of technical standards for parental control	There is no dedicated observatory responsible for monitoring digital risks for children.
Lack of a specialised monitoring and intervention mechanism	Despite the transposition of the DSA, there are no detailed rules for protecting children on online platforms (filters, algorithms, age verification, etc.).
Lack of specific regulations for digital platforms	They are not explicitly criminalised, but they are covered indirectly by the Criminal Code or secondary legislation.
Cyberbullying and other forms of online violence	Regulations are fragmented, lacking a clear and unified definition of the concept.

V. Empirical evidence from the questionnaire-based exploratory sociological survey and focus groups with experts

The findings of the quantitative research (conducted through an online questionnaire addressed to experts) are presented below, alongside the results of focus groups with experts.

Progress on legislation concerning violence against children

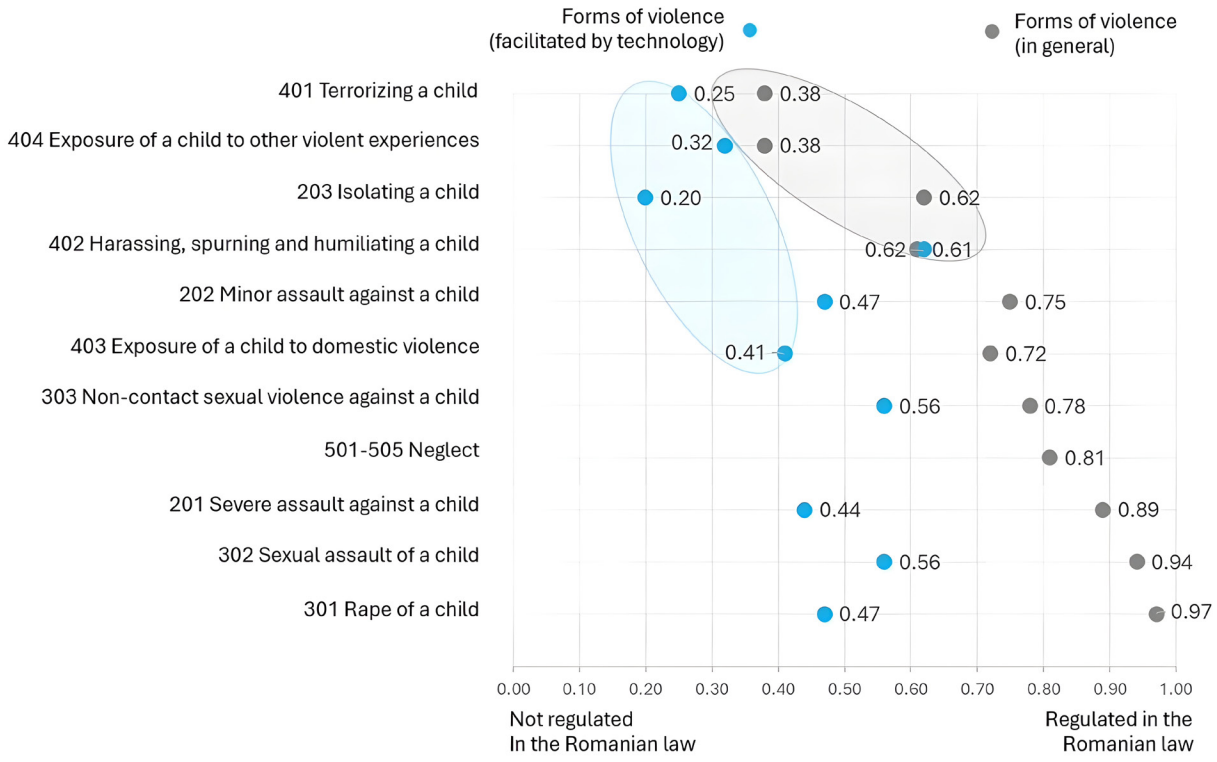
- In the focus groups, participants were asked to highlight **the progress made in terms of legislation on violence against children over the past three to five years**. Here are some of their answers: "*The recent amendment to the Criminal Code regulating the rape offence; sexual intercourse with a minor is now classified as rape. Legislation currently offers greater protection to children*" (F, field of activity: defence, protection and promotion of children's rights). The "*amendment to the Code of Criminal Procedure requiring the presence of a psychologist at hearings involving children*" was also mentioned (field of activity: social work).
- Focus group participants noted that, despite legislative progress, certain **social norms** continue to perpetuate violent practices and hinder effective law enforcement. One of the research participants pointed out that: "*Some communities are very closed, which means that not all child abuse or rape cases come to the attention of the authorities*" (field of activity: defence, protection and promotion of children's rights). The **presence of a social worker** was mentioned as a solution to this issue: "*They have the obligation to map the community, so as an authority, you don't have to wait for someone else to come to you and identify the problem; the social worker visits the community, assesses the situation and proposes prevention programmes*" (field of activity: social work).
- Participants also mentioned situations where, although social workers were present in the community and there was a legal framework in place to criminalise that form of violence against children, child victims refused to file charges, as required to initiate criminal proceedings. Regarding this, they mentioned the future amendment to Law No. 217/2003 on preventing and combating domestic violence, "*allowing the GDSACP social worker, part of the mobile team, to request that the risk assessment form be completed only in the presence of the child so that the child victim no longer depends on their non-violent parent's decision to file for a protection order*" (field of activity: social work). In this respect, it was also highlighted that work was underway **to adapt the risk assessment form to the child's level of understanding**.
- Elements that needed improvement were also identified. Focus group participants emphasised the importance of witnesses as evidence in cases of violence, especially in child rape incidents occurring in communities where such practices tend to be normalised. In such situations, it is very important that "*witnesses understand the severity of the act, be **educated about the legal provisions** of the Criminal Code, which state that sexual intercourse with a minor constitutes rape and, most of all, a criminal offence*" (field of activity: cybercrimes).

ICVAC provisions and their inclusion in Romanian legislation

Overall, research participants stated that **they were familiar with the ICVAC provisions**, at least partially. This indicates a reasonable level of familiarity among professionals as well as the need to systematically promote the content of this international instrument through specialised training in relevant areas related to violence against children.

Research participants were asked to assess the extent to which the forms of violence described in the ICVAC were reflected in Romanian legislation. The question explored the regulation of both offline violence and technology-facilitated violence. The findings of the quantitative research component indicate that Romanian legislation regulates certain forms of **offline violence** – rape, severe assault, sexual assault, neglect, non-contact sexual violence – more effectively than others, such as: terrorising a child; harassing, spurning and humiliating a child; isolating a child; exposure to other violent experiences. In addition to these findings, during focus group discussions, it was mentioned that: "*In general, the vast majority of forms of violence against children are regulated – and I'm not referring to criminalisation here – but they are regulated from the perspective of child protection legislation. Government Decision No. 49/2011 also provides operational definitions that can be used by various professionals, covering different forms of violence, from minor ones to the most severe ones; specific forms of violence are also included. At the end of the document, there is a correspondence table – which is not updated, but professionals can also use the new Criminal Code – for all forms of violence against children, including forms of domestic violence. In this table, professionals can identify a form of violence which is not defined in the Criminal Code; we have physical abuse, pinching, humiliation, which are not found in the Criminal Code, but they are sort of translated into Criminal Code language. For minor forms of violence, there is no need for criminalisation, but for education*" (field of activity: child protection).

Fig. 1 Assessment of forms of violence in quantitative research



Note: In this figure, the scores are averages ranging from 0 (unregulated) to 1 (regulated). A score closer to 1 indicates a higher likelihood of being regulated. The coloured shapes in the chart represent less regulated forms of violence, with values below the average for all forms of violence included in the researched category (technology-facilitated/offline violence).

As for **technology-facilitated violence (including online violence)**, the following forms are considered to be more effectively regulated by Romanian legislation: harassing, spurning and humiliating a child; non-contact sexual violence; sexual assault. Other forms are perceived as being rather moderately regulated: minor assault, severe assault, rape; instead, some forms of technology-facilitated violence are perceived as being somewhat poorly regulated: terrorising a child; child exposure to domestic violence and other violent experiences; isolating a child.

The findings on specific forms of violence collected during focus groups and through an online questionnaire are presented below.

Regulation of minor assault

- Two-thirds of those who completed the online questionnaire (out of a total of 20 experts) believe that minor assault is – at least partially – regulated by Romanian legislation, but half of them say that there are no legal provisions (or they do not know if there are any provisions) regarding technology-facilitated minor assault (e.g. provisions referring to situations in which the child was contacted by phone, through messages or apps before the assault; situations in which the child was persuaded through messages/apps to meet with that person; the person found out where the child was from online posts; the incident was filmed and/or shared online; online threats were made before or after the incident; etc.).
- During focus groups, it was mentioned that Romanian legislation includes broader categories of violence: "*We have offences like battery or other acts of violence, which translate into pinching, touching, hair pulling, for which criminal penalties apply*" (field of activity: investigation of crimes against the person).
- A significant percentage of research participants nevertheless believe that the law covers, at least partially, specific circumstances or aspects/details related to minor assault (e.g. details regarding the place/institution where the assault occurred, type of perpetrators – individual, group, etc.).
- Almost half of the twenty online survey participants believe that there are gaps in Romanian legislation concerning minor assault, particularly with regard to its alignment with the ICVAC provisions. Some gaps have been reported in the online prevention and response mechanism.

Regulation of severe assault

- All online survey participants believe that severe assault is at least partially regulated by Romanian legislation. However, only half of them think that Romanian legislation includes provisions relating to technology-facilitated severe assault.
- Although most of those who completed the online questionnaire felt that the legislation includes references to specific details, some reservations were expressed during focus groups regarding aspects like the place of the incident or the perpetrator's identity.
- Half of the twenty online survey participants agree that there are gaps in Romanian legislation concerning severe assault, particularly with regard to its alignment with the ICVAC provisions.

Regulation of child isolation

- Almost half of online survey participants say that child isolation is generally regulated by Romanian law. Quite a few – 4 out of 20 experts – state that the law includes at least some elements relating to technology-facilitated isolation.
- As regards a possible reference to circumstances, the legal framework on child isolation appears to be at least partially adapted to contextual elements.
- Just over half of the twenty online survey participants believe that there are gaps in Romanian legislation concerning child isolation, particularly with regard to its alignment with the ICVAC provisions.

Regulation of non-contact sexual violence

- All twenty experts who participated in the online survey stated that non-contact sexual violence is at least partially regulated by Romanian law. Regarding non-contact sexual violence facilitated by technology (including online sexual violence), opinions are somewhat divided: six experts think it is regulated, eight say it is partially regulated, four argue that it is not regulated, and two did not provide an answer.
- Almost all online survey participants mention that legislation also includes some elements relating to specific situations.
- Just over half of the twenty experts believe that there are some gaps in Romanian legislation concerning non-contact sexual violence, particularly with regard to its alignment with the ICVAC provisions.

Regulation of sexual assault

- The majority of those interviewed said that sexual assault is regulated by Romanian legislation and only two of them stated that it is partially regulated (there are no negative responses). Similarly, most of those interviewed said that the law includes aspects/details related to specific situations involving the sexual assault of a child.
- As for technology-facilitated sexual assault, half of the online survey participants believe that it is at least partially regulated.
- Just over half of the twenty online survey participants believe that there are some gaps in Romanian legislation concerning sexual assault, particularly with regard to its alignment with the ICVAC provisions. Among these, focus group discussions identified deficiencies in adapting procedures to the needs of child victims and in distinguishing between incidents of online and offline violence.

Regulation of rape

- All survey participants mentioned that rape is regulated by Romanian legislation (with only one person mentioning that it is partially regulated). Almost half of those surveyed online said the law also includes provisions on technology-facilitated rape.
- Most of them feel that the law includes specific aspects or circumstances, at least partially.
- Four of the twenty online survey participants believe that there are gaps in Romanian legislation concerning rape and ten of them believe that some gaps can be identified in its alignment with the ICVAC provisions. A third of the experts did not express their views or identify any gaps in the regulation of this form of violence.

Regulation of terrorisation

- Half of those who completed the online questionnaire said that terrorisation of children is at least partially regulated. When it comes to technology-facilitated terrorisation, the answer is rather negative (only six people mention that this is regulated, but only to a certain extent).
- Less than half of the participants feel that the law also includes specific aspects/details regarding this form of violence against children.
- More than half of the twenty experts believe that there are at least some gaps in Romanian legislation concerning terrorisation, particularly with regard to its alignment with the ICVAC provisions (nine experts think that there are certainly gaps regarding terrorisation, while five experts identify some gaps in legislation).

Regulation of harassment, spurning and humiliation

- Most of those interviewed believe that harassment, spurning and humiliation are among the forms of violence that are rather partially regulated by Romanian law. Similarly, survey participants believe

that the harassment, spurning and humiliation facilitated by digital technology (including online harassment, spurning and humiliation) are also rather partially regulated.

- A relatively large number of survey participants (12 out of 20) mention that the law includes aspects/details relating to specific situations or circumstances.
- About two-thirds of online survey participants think that there are some gaps in Romanian legislation concerning harassment, spurning and humiliation, particularly with regard to its alignment with the ICVAC provisions.

Regulation of exposure of a child to domestic violence

- Two-thirds of those who completed the online questionnaire mentioned that the exposure of a child to domestic violence is regulated by Romanian legislation, but less than half of them believe that Romanian legislation includes provisions on the exposure of a child to domestic violence facilitated by digital technology.
- In general, survey participants feel that Romanian legislation only partially includes other provisions related to the aspects/details of specific situations.
- Twelve of the twenty online survey participants believe that there are some gaps in Romanian legislation concerning the exposure of a child to domestic violence, particularly with regard to its alignment with the ICVAC provisions.

Regulation of exposure of a child to other violent experiences

- Less than half of those who completed the online questionnaire mentioned that the exposure of a child to other violent experiences is regulated (although rather partially) by Romanian legislation. Similarly, less than half of those interviewed believe that the law also includes details or circumstances related to the exposure of a child to other violent experiences.
- However, only a third of respondents believe that the law also includes provisions on the exposure of a child to other violent experiences facilitated by digital technology.
- Twelve of the twenty online survey participants believe that there are some gaps in Romanian legislation concerning the exposure of a child to other violent experiences, particularly with regard to its alignment with the ICVAC provisions.

Regulation of child neglect

- Almost all those surveyed online believed that neglect is regulated by Romanian legislation and just over half of all respondents believed that the law also includes specific aspects or details.
- Thirteen of the twenty online survey participants felt that there are some gaps in Romanian legislation concerning child neglect, particularly with regard to its alignment with the ICVAC provisions.

Challenges identified by research participants regarding the alignment of the Romanian legal framework with the policies and standards included in the International Classification of Violence against Children (ICVAC)

- Regarding the adaptation of the legal framework on technology-facilitated violence, a research participant mentioned the following as potential difficulties in aligning with the ICVAC: "*the difficulty of adapting legislation to rapid technological advances; the lack of an effective multi-sectoral approach including the police, the justice system, social services and IT authorities, leading to slow or ineffective responses to online violence; a poor understanding of the psychological and emotional impact of online violence among both parents and teachers*" (field of activity: justice).
- Others mentioned the fact that **there is no specific national legislation on violence against children**: "*It is regulated by several legislative acts, starting with Law No. 272/2004, then the Criminal Code and other specific legislative acts, such as those concerning the protection order. Secondly, regarding*

the alignment of the legal framework, in particular as regards online and/or technology-facilitated violence, we have found that investigative bodies have difficulty managing these cases, especially because they involve internet IP addresses that are often inaccessible (unknown author). I think that national legislation does not define violence clearly enough for an objective observer to be able to determine its presence in the absence of physical injury. At the same time, the lack of qualified personnel can pose a real challenge in such cases" (field of activity: administrative and constitutional oversight of human rights compliance). Another similar mention: "*There is no specific legislation on violence against children at the national level; it is covered by several legislative acts that focus on situations involving violence against children. Regarding the alignment of the legal framework on online or technology-facilitated violence, there are difficulties concerning the measures adopted and implemented in relation to information technology and specific cases*" (field of activity: administrative and constitutional oversight of human rights compliance).

- Other difficulties identified: "*a limited understanding of online risks and violence among parents, professionals and children, which hampers reporting and prevention; the current Romanian legislation doesn't provide clear, consistent and specific definitions for forms of violence that manifest exclusively through digital means*" (field of activity: child protection).

Other views on the regulation of offline violence, as expressed during focus groups

Forms of violence more effectively regulated/ criminalised by Romanian legislation	Forms of violence sufficiently regulated/ criminalised by Romanian legislation
- Sexual offences - Battery or other acts of violence - Maltreatment - Failure to report - Human trafficking - Family/domestic violence - Non-consensual disclosure of intimate images – 'revenge porn' has been recently introduced in the Criminal Code (2023) *Criminal Code Article 226 (2[1]) The non-consensual disclosure, distribution, presentation or transmission, by any means, of an intimate image of a person who is identified or identifiable based on the information provided, which is likely to cause them psychological distress or to damage their reputation, shall be punishable by imprisonment for a term of six months to three years or by a fine.* *(22) An intimate image is any reproduction, regardless of the medium, of an image depicting a naked person totally or partially exposing their genitals, anus or pubic area or, in the case of women, their breasts, or who engages in sexual intercourse or a sexual act.* - Failure to report cases involving criminal acts committed against a minor. Criminal Code Article 266 (1)(1) - (11) Any person who becomes aware of the commission of a criminal offence, trafficking and exploitation of vulnerable persons or an act against sexual freedom and integrity, committed against a minor, and does not immediately notify the authorities shall be punishable by	- Hazardous work - Child pornography
Solutions identified during focus groups: - Parent education; - Primary prevention; - Child pornography has to be renamed and criminalised in CHAPTER VII of the Criminal Code - Trafficking and exploitation of vulnerable persons; the Code does not cover situations involving images of children produced/exposed by other children; - Aggravated offences if the minor is a witness (to be added to the Criminal Code). - Increase staffing at the Directorate for the Investigation of Organised Crime and Terrorism (DIICOT) to solve cases of violence against children.	

Priorities identified during focus groups: campaigns for parents
Other aspects mentioned during focus groups: - The majority of severe forms of violence against children are regulated by Romanian legislation (including those defined by the ICVAC); - The forms of violence against children included in the ICVAC that are not expressly mentioned in Romanian legislation can be classified under those already regulated; - Regarding the recent regulation on parental alienation (Law No. 123/2024 amending and supplementing Law No. 272/2004 on the protection and promotion of children's rights), it is believed that this new regulation constitutes a legislative rollback, leading to psychological and emotional trauma for the child and no benefits.

Other views on the regulation of online violence, as expressed during focus groups

Forms of violence insufficiently regulated/criminalised by Romanian legislation
- AI-generated content – vulnerability for children; - Non-compliance with age verification requirements on platforms – regulations for platform service providers; - Online child pornography; - Attempted solicitation of minors (grooming, the lover boy method); - Cyberbullying – this form of violence is not criminalised; - Harassment – not defined in accordance with the ICVAC; - Humiliation – not defined in accordance with the ICVAC.
Solutions identified during focus groups: - Parent education; - Information and prevention campaigns; - User identification; - Amend the Criminal Code to set out clearer penalties for child pornography; - Age verification before accessing online content; - Amend the exploitation offence to include offences involving child trafficking for the purpose of producing pornographic material (Article 182 of the Criminal Code); - Amend the exploitation offence to also include offences committed online; - National campaigns on online content that is harmful to children; - Introduce the parental control function on any devices used by children; - Criminalise new forms of online violence.
Priorities: online violence; definition of the minor's consent;
Other aspects mentioned during focus groups: - Forms of online violence are not easy to detect; the perpetrator is hard to identify.

IWA 49:2025 provisions and their implementation into Romanian law

Research participants were asked about the ISO IWA 49:2025 provisions. These are requirements and recommendations issued by ISO (International Organisation for Standardisation) for coordinating criminal investigation and child protection services in cases involving children who are victims of violence. These requirements and recommendations are mainly aimed at preventing the re-traumatisation of children during judicial proceedings.

The findings collected during focus groups and through an online questionnaire regarding the implementation of IWA 49:2025 requirements and recommendations into Romanian law are presented below.

In general, research participants assessed the following requirements and recommendations as being **more effectively regulated** by Romanian legislation:

- *Non-discrimination*, defined as all children being treated equally, regardless of their own or their parents' race, colour, sex, language, religion, political views or other opinions;
- *Multidisciplinary teams*, defined as the synchronised involvement of the child protection, criminal investigation, medical care and psychotherapy systems to ensure a coordinated and coherent response.

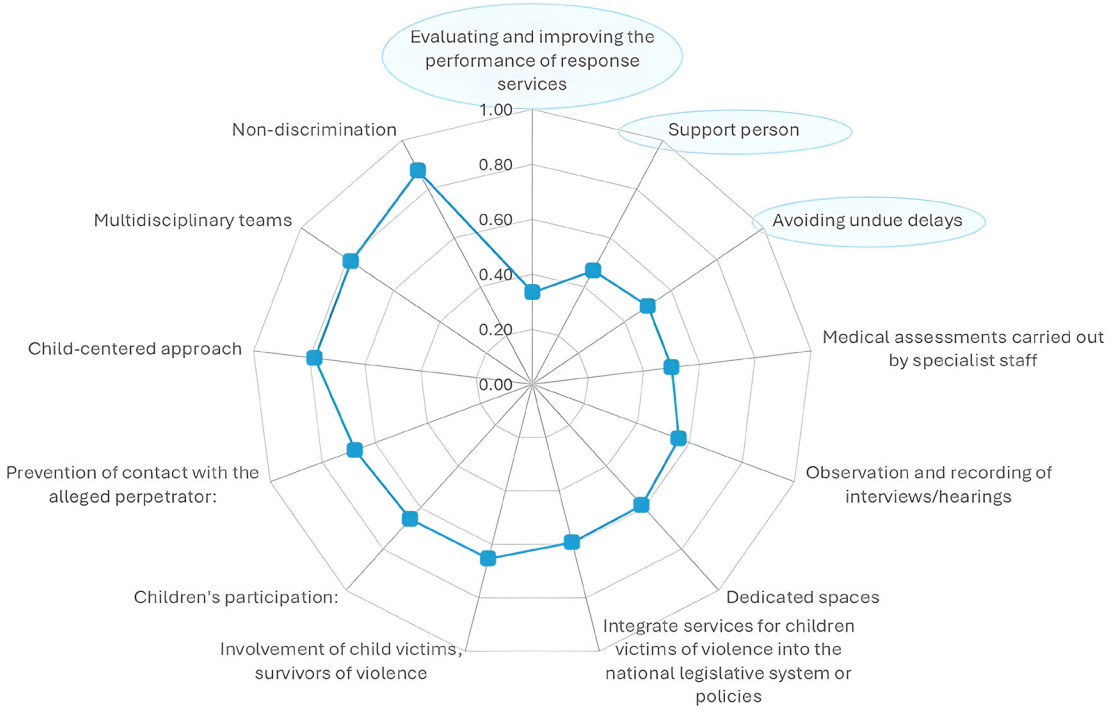
The common challenges mentioned during focus groups were the lack of inter-institutional coordination, insufficient resources and inconsistent training of professionals.

- *Child-centred approach*, defined as ensuring that all services pursue the best interests of the child and are tailored to the child's developmental level, needs and rights;
- *Preventing contact with the alleged offender*, defined as ensuring that the place used for interacting with children is properly designed to avoid contact between victims and alleged offenders;
- *Child participation*, defined as respect for children's rights to express their views, to be heard and to receive information.

Some of **the insufficiently regulated requirements and recommendations** are:

- *Evaluation and improvement of response services*, defined as establishing performance evaluation criteria based on decisions relating to: what should be measured; measurement and data collection methods; when measurement results should be analysed and evaluated; how results should be used for improvements.
- Focus groups agreed that response services are partially regulated. Responses show significant differences compared to the requirements of ISO IWA 49:2025, in particular as regards monitoring and data use.
- *Support person,* defined as a trained person designated to ensure that both children and their families are fully informed and supported throughout the process. The support person acts as a single point of contact and makes sure that children's voices are heard in all actions and decisions affecting them;
- *Preventing undue delays* in cases involving children who are victims of violence: investigative interviews, child protection assessments, judicial and law enforcement proceedings, medical examinations and psychotherapeutic interventions are carried out within a specified, reasonable timeframe;
- *Medical examinations carried out by specialised staff,* including paediatricians and paediatric nurses: staff are trained to conduct examinations in a trauma-informed and child-friendly manner. All necessary measures are taken to prevent re-traumatisation when collecting samples.

Fig. 2 Assessment of regulations relating to ISO IWA 49:2025 requirements and recommendations during quantitative research



Note: The scores are averages ranging from 0 (unregulated) to 1 (regulated). A score closer to 1 indicates a higher likelihood of being regulated by Romanian law.

The online survey also assessed certain ISO requirements and regulations as **intermediate** (considered neither regulated nor unregulated, but somewhere in the middle). These include:

- *Observation and recording of interviews/hearings*, which refers to the fact that live observation of interviews should be possible from a separate room, and interviews should be audio-visually recorded to avoid children having to repeat their story. These recordings are safeguarded to prevent unauthorised access by third parties and ensure they remain unaltered.
- *Dedicated premises,* which refers to the fact that, in the case of child victims, interviews, medical examinations and therapy sessions should be conducted in child-friendly spaces.
- *Inclusion of services for children who are victims of violence into national laws or policies* to ensure their formal recognition, including explicit provisions covering the scope, responsible institutions, their organisation and operation.
- *Child victim/survivor engagement*, defined as the involvement of survivors who benefit from response services in assessing their needs for such services and in all stages of service provision.

Challenges identified by research participants regarding compliance with ISO IWA 49:2025 requirements and recommendations in our country

- Some of the challenges mentioned are: "*shortage of qualified personnel, which delays prompt and effective responses in specific cases*" (field of activity: defence, protection and promotion of children's rights), also phrased as "*a major challenge is the shortage of qualified personnel, which means that it is not possible to set specific deadlines for responding to cases of violence*" (field of activity: defence, protection and promotion of children's rights).

- Other aspects mentioned: "*children from vulnerable backgrounds (rural areas, minorities, children with disabilities) have limited access to comprehensive services according to ISO recommendations, along with fragmented responsibilities and procedures, leading to inconsistent and limited responses*" (field of activity: child protection).
- The Barnahus solution is also mentioned, but its functionality is questioned: "*bring the institutions that have to respond to children's needs together under one roof and [ensure] their effective operation, although Barnahus services do not seem to achieve satisfactory results*" (field of activity: juvenile justice).

Other views on the regulation of services for children who are victims of violence, as expressed during focus groups

Well-regulated standards	Standards that are not regulated
- Barnahus (Sector 6 Bucharest); - Interview rooms; - Prosecutor's offices; - Sexual abuse – there is a protocol in place for professionals.	- Lack of a shared location where all services for child victims of crime can be provided ('all services under one roof'); - Lack of a time limit for proceedings; - Integrated package, easy to access by children; - Psychological support – support throughout the entire process involving the child victim; - Support person – needs psychological training; - Training for psychologists within services on how to work with children who are victims of violence; - Rules for conducting interviews; - Team response methodologies; - Psychotherapy – it should be offered within the GDSACP; - Lack of services for children; - Lack of a child-centred approach; - Lack of standards for services provided to child victims; - Lack of unified national methodologies; - Poor institutional cooperation; - Lack of clear rules and mechanisms.
Solutions identified during focus groups: - Train the professionals involved (social workers, police officers, forensic doctors, magistrates, prosecutors, etc.); - Identify forms of violence against children; - Understand the importance of obligations to report violent incidents; - Use the 119 reporting mechanism; - Referral to the police; - Accompaniment by specially trained professionals; - Forensic observation adapted for children; - Child-friendly procedures; - Sanction workers who do not fulfil their duties regarding the services provided to children who are victims of violence; - Supplement legislation for unregulated forms; - Socio-educational measures; - Integrated and simultaneous responses from all the institutions involved; - Improve working procedures; - Increase funding for services provided to children who are victims of violence.	

Other aspects:

- There are no other programmes for victims;
- Lack of a specific child-related protocol at the National Forensic Institute;
- Multiple offences – uncertainties regarding institutional responsibilities;
- There are no instructions regarding the services provided to children who are victims of trafficking;
- There are no working methodologies in place for services provided to children who are victims of trafficking;
- A significant time gap between the incident and counselling;
- There is a Barnahus Centre in Sector 6, but professionals do not use it: "*There is a Barnahus house in Bucharest, but I understand that it has no users, [...] As far as I understand, professionals don't go there to use the facilities. It's very interesting. I think it's because they have to go there from work... it would have obviously been great for children, but for now it seems that – its advantages may not be widely known – I understand that there is a problem with forensic medicine because they can't find anyone to go there and provide those services*" (field of activity: juvenile justice).
- 'Victim's journey' – services should use this tool for children who are victims of violence;
- Appoint a 'victim care officer' to coordinate the services provided to children who are victims of violence;
- There is no forensic examination protocol for children;
- Although the urgency of collecting evidence in sexual violence cases is recognised by the Code of Criminal Procedure, the procedure is cumbersome, unclear and time-consuming, which can lead to the cancellation/loss or contamination of evidence.

Romanian legal provisions on illegal online content and harmful online content

- There is a **clear consensus among research participants regarding the distinction between illegal content** (prohibited by law) and harmful content (harmful, but not necessarily illegal): "*There is a major difference between illegal online content and online content that is harmful to children. And practically, this distinction is important both for public policy development and the authorities' response. Illegal online content breaks the law and is punishable. Online content harmful to children is any material that is not necessarily illegal but can have negative effects on children's mental, emotional or social health*" (field of activity: public policy development) or "*illegal online content is recognised and defined by legislation. However, harmful content is any type of information that can cause fear, sadness [or] stress and can take violent, shocking and disturbing forms, especially on social media*" (field of activity: child rights policies, strategies, standards and methodologies)
- However, some respondents mentioned that harmful online content is not expressly defined in Romanian legislation, which could create a legal gap: "*Currently, Romanian legislation does not provide a unified definition of online content that is harmful to children. There are regulations in areas like child protection, audiovisual or digital safety, but no legal definition covering all forms of potentially harmful content. An approach that establishes a single definition for such a broad concept may have its limitations*" (field of activity: public policy development) or *"currently there is no national law that defines this concept, but criteria have been established for classifying content as reported by users"* (field of activity: defence, protection and promotion of children's rights).
- Regarding the mechanisms for reporting and removing harmful content, research participants believe that there are relevant initiatives, but sometimes they work in a fragmented manner and are unevenly implemented: "*In Romania, there are relevant resources and initiatives for reporting and managing illegal and harmful content for children. The Safernet platform, which is managed by the Romanian Police, allows users to report illegal online content, especially content that affects the safety of children. Also, in the context of implementing the Digital Services Act (DSA), Romanian authorities, including ANCOM and the National Audiovisual Council, have taken measures to monitor and restrict illegal or harmful content, including by developing guidelines and reporting mechanisms. There are also sectoral initiatives and inter-institutional partnerships aimed at strengthening the protection of children in the digital environment*" (field of activity: public policy development) or "*there is an illegal content removal mechanism, regulated by Law No. 50 of 18 March 2024 setting certain measures for the implementation of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act), as well as*

amending and supplementing Law No. 365/2002 on e-commerce" (field of activity: justice) or "*reporting platforms developed by civil society*" (field of activity: child protection).

Other important legislative gaps identified by research participants:

- Some legislative gaps regarding online age verification are mentioned: "*I could add the lack of legislative acts requiring real and effective verification of the user's age, and the French model can be given as an example in this regard. It involves a third party that processes users' personal data, based on strict regulations, in order to grant or deny access to certain types of content. In this way, children are protected from accessing content that, although legal, is not recommended for their age*" (field of activity: preventing and combating trafficking in human beings).
- Other aspects reported refer to: "*the lack of criminalisation of cyberbullying; the lack of a centralised, publicly accessible national platform for directly reporting illegal or harmful online content; the absence of regulations on deepfake, non-sexual grooming; lack of clear sanctions for online platforms that do not filter content that is harmful to children*" (field of activity: justice).
- Specific situations are also mentioned, like those where: "*the victim is lured into creating pornographic material by filming themselves and ends up being criminally investigated for producing child pornography, which is completely irrational and contrary to the spirit of the law*" (field of activity: juvenile justice).

Recommendations and suggestions from research participants:

The following recommendations were made: *"implement an extensive and adapted reporting mechanism for children; an IT solution for age verification strengthening the protection of children online; prohibit users from downloading or taking screenshots of content posted by children; a multidisciplinary approach to victims of online violence; improve practitioners' training"* (field of activity: criminal law, criminal procedure and the rights of victims of crime); *"update Government Decision No. 49/2011 to define other forms of violence, based on the ICVAC, as well as interventions in those cases"* (field of activity: policies, strategies and international cooperation) and *"strengthen the prevention component by constantly educating children about the many dangers of the online environment and how to protect themselves"* (field of activity: juvenile justice).

Preliminary conclusions and recommendations

Focus groups and findings from the online questionnaire show that Romania has a relatively comprehensive legal framework for punishing severe forms of violence against children, in particular sexual offences, severe physical violence, trafficking in human beings, domestic violence and failure to report. It has recently been strengthened through the introduction of offences relating to the rape of a minor, sexual assault of a minor as well as non-consensual disclosure of intimate images.

Nevertheless, there are significant gaps in the regulation of more subtle forms of violence or violence with a major psychological impact, such as forced marriage, bullying, child isolation, harassment, exposure to domestic violence or certain forms of online exploitation, including cyberbullying and AI-generated content.

Current regulations do not fully cover emerging online phenomena and do not provide clear mechanisms for preventing and punishing them, in particular through age verification and by identifying perpetrators in the online space.

Inter-institutional cooperation remains weak, access to counselling is often delayed, and specialised training of professionals is insufficient.

The general conclusion is that to ensure effective protection and an integrated response to violence against children, Romania needs to adopt a consistent legislative approach that includes all forms of violence, strengthen prevention mechanisms, increase specialised human resources and develop integrated services and multidisciplinary teams that are adapted and accessible to children, both offline and online.

Recommendations on the regulation/criminalisation of offline violence:

Proposals for amending/supplementing criminal law:

- Introduce **the distinct crime of forced marriage** and the express prohibition of child marriage into the Criminal Code, with penalties for the individuals and institutions involved, including imprisonment.
- **Introduce a separate chapter** on violence against children **into the Criminal Code**, covering all relevant offences, thus avoiding the current fragmentation of these offences across several chapters.
- **Define and criminalise 'psychological violence' against children**, including isolation, humiliation, emotional manipulation, with penalties proportionate to the severity of the offence.
- Clearly define **child isolation** and include it as a form of maltreatment.
- **Redefine and rename 'child pandering'**, placing responsibility entirely on the exploiting adult.
- Explicitly criminalise **bullying** and **psychological harassment**, defining them according to the ICVAC.
- Change the name and extend the criminalisation of 'child pornography' to include **material produced by other children** and reclassify it under the chapter on the trafficking and exploitation of vulnerable persons.
- Introduce **aggravating circumstances** for any offence committed in the presence of a minor.
- Recognise '**online grooming**' as a separate crime, distinct from sexual corruption, criminalising the initiation of online contact for sexual purposes without a physical encounter.

Other proposals for amending/supplementing the legal framework:

- Introduce legal obligations for **online platforms** to implement filters, automatic reporting and verification procedures for underage users.
- Create a permanent national **digital education** programme on the online protection of children, including it in the compulsory school curriculum and making it available to families with children.
- Require police officers, prosecutors and judges to undergo **regular training** in the field of child protection and the investigation of online and offline abuse.

Recommendations on the regulation/criminalisation of online violence – The following legal amendments and additions should be considered:

- Amend the Criminal Code to **criminalise cyberbullying** as a distinct form of online violence.
- Regulate online content that is harmful to children.

- **Extend the definition of 'grooming'** to also cover interactions via gaming platforms, metaverses and encrypted messaging apps.
- **Create child-friendly complaint mechanisms**, including a simplified reporting button and helplines/chats integrated directly into digital platforms for children.
- Harmonise the definitions of **harassment and humiliation** with ICVAC standards and introduce them into criminal law.
- Introduce a **legal obligation for service providers operating online platforms** to implement functional mechanisms for real age verification and user identification, according to the Digital Services Act – *Regulation (EU) 2022/2065 on a Single Market for Digital Services* and the *Audiovisual Media Services Directive*.
- Define and criminalise **AI-generated content** that exploits children's image or data (e.g. deepfake, synthetic pornography).
- Establish an **effective and rapid cooperation** mechanism involving the police, DIICOT and online service providers to identify the perpetrators of violence against children.
- **Integrated national digital education and prevention campaigns**, involving schools, parents and platform operators.

Recommendations on the regulation of services for children who are victims of violence:

- Amend and/or supplement Government Decision No. 49/2011 to (legally) introduce the **Barnahus model** as a national standard, with integrated regional centres and regulated collaboration among all relevant institutions and professionals. To ensure that regulations reflect the realities of Romanian society, it is also necessary to conduct an analysis based on the feedback provided by children (obtained using psychological methods that do not re-traumatise them), parents/caregivers, professionals involved in the provision of services for children who are victims of violence.
- **Develop a rehabilitation and/or social reintegration plan** for each child victim, with clear deadlines and responsibilities assigned to institutions.
- **Conduct an annual audit of services** for child victims, with public reports and performance indicators (response times, access to counselling, number of cases solved).
- **Include long-term psychotherapy** as a service that is reimbursed from public funds, not just as an emergency intervention.
- **Create an inter-institutional digital platform** for case management, information sharing and victim's journey monitoring.
- Develop a **single set of national standards and methodologies** for all services provided to child victims.
- Create a **specific child-related forensic protocol**, with deadlines for each stage/service.
- **Continuing education programme** for all relevant professionals, including modules on complex trauma and age-appropriate communication.
- **National information campaigns on available** services, with materials accessible to children, including in vulnerable communities (e.g. Roma and rural communities).

Conclusions and strategic recommendations

- Adopt a **single piece of legislation** on violence against children, addressing all forms of offline and online violence.
- Increase specialised human resources (psychologists, social workers, etc.), especially in rural areas.
- Strengthen **inter-institutional cooperation**, pursuing the best interests of the child and shorter deadlines for each stage of the process.
- Introduce **mandatory training** for all relevant professionals (police officers, magistrates, forensic doctors, social workers) to provide specific services to children who are victims of violence.

VI. Recommendations concerning online violence against children

A. Best practices that can be used to improve the Romanian legal framework:

1. Recommended definition (inspired by the UK, Denmark and Germany)

"Online content that is harmful to children is any type of digital content, regardless of its form (text, image, video, audio, interactive content), which, due to its nature, theme, frequency or presentation:

- affects or may affect the physical, emotional, social, cognitive or moral development of children;
- puts children at a high risk of self-harm, suicide, eating disorders, social exclusion, psychological trauma, physical pain, financial loss;
- promotes, incites or glorifies violence, hatred, discrimination, abuse or extremely risky activities."

Note: The definition should include a **clear distinction between illegal content (e.g. child pornography – already criminalised) and legal but potentially harmful content (e.g. self-harm, dangerous challenges, cyberbullying).**

2. Establishment of a national monitoring and research body

Model: French Online Hate Observatory

Recommendation:

- **In the long run, given the growth and impact of the digital environment in today's society, it is recommended that a National Observatory for Children's Safety in the Digital Environment be established**, under the coordination of an independent body or authority, in partnership with academia, civil society and online platforms.
- Roles: monitoring, analysis, prevention, digital education, public policy recommendations, supporting the development of data-driven public policies.
- The Observatory should adhere to the principles of proportionality and freedom of expression to avoid abusive censorship.

3. Obligations for digital platforms

Model: the UK and Italy

- Content risk assessment (on a regular basis, differentiated by age group);
- Effective age verification (beyond self-declaration);

- Safer algorithms that do not recommend dangerous content to children;
- Effective and swift moderation of flagged content;
- Transparency and public reporting on harmful content that has been removed.

In Italy, the **Communications Regulatory Authority (Autorità per le Garanzie nelle Comunicazioni - AGCOM)** has been designated as the national coordinator for digital services. At the same time, the **Safer Internet Centre**[15] (also known as SIC) was created to provide information, advice and support to children, young people, parents, teachers and educators who have had various online experiences, including negative ones, and to facilitate the reporting of illegal online content. The project is coordinated by the Ministry of Education and Merit, in partnership with some of Italy's leading entities dealing with online security: *the Authority for Children and Adolescents, National Cybersecurity Agency, the Presidency of the Council – Department for the Family, Italian Data Protection Authority, the State Police, University of Florence and Sapienza University of Rome, Save the Children Italy, Telefono Azzurro, EDI Onlus cooperative, Skuola net and the Giffoni Experience Autonomous Body.*

In 2023, the United Kingdom adopted legislation requiring online platforms to protect their users, especially children, from illegal and harmful content, including material depicting child sexual abuse. The **Office of Communications (Ofcom)** was designated as the regulatory authority, with the power to impose significant fines for non-compliance.

4. Obligations for manufacturers and suppliers of connected devices

Studer's Law in France:

- Digital devices sold in Romania should be equipped with **pre-installed and easy-to-activate parental control features**.
- Obligation to inform users when they first turn on their devices.

5. Official list of harmful content categories (similar to the German model)

- Create a **National List of Harmful Online Content for Children**, managed by a specialised body.
- Clear rules for inclusion/exclusion, with the help of:
  - » Independent experts;
  - » Civil society representatives;
  - » Relevant public institutions.
- Clear and transparent criteria for inclusion:
  - » Extremely violent content;
  - » Hate speech;
  - » Content that encourages suicide, self-harm or eating disorders;
  - » Pornography accessible to children.
- Exclusions: artistic, scientific, educational or journalistic content, unless presented in a way that is detrimental to the best interests of the child.

15 https://www.generazioniconnesse.it/site/it/home/

B. Other recommendations for improving the national legal framework:

6. Proportionate penalties and respect for fundamental rights

Any action taken to remove content must:

- Be subject to a legitimacy and proportionality assessment;
- Allow for the decision to be challenged (guaranteeing the rights to defence and freedom of expression);
- Set reasonable intervention deadlines, without suppressing the right to judicial review.

7. Clarification and adaptation of the criminal framework

- Specific criminalisation of cyberbullying and other forms of online violence against children.
- Explicit regulation of phenomena like revenge porn, sextortion, dangerous online challenges.

8. National Child-Friendly Counselling and Reporting Platform

- Create a dedicated platform for psychological counselling, the reporting of harmful content, digital education.

9. Online Safety Education

- Introduce **online safety education modules** in the school curriculum, in partnership with the technology sector and trained psychologists.
- National awareness campaigns targeting parents, teachers and children.

To implement a consistent and modern regulatory framework on **online content harmful to children**, the following should be considered:

- Protect the best interests of the child;
- Respect freedom of expression;
- The proportionality of measures;
- The need to strike a balance between prevention, intervention and digital education;
- Develop a **national digital literacy programme** for children, parents and teachers (Italian/Danish model);
- Create a **digital platform for informing and supporting parents**.

Conclusion

Romania has a legal and strategic framework that is **currently being strengthened**, but:

- **There is a lack of unified and proactive regulations on online content that is harmful to children**.

- There is a need for a **consistent reform** including:
  - Clear definitions;
  - Prevention mechanisms;
  - Rules for platforms;
  - Institutionalised monitoring;
  - Active involvement of the community, parents and educators.

Romania needs an **integrated public policy on the protection of children in the digital environment** based on:

- Prevention;
- Rapid and appropriate response;
- Accountability of platforms and equipment manufacturers;
- Digital education and parent involvement.

Bibliography

Bundesministerium der Justiz. (1949). *Grundgesetz für die Bundesrepublik Deutschland (GG)* [Legea fundamentală a Republicii Federale Germania]. Gesetze-im-Internet. https://www.gesetze-im-internet.de/gg/BJNR000010949.html.

Bundesministerium der Justiz. (1998). *Strafgesetzbuch (StGB)* [Codul penal german]. Gesetze-im-Internet. https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html.

Bundesministerium der Justiz. (2002). *Jugendschutzgesetz (JuSchG)* [Legea privind protecția tinerilor]. Gesetze-im-Internet. https://www.gesetze-im-internet.de/juschg/BJNR273000002.html.

Bundesministerium der Justiz. (2017). *Netzwerkdurchsetzungsgesetz (NetzDG)* [Legea pentru îmbunătățirea aplicării legii în rețelele sociale]. Gesetze-im-Internet. https://www.gesetze-im-internet.de/netzdg/BJNR335210017.html.

Cabinet Office. (1989). *Children Act 1989* [Legea privind copiii, 1989]. UK Government Legislation. https://www.legislation.gov.uk/ukpga/1989/41/section/1

Cabinet Office. (2004). *Children Act 2004* [Legea privind copiii, 2004]. UK Government Legislation. https://www.legislation.gov.uk/ukpga/2004/31/contents

Cabinet Office. (2017). *Children and Social Work Act 2017* [Legea privind copiii și munca socială, 2017]. UK Government Legislation. https://www.legislation.gov.uk/ukpga/2017/16/contents

Cabinet Office. (2021). *Domestic Abuse Act 2021* [Legea privind violența domestică, 2021]. UK Government Legislation. https://www.legislation.gov.uk/ukpga/2021/17/part/1

Cabinet Office. (2006). *Safeguarding Vulnerable Groups Act 2006* [Legea privind protejarea grupurilor vulnerabile, 2006]. UK Government Legislation.

https://www.legislation.gov.uk/ukpga/2006/47/contents

Cabinet Office. (2023). *Online Safety Act 2023* [Legea privind siguranța online, 2023]. UK Government Legislation. https://www.legislation.gov.uk/ukpga/2023/50/contents

Consiliul Europei. (2001). *Convenția de la Budapesta privind criminalitatea informatică (Convention on Cybercrime)*.

Consiliul Europei. (2007). *Convenția Consiliului Europei pentru protecţia copiilor împotriva exploatării sexuale şi a abuzurilor sexuale (Convenția de la Lanzarote) (CETS nr. 201)*.

Consiliul Europei. (2018). *Linii directoare pentru respectarea, protejarea și îndeplinirea drepturilor copilului în mediul digital (Recomandarea CM/Rec(2018)7)*.

Comisia Europeană. (2021). *Strategia UE pentru Drepturile Copilului 2021–2024*.

Comisia Europeană. (2024). *Recomandarea (UE) 2024/1238 privind dezvoltarea și consolidarea unor sisteme integrate de protecție a copilului în interesul superior al copilului*.

Comisia Europeană. (2022). *Strategia europeană „Un internet mai bun pentru copii” (BIK+)*.

Comisia Europeană. (2025). *Lupta împotriva abuzului sexual asupra copiilor: reguli actualizate pentru a aborda noile tehnologii*.

Consiliul Național al Audiovizualului & Ministerul Educației și Cercetării. (2025). *Ghidul privind combaterea conținutului ilegal.*

Danmarks Regering. (1995). *Lov om forældremyndighed og samvær, lov nr. 387 af 14. juni 1995* [Legea privind autoritatea părintească, 1995]. Retsinformation.

https://www.retsinformation.dk/eli/lta/1995/387.

Danmarks Regering. (2025). *Barnets lov, lovbekendtgørelse nr. 282 af 17. marts 2025* [Legea copilului, 2025]. Retsinformation. https://www.retsinformation.dk/eli/lta/2025/282.

Danmarks Regering. (2015). *Lov om social service, lovbekendtgørelse nr. 150 af 16. februar 2015* [Legea privind serviciile sociale, 2015]. Retsinformation.

https://www.retsinformation.dk/eli/lta/2015/150.

Die Medienanstalten. (2024). Jugendmedienschutz-Staatsvertrag (JMStV): *Fünfter Medienänderungsstaatsvertrag* [Tratatul de stat privind protecția minorilor în mass-media: Al cincilea tratat de modificare].

Gouvernement Français. (n.d.). *Code de l'action sociale et des familles* [Codul de protecție socială și al familiilor]. Legifrance. https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006074069.

Gouvernement Français. (n.d.). *Code pénal* [Codul penal]. Legifrance.

https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070719.

Gouvernement Français. (2020). *Loi n° 2020-766 visant à lutter contre les contenus haineux sur internet* [Legea Avia privind combaterea conținutului instigator la ură pe internet]. Legifrance. https://www.legifrance.gouv.fr/loda/id/JORFTEXT000042031970/.

Gouvernement Français. (2022). *Loi n° 2022-300 du 2 mars 2022 visant à renforcer le contrôle parental sur les moyens d'accès à internet* [Legea Studer privind consolidarea controlului parental asupra mijloacelor de accesare a internetului].

Legifrance. https://www.legifrance.gouv.fr/loda/id/JORFTEXT000045287677/.

Governo della Repubblica Italiana. (2023). *Decreto-legge 15 settembre 2023, n. 123: Misure urgenti di contrasto al disagio giovanile, alla povertà educativa e alla criminalità minorile, nonché per la sicurezza dei minori in ambito digitale*. [Decretul-lege nr. 123 din 15 septembrie 2023 privind măsuri urgente pentru combaterea dificultăților în rândul tinerilor, a sărăciei educaționale și a criminalității juvenile, precum și pentru siguranța minorilor în zona digitală]. Gazzetta Ufficiale della Repubblica Italiana. https://www.normattiva.it/esporta/attoCompleto?atto.dataPubblicazioneGazzetta=2023-09-15&atto.codiceRedazionale=23G00135

Governo della Repubblica Italiana. (2017). *Legge 29 maggio 2017, n. 71: Disposizioni a tutela dei minori per la prevenzione e il contrasto del fenomeno del cyberbullismo*. [Legea nr. 71 din 29 mai 2017 privind protecția minorilor pentru prevenirea și combaterea fenomenelor de hărțuire și cibernetică. Gazzetta Ufficiale della Repubblica Italiana]. Gazzetta Ufficiale della Repubblica Italiana.

https://www.normattiva.it/esporta/attoCompleto?atto.dataPubblicazioneGazzetta=2017-06-03&atto.codiceRedazionale=17G00085

Guvernul României. (2023). *Planul Național de Acțiune pentru implementarea Garanției pentru Copii 2023–2030*.

Guvernul României. (2011). *Hotărârea de Guvern nr. 49/2011 pentru aprobarea Metodologiei-cadru privind prevenirea şi intervenţia în echipă multidisciplinară şi în reţea în situaţiile de violenţă asupra copilului şi*

de violenţă în familie şi a Metodologiei de intervenţie multidisciplinară şi interinstituţională privind copiii exploataţi şi aflaţi în situaţii de risc de exploatare prin muncă, copiii victime ale traficului de persoane, precum şi copiii români migranţi victime ale altor forme de violenţă pe teritoriul altor state.

Guvernul României. (2021). *Hotărârea de Guvern nr. 592/2021 privind aprobarea Strategiei naţionale pentru prevenirea şi combaterea violenţei sexuale „SINERGIE" 2021–2030 şi a Planului de acţiuni pentru implementarea Strategiei naţionale pentru prevenirea şi combaterea violenţei sexuale „SINERGIE" 2021–2030*.

Guvernul României. (2022). *Raport cazuistică – 119, Numărul Unic – Din grijă pentru copii*.

Guvernul României. (2023). *Hotărârea de Guvern nr. 969/2023 privind aprobarea Strategiei naţionale pentru protecţia şi promovarea drepturilor copilului „Copii protejaţi, România sigură" 2023–2027*.

Guvernul României. (2024). *Hotărârea de Guvern nr. 1065/2024 privind aprobarea Planului naţional de combatere a violenţei şcolare*.

Guvernul României. (2024). *Hotărârea de Guvern nr. 1353/2024 privind aprobarea Strategiei naţionale pentru susţinerea părinţilor 2024–2030*.

Guvernul României. (2024). *Hotărârea nr. 533/2024 pentru aprobarea Strategiei naţionale împotriva traficului de persoane pentru perioada 2024–2028*.

International Organization for Standardization. (2025). *Servicii de răspuns multidisciplinare și interinstituționale prietenoase cu copiii, destinate copiilor victime ale violenței – Cerințe și recomandări (IWA 49:2025)*.

Justitsministeriet. (2024). *Bekendtgørelse af straffeloven, lovbekendtgørelse nr. 1145 af 5. november 2024* [Codul penal, 2024]. Retsinformation. https://www.retsinformation.dk/eli/lta/2024/1145.

Ministère des Solidarités et de la Santé. (2020). *Stratégie nationale de prévention et de protection de l'enfance 2020–2025* [Planul național de prevenire și protecție a copilului 2020–2025]. https://solidarites.gouv.fr/strategie-nationale-de-prevention-et-de-protection-de-lenfance-2020-2022

Ministerul Educației. (2023). *Ordinul ministrului educației nr. 6235/2023 pentru aprobarea Procedurii privind managementul cazurilor de violenţă asupra antepreşcolarilor/preşcolarilor/elevilor şi personalului unităţii de învăţământ, precum şi al altor situaţii corelate în mediul şcolar şi al suspiciunii de violenţă asupra copiilor în afara mediului şcolar*.

Ministerul Educației, Inspectoratul General al Poliției Române – Direcția Siguranță Școlară, Unitatea de Cercetare în Educație (Centrul Național de Politici și Evaluare în Educație) & Institutul de Cercetare și Prevenire a Criminalității. (2024). *Siguranța în școală*.

Ministerul Muncii și Solidarității Sociale. (2023). *Planul Național de Acțiune pentru Implementarea Garanției pentru Copii (PNA)*.

Ministerul Muncii și Solidarității Sociale. (2023). *Strategia Națională pentru Protecția și Promovarea Drepturilor Copilului 2023–2027*. Guvernul României.

Ofcom. (2023). *Protecting children from harms online: Guidance on content harmful to children* [Protecția copiilor împotriva riscurilor online: Ghid privind conținutul dăunător copiilor]. https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/statement-protecting-children-from-harms-online/main-document/guidance-on-content-harmful-to-children.pdf?v=395445

Ofcom. (2023). *Children's register of risks* [Registrul riscurilor privind copiii]. https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/statement-protecting-children-from-harms-online/main-document/childrens-register-of-risks.pdf?v=396667

Ofcom. (2023). *Children's risk assessment guidance and children's risk profiles* [Ghid privind evaluarea riscurilor pentru copii și profilurile de risc].

https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/statement-protecting-children-from-harms-online/main-document/childrens-risk-assessment-guidance-and-childrens-risk-profiles.pdf?v=396653

Ofcom. (2023). *Protection of children: Code of practice for user-to-user services* [Protecția copiilor: Cod de bune practici pentru serviciile între utilizatori].

https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/statement-protecting-children-from-harms-online/main-document/protection-of-children-code-of-practice-for-user-to-user-services-.pdf?v=395966

Ofcom. (2023). *Protection of children: Code of practice for search services* [Protecția copiilor: Cod de bune practici pentru serviciile de căutare].

https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/statement-protecting-children-from-harms-online/main-document/protection-of-children-code-of-practice-for-search-services.pdf?v=395675

Organizația Mondială a Sănătății. (2023*). Clasificarea Internațională a Violenței Împotriva Copiilor (ICVAC).*

Organizația Națiunilor Unite – Comitetul pentru Drepturile Copilului. (2021). *Comentariul general nr. 25 privind drepturile copilului în mediul digital.*

Organizația Națiunilor Unite. (1989). *Convenția ONU privind Drepturile Copilului*.

Parlamentul European și Consiliul Uniunii Europene. (2010). *Directiva 2010/13/UE privind serviciile mass-media audiovizuale (Directiva SMMA)*.

Parlamentul European și Consiliul Uniunii Europene. (2011). *Directiva (UE) 2011/93 privind combaterea abuzului sexual asupra copiilor și a exploatării sexuale a copiilor.*

Parlamentul European și Consiliul Uniunii Europene. (2016). *Regulamentul (UE) 2016/679 privind protecția datelor (Regulamentul general privind protecția datelor – GDPR)*.

Parlamentul European și Consiliul Uniunii Europene. (2012). *Directiva 2012/29/UE de stabilire a unor norme minime privind drepturile, sprijinirea și protecția victimelor criminalității și de înlocuire a Deciziei-cadru 2001/220/JAI a Consiliului*.

Parlamentul European și Consiliul Uniunii Europene. (2022). *Regulamentul (UE) 2022/2065 privind piața unică pentru serviciile digitale (Digital Services Act – DSA)*.

Parlamentul României. (1990). *Legea nr. 18/1990 pentru ratificarea Convenției cu privire la drepturile copilului (republicată)*.

Parlamentul României. (2003). *Legea nr. 196/2003 privind prevenirea şi combaterea pornografiei (republicată, cu modificările și completările ulterioare)*.

Parlamentul României. (2003). *Legea nr. 217/2003 pentru prevenirea şi combaterea violenţei domestice (republicată, cu modificările și completările ulterioare)*.

Parlamentul României. (2004). *Legea nr. 272/2004 privind protecţia şi promovarea drepturilor copilului (republicată, cu modificările și completările ulterioare)*.

Parlamentul României. (2009). *Codul penal* (Legea nr. 286/2009, cu modificările și completările ulterioare).

Parlamentul României. (2023). *Legea nr. 198/2023 a învățământului preuniversitar (cu modificările și completările ulterioare).*

Parlamentul României. (2003). *Legea nr. 217/2003 pentru prevenirea şi combaterea violenţei domestice*.

Parlamentul României. (2004). *Legea nr. 211/2004 privind unele măsuri pentru asigurarea informării, sprijinirii și protecției victimelor infracțiunilor*.

Parlamentul României. (2024). *Legea nr. 50/2024 privind stabilirea unor măsuri pentru aplicarea Regulamentului (UE) 2022/2.065 al Parlamentului European şi al Consiliului din 19 octombrie 2022 privind o piaţă unică pentru serviciile digitale şi de modificare a Directivei 2000/31/CE (Regulamentul privind serviciile digitale), precum şi pentru modificarea şi completarea Legii nr. 365/2002 privind comerţul electronic.*

Salvați Copiii. (2023). *Raport cu privire la interacțiunea copilului victimă a abuzului sexual cu instituțiile statului implicate în gestionarea acestor cazuri.*

Salvați Copiii. (2024). *Incidența violenței asupra copilului – rezultatele consultării cu părinții și copiii*.

Salvați Copiii. (2025). *Efectele cyberbullying-ului asupra echilibrului emoțional al copiilor: Raport de cercetare sociologică cantitativă*.

Social- og Boligstyrelsen. (2023). *Bekendtgørelse om børnehuse, bekendtgørelse nr. 1487 af 6. december 2023* [Ordonanța privind casele de copii, 2023]. Retsinformation.

https://www.retsinformation.dk/eli/lta/2023/1487.

Smahel, D., Machackova, H., Mascheroni, G., Dedkova, L., Staksrud, E., Ólafsson, K., Livingstone, S., & Hasebrink, U. (2020). *EU Kids Online 2020: Survey results from 19 countries*. EU Kids Online.

WePROTECT Global Alliance. (2015). *Modelul de Răspuns Național (Model National Response)*.

Woolley, S. C. (Ed.), & Howard, P. N. (Ed.). (2019). *Computational propaganda: Political parties, politicians, and political manipulation on social media*. Oxford University Press.

Annex 1. National legislation on violence against children, in particular online violence

National Strategy for the Protection and Promotion of Children's Rights: „Protected Children. Safe Romania" 2024-2027[16]

It raises the issue of "children's safety in the digital environment", mentioning that "children's access to digital services provides opportunities to use global knowledge and interconnected resources, but it also involves risks."

The risks identified include: exposure to age-inappropriate content or inappropriate contact, including with abusers, forms of violence, reputational damage associated with disclosure of sensitive personal information either publicly or through interpersonal communication networks, loss of control over online identity, breach of confidentiality and disclosure of location information or the use of personal data illegally or in a way that has negative psychological consequences. In line with the recommendations of the EU Strategy on the Rights of the Child 2021-2024, the companies that manage these services, parents, caregivers and teachers must take responsibility for ensuring a safe digital environment for children, while the state has to regulate the operation of digital services.

The expected results of the Strategy include: Target 19 – "By 2027, regulations will be adopted to cover all situations in which children become victims of violence, including in the online environment."

Objectives of the ACTION PLAN for implementing the Strategy:

It aims to develop mechanisms that protect children from violence, with the specific objective of:

- Raising public awareness, especially among children, about the different forms of violence and the impact of violence against children.

Measures: national information campaigns on violence against children, targeting different groups (children, adults). Deadline: 2027; responsible institutions: NAPCRA with the support of the Ministry of Education, the Ministry of Internal Affairs, the Ministry of Health.

- Making internet use safer for children.

Measures: inclusion of digital security features in the school curriculum, with the Ministry of Education being responsible for the following indicators: the school curriculum includes digital security features (deadline: 2024); 500,000 children benefiting from information on how to safely use the online environment (deadline: 2027); roll out information and awareness campaigns about the benefits and risks of internet use for children – NAPCRA, supported by the Ministry of Education and the Ministry of

16 Government Decision no. 969/2023 of 12 October 2023 approving the National Strategy for the Protection and Promotion of Children's Rights: 'Protected Children, Safe Romania' 2023-2027

Internal Affairs, is responsible for the following indicators: two information and awareness campaigns (deadline: 2027); 500,000 people who get involved in/respond to the information and awareness messages of the campaigns (deadline: 2027); develop a guide to help children use the internet safely, adapted to different ages and accessible to children with disabilities – NAPCRA, supported by the Ministry of Education, the Ministry of Labour and Social Solidarity and the Ministry of Internal Affairs, is responsible for the following indicators: take stock of the guides (manuals, instructions) that help children use the internet safely (deadline: 2023); a guide to safe internet use for children (deadline 2023); implement safety measures for children using the digital environment – NAPCRA, supported by the Ministry of Internal Affairs, the Ministry of Research, Innovation and Digitalisation, the National Audiovisual Council, ANCOM and National Directorate for Cybersecurity, is responsible for the following indicators: legal analysis of safety measures for children using digital tools (deadline: 2023); regulatory framework to ensure that children use the digital environment safely (deadline: 2024). The Ministry of Research, Innovation and Digitalisation, with the support of NAPCRA, is responsible for the following indicator: online service providers implement mechanisms to prevent child abuse (deadline: 2027); setting up and operating a child-friendly counselling platform, with NAPCRA – with the support of the Ministry of Research, Innovation and Digitalisation – being responsible for the following indicator: child-friendly platform for children who use the digital environment and digital tools (deadline: 2023).

National Action Plan for the Implementation of the Child Guarantee (NAP)

This is a strategic instrument adopted by the Romanian Government in October 2023, in response to the Council Recommendation 2021/C 166/01 establishing a European Child Guarantee. Its main objective is to prevent and address the social exclusion of children by guaranteeing their access to key services.

Some of its general objectives are: ensure children's access to safe digital services (the proportion of children who report having been victims of online violence in the previous year, as a sub-item of the indicator on the proportion of children who report having been victims of violence) by "increasing adults' capacity to help children use the internet safely" and "ensuring safer internet use for children".

National Strategy for Parent Support: 2024-2030

It targets *parents with children who are victims of online violence*:

- Online violence against children includes a wide range of harmful behaviours (cyberbullying, online harassment, grooming, exposure to inappropriate content);
- These experiences can have devastating effects on children's mental and emotional health and a negative impact on their development.
- Lines of action to effectively support these parents: organise training sessions to educate parents about the risks of online violence and how to protect their children (e.g. Save the Children offers emotional support and practical advice for managing online violence).

Law No. 18/1990 ratifying the Convention on the Rights of the Child

It ratified the Convention on the Rights of the Child, adopted by the UN General Assembly on 20 November 1989. This is the most important international treaty in the field of children's rights, with 54 articles and 3 optional protocols. Its guiding principles are: non-discrimination (Article 2); the best interests of the child (Article 3); the right to life, survival and development (Article 6); respect for the views of the child (Article 12).

By ratifying the Convention, Romania has committed to: transposing its provisions into national legislation; ensuring the effective implementation of children's rights; reporting regularly to the UN Committee on the Rights of the Child on the measures taken.

Law No. 272/2004 on the protection and promotion of children's rights

In Romania, this is the framework law that transposes the provisions of the UN Convention on the Rights of the Child, ratified through Law No. 18/1990, into national law. This law establishes the general legal framework for respecting, promoting and guaranteeing children's rights in Romania.

This law, any other regulations adopted to ensure the respect and promotion of children's rights and any legal act issued or, as the case may be, concluded in this field are primarily guided by the principle of the best interests of the child.

Determining the best interests of the child involves a complex assessment that takes into account: the child's basic needs (physical and mental development, education, health, security, family stability); the child's views, depending on their age and maturity; personal history (in terms of abusive and violent experiences); the ability of those responsible for raising the child to meet his or her needs, including his or her training needs.

Children have the right to protection from any form of abuse, neglect, exploitation, trafficking, illegal migration, abduction, violence (including online violence), regardless of the environment in which they find themselves.

Abuse is defined as any intentional act committed by a person who is in a position of responsibility, trust or authority over a child that endangers the child's life, development or integrity. It can be physical, emotional, psychological, sexual or economic.

Law No. 196/2003 on preventing and combating pornography

The text lays down measures for preventing and combating pornography, with the aim of protecting human dignity, decency and public morality. It defines the following concepts:

- Pornography – obscene acts and any material depicting or disseminating them;
- Obscene acts – explicit sexual behaviour (either individual or in a group), gestures, images, sounds or indecent words, especially if they occur in public;
- Obscene material – any form of expression (objects, images, texts, recordings, applications, etc.) that explicitly depicts or suggests sexual activities.

The aim of these measures is to prevent public exposure to indecent content and to protect fundamental social values.

The following are prohibited and punishable by a fine: children's access to places where striptease or erotic shows are performed; selling pornographic publications to children; renting or selling pornographic films to children, regardless of the medium used to produce them.

Law No. 198/2023 on pre-university education

Pre-university education is defined as a national priority and an area of public interest, being delivered in Romanian, the languages of national minorities, Romanian sign language and widely used international languages. Ideally, education fosters an independent personality, full individual development, active participation in society and preparation for the labour market.

It establishes the framework for the National Plan against School Violence, aimed at preventing and reducing all forms of deviant behaviour (violent, discriminatory, dangerous behaviour): physical, verbal, psychological (including bullying), sexual, online, etc.

Bucharest/County Centres for Educational Resources and Assistance are responsible for developing and coordinating information, counselling and support services to prevent risky behaviours, including violence and drug use.

Bullying (psychological violence) is defined as intentional and repeated physical, verbal, relational or online behaviour that occurs within an imbalanced power dynamic and results in harm.

Government Decision No. 1065/2024 approving the National Plan against School Violence

The document targets:

a. Cases of violence among preschoolers/pupils[17];

b. Cases of violence perpetrated by school staff against pre-preschoolers/preschoolers/pupils;

c. Cases of violence perpetrated by pupils against school staff;

d. Cases of violence perpetrated by parents in the school environment, against school staff or against pre-preschoolers/preschoolers/pupils;

e. Cases of violence against schools.

Government Decision No. 592/2021 approving the National Strategy for Preventing and Combating Sexual Violence – SYNERGY 2021-2030 and the Action Plan for the Implementation of the National Strategy for Preventing and Combating Sexual Violence – SYNERGY 2021-2030

According to the glossary of terms taken from the programming principles section and the monitoring and evaluation section of the publication developed by UNDP, 2012, 60 UN Women[18], sexual violence is defined as "any sexual act, attempt to obtain a sexual act, unwanted sexual comments or advances, or acts carried out for sexual exploitation purposes, using coercion, threats of harm or physical force, by any person, regardless of their relationship with the victim, in any setting, including – but not limited to – the home and workplace".

Today, an important characteristic of this phenomenon is the presence of sexual violence both offline and online – cybercrimes – and the fact that these forms are often intertwined.

Specific objectives:

SO 1. Primary prevention – actions and measures aimed at preventing sexual violence (generally through actions intended to educate and inform children, girls/women, boys/men).

SO 2. Secondary prevention – measures intended to reduce the negative trend/increase of sexual violence and to prevent relapse. Secondary prevention aims to identify risk factors for sexual violence at an early stage, in general by providing counselling to children, girls/women and perpetrators, and to prevent this kind of situations in the future.

SO 3. Tertiary prevention/measures for combating sexual violence – measures aimed at combating sexual violence and containing the phenomenon. Tertiary prevention aims to reduce the risk of recurring sexual violence and its consequences, which are usually long-term.

SO 4. Institutional capacity and social infrastructure.

17 Such as: bullying, cyberbullying; bodily harm/hitting/throwing objects; immobilisation; forcing children with food allergies or food intolerances to eat/ingest foods that trigger allergic reactions/food intolerances; threats, blackmail, harassment, defamation, terrorisation, deprivation of liberty; unwanted touching, pinching or non-consensual fondling; requests that put pupils in positions that are very similar or identical to sexual exposure; instigation/incitement to violence/hatred/discrimination; encouraging or facilitating suicide; luring minors for sexual purposes; sexual assault, sexual intercourse with a minor, rape, sexual corruption, solicitation of minors for sexual purposes, sexual exploitation, child pornography; killing/murder; child trafficking; other actions that may cause emotional trauma and affect one's dignity or create an intimidating, hostile, degrading, humiliating or offensive atmosphere.

18 http://publichealth.ro/wpcontent/uploads/2015/09/implement_training-anual_RO_web.pdf

Decision No. 533/2024 approving the National Strategy against Trafficking in Persons 2024-2028

Expected results:

1. Effective measures to prevent victimisation and re-victimisation;

2. Integrated measures for financing projects that offer protection and assistance to victims of trafficking in persons;

3. A greater number and better quality of services provided to victims of trafficking in persons;

4. A well-known and widely applied National Mechanism for the Identification and Referral of Victims of Human Trafficking;

5. Human and logistical resources available to key institutions for carrying out anti-trafficking investigations and for providing any kind of support to victims of human trafficking;

6. Specialised training for anti-trafficking professionals;

7. Pro-actively identified victims;

8. Updated and operational National Mechanism for Victim Coordination during criminal proceedings.

Actions to be taken:

1.2.1. Carry out information activities on online child abuse and exploitation in educational establishments and among children in public care.

1.2.3. Roll out child trafficking information and awareness campaigns/actions targeting children and adolescents in both rural and urban areas, especially among vulnerable groups.

1.2.5. Train teachers on how to carry out activities that inform parents and children about the risks of human trafficking.

1.2.6. Carry out activities to inform institutionalised children about child trafficking.

1.4.3. Plan and roll out online campaigns for the prevention of human trafficking, child trafficking and child pornography, specifically addressed to target groups.

1.5.8. Establish and operationalise the National Child Observatory, a national database of children in vulnerable situations (abuse, neglect, extreme poverty).

2.2.4. Expand electronic/technological/modern investigative methods based on technological developments by piloting an online investigation software (OSINT) at two police units.

3.2.1. Carry out information/training activities on how to proactively identify child trafficking situations.

3.4.1. Conduct an analysis and make proposals to amend and supplement the provisions on the assistance and protection of children who are victims of human trafficking, as part of a review of the entire legislation relating to victims of human trafficking.

3.4.3. Train social workers responsible for conducting social enquiries in cases involving children who are potential, alleged or identified victims of human trafficking.

3.4.4. Conduct an appropriate risk assessment before children are reintegrated into their families, considering the best interests of the child.

3.4.5. Evaluate the emotional and psychological support provided by public and private service specialists to children who are victims of human trafficking.

3.4.6. Long-term monitoring of the reintegration of children who are victims of human trafficking.

Decision No. 49/2011 approving the framework methodology for preventing and responding to violence against children and domestic violence through multidisciplinary teams and networks and the methodology for multidisciplinary and inter-institutional interventions targeting exploited children, children at risk of child labour, child victims of human trafficking and Romanian migrant children who are victims of other forms of violence in other states

Goal and objectives:

- Ensure effective and consistent multidisciplinary and inter-institutional interventions.
- Promote violence prevention activities.
- Establish institutional responsibilities and cooperation procedures.

Intervention principles:

- The best interests of the child.
- Prevention of re-victimisation.
- Involvement of children and families in the intervention.
- Respect for confidentiality and professional ethics.

Intervention and cooperation:

- Multidisciplinary teams (social workers, physicians, psychologists, police officers, educators).
- The need for continuing professional development.
- Institutional cooperation based on partnership agreements.

Relevant definitions:

- Violence against children: any form of physical, emotional, sexual and economic abuse or neglect.
- Domestic violence: any act of violence between family members, including against children, spouses, cohabitants.
- Multidisciplinary team: a group of professionals from different fields working together to evaluate and solve a case.
- Other definitions concern abuse, neglect, child exploitation, child trafficking, specific forms of violence against children.

Intervention stages:

- Reporting – this can be done by any person/institution.
- Initial assessment – carried out by the GDSACP within 24-48 hours.
- Comprehensive assessment – identifying the victim's needs.
- Intervention plan – concrete measures (protection, counselling, reintegration).
- Case monitoring – tracking the progress and effectiveness of the intervention.

Role of the community and prevention:

- Community involvement in violence prevention (campaigns, education).
- Support measures for families in need.
- Early identification of risk situations.

Law No. 211/2004 on certain measures to provide information, support and protection to victims of crime

It sets out information, support and protection measures provided to victims of crime.

It transposes Directive 2012/29/EU on victims' rights into national law.

Any person who is the victim of a crime has the right to be recognised as such from the moment they are identified, be treated with respect and professionalism, receive individualised protection and support, obtain financial compensation and have their rights restored. Their family members enjoy the same rights.

General principles:

- Information and support activities focus on:
  - Respecting the **victim's needs** and human dignity;
  - **Avoiding re-victimisation**;
  - **Keeping the victim** and their family **safe**;
  - **Non-discrimination** (criteria: race, sex, age, nationality, religion, sexual orientation, etc.);
  - **Data privacy**;
  - **Swift** measures;
  - **The best interests of the child** – for child victims;
  - **Integrated approach** and inter-institutional cooperation.

Responsible institutions and units:

- Each **General Directorate for Social Assistance and Child Protection (GDSACP)** has a **Victim Support Department**, comprising a social worker, a psychologist and a legal advisor.
- In special cases:
  - Children – pursuant to Law No. 272/2004 and Government Decision No. 49/2011;
  - Domestic violence – pursuant to Law No. 217/2003;
  - Trafficking in persons – pursuant to Law No. 678/2001.
- Services can also be provided by **accredited private providers**.

Support stages:

1. Victim identification;

2. Referral to specialised services;

3. Initial information about rights;

4. Assessment of (psychological, social, legal, medical) needs;

5. Provision of services;

6. Case monitoring.

The assessment concludes with an **assessment report**, retained for up to one year (or for the duration of the support). The GDSACP keeps a **special Register of Victims** and sends statistical data to the Ministry of Justice every six months.

Support and protection services:

Victims can benefit **freely** from:

- Psychological and legal counselling;
- Emotional and social support;
- Information on rights and proceedings;
- Social reintegration;
- Temporary accommodation in emergency centres.

Services are provided **confidentially and with minimal bureaucracy** in day centres or residential centres.

Order No. 6235/2023 of the Minister of Education approving case management procedures for cases of violence against pre-preschoolers/preschoolers/pupils and school staff as well as other similar situations in the school environment and suspected violence against children outside the school environment

The procedures set out working methods, applicable rules and the responsibilities of those involved in inter-institutional and multidisciplinary case management for incidents of school violence.

They define cyberbullying – a form of bullying directed at a child/adult, using digital technology in the online environment, various social networks, text messaging platforms or interactive and online gaming platforms. Unlike psychological violence, which is repetitive and involves one or more children being bullied by another child offline, cyberbullying is persistent in nature and aims to scare, anger or humiliate those targeted, having a significant negative impact on the victim.

To identify cases of bullying and cyberbullying, school staff and pupils use the identification form included in Annex 3 to the Order.

Law No. 217/2003 on preventing and combating domestic violence

Through its relevant authorities, the Romanian state develops and implements policies and programmes aimed at preventing and combating domestic violence, as well as at protecting victims of domestic violence.

'Domestic violence' means any failure to act or intentional act resulting in physical, sexual, psychological, economic, social, spiritual or cyber violence that occurs within the family or domestic environment, between spouses or former spouses or between current or former partners, regardless of whether the perpetrator lived or currently lives with the victim.

'Cyberviolence' – cyberbullying, online messages inciting gender-based hatred, online stalking, online threats, non-consensual publication of intimate details and graphic content, illegal access to communications and private data and any other misuse of information and communication technologies through computers, smartphones or similar devices that use telecommunications, connect to the internet or enable communication via social media or email platforms, with the aim of shaming, humiliating, frightening, threatening or silencing the victim.

It includes an obligation for the Ministry of Transport, Infrastructure and Communications and "its subordinate bodies responsible for preventing, analysing, identifying and responding to cyber infrastructure incidents" to provide "practical assistance to central and local authorities in preventing and responding to cyberviolence" (Article 9).

Although cyberbullying is not covered by specific legislation in Romania, it may be classified under various articles of the Criminal Code as harassment, invasion of privacy, blackmail, threats or sexual corruption of minors, depending on the case.

Criminal Code

- Article 226 – Invasion of privacy – (21) The non-consensual disclosure, distribution, presentation or transmission, by any means, of an intimate image of a person who is identified or identifiable based on the information provided, which is likely to cause them psychological distress or to damage their reputation, shall be punishable by imprisonment for a term of six months to three years or by a fine.
- Article 374 – Child pornography (serious offence)
- Article 221 – Sexual corruption of minors
- Article 222 – Solicitation of minors for sexual purposes
- Article 215 – Exploitation of children for begging
- Article 216(1) – Solicitation of child prostitution
- Article 211 – Child trafficking

Law No. 50/2024 laying down measures for the implementation of Regulation (EU) 2022/2065 of the European Parliament and of the Council of 19 October 2022 on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act), as well as amending and supplementing Law No. 365/2002 on e-commerce

The law has three objectives: designate ANCOM as the coordinator of digital services, in accordance with Regulation (EU) 2022/2065; establish penalties for failure to comply with the obligations set out in the Regulation or by law; other measures required for the proper implementation of the Regulation.

It applies to intermediary services provided to users residing or located in the European Union by intermediary service providers that are established, reside or have a legal representative residing in Romania.

National/judicial authorities may issue:

- Orders to remove illegal content (Article 9, DSA);
- Orders to provide information (Article 10, DSA);
- These orders can be challenged at the Bucharest Court of Appeal under Law No. 554/2004.

Guide to combating illegal content – National Audiovisual Council & Ministry of Education

This is a practical guide[19] issued by the NAC and the Ministry of Education, with details on audiovisual content, NAC notification procedures, methods available to the NAC for removing illicit content and advice on how to protect children from such content.

The types of illegal content that may be subject to an NAC removal order include:

- Content that is harmful to children: videos that are excessively violent or promote self-harm; sexually explicit or obscene content accessible to children; dangerous challenges, use of drugs or prohibited substances; content that promotes eating disorders (e.g. anorexia); inappropriate portrayal of children in videos.
- Hate speech or incitement to violence; incitement to hatred based on gender, age, race, ethnicity, nationality, citizenship, religious beliefs, sexual orientation, education, social class, medical conditions or physical characteristics; promotion of physical or psychological violence; direct threats to an individual or group of people.
- Content prohibited by other laws: child pornography.

19 https://cna.ro/IMG/pdf/MIN_ED_COMBATEREA_CONT_INUTULUI_ILEGAL_I_N_ONLINE_-_GHID_PRACTIC_CNA.pdf

The NAC can request the removal of illegal content from any digital platform that allows users to publish or share material, including: social media platforms like Facebook, Instagram, TikTok, 'X' – where posts, images and videos can be shared quickly and have a major impact; video-sharing platforms like YouTube or Vimeo – where videos with illegal content can reach a large audience.

The removal order is not a form of censorship, but a legal measure applied exclusively to material that violates legal rules and endangers citizens' fundamental rights, public order or national security.

The NAC issues a removal order immediately after it determines, based on the monitoring report prepared upon receiving a petition, that the audiovisual material available on a digital platform violates European or national legislation. Very large online platforms (VLOPs) have different response times, generally 24 hours, depending on the complexity of the case and their internal moderation procedures.

It is recommended that parents install parental control software on the devices used by children; create a safe digital environment at home by having regular discussions, setting clear rules (time limits for internet use and areas where electronic devices are not allowed, such as during mealtimes or before bedtime) and paying attention to children's online activities; encourage children to report any suspicious or worrying content they come across and use the reporting mechanisms provided by platforms to swiftly flag any harmful or illegal content.

Annex 2. Relevant international and European legislation on violence against children, in particular online violence

United Nations Convention on the Rights of the Child, 1989

This is the main legally binding international instrument concerning the rights of the child. It was adopted by the UN General Assembly on 20 November 1989, and Romania ratified it through Law No. 18/1990, becoming one of the first states to do so.

Article 19 of the CRC – Protection from all forms of violence (psychological violence, cyberbullying, online sexual abuse, grooming)

Article 16 of the CRC – Right to privacy (protection of children's personal data, right to privacy in communications (e.g. on social media), limitation of invasive surveillance or behavioural profiling)

Article 17 of the CRC – Access to information and the media (obligation to filter harmful content (child pornography, hate speech, encouragement of suicide, etc.) and educate children about responsible internet use)

Article 34 of the CRC – Protection from sexual exploitation (grooming, abusive live streaming, sextortion, distribution of pornographic material involving children)

General comment No. 25 (2021) on children's rights in the digital environment (UN Committee on the Rights of the Child)

- It explains how States parties should implement the Convention in relation to the digital environment and it provides guidance on the relevant legislative steps, policies and other measures to ensure full compliance with their obligations, considering the opportunities, risks and challenges involved in promoting, respecting, protecting and fulfilling all children's rights in the digital environment.
- Children's rights in the digital environment are fulfilled based on the following principles: non-discrimination, the best interests of the child, the right to life, survival and development, respect for the views of the child.

General measures of implementation:

- Legislation: States should adopt laws that comply with international standards on children's rights in the digital environment.
- Public policies: Integrate online protection into national policies for children.
- Institutional coordination: Establish a coordinating authority with powers relating to children's rights in the digital environment.
- Allocation of resources: Finance digital infrastructure and digital inclusion.

- Data and research: Collect disaggregated data, while respecting confidentiality.
- Independent monitoring: National human rights institutions should also cover the digital field.
- Information and education: Campaigns and training for children, parents, teachers and private stakeholders.
- Private sector: Impose obligations on companies to respect children's rights and conduct impact assessments.
- Digital advertising: Prohibit commercial profiling and manipulative advertising addressed to children.
- Access to justice: Free, confidential, accessible and child-friendly complaint mechanisms concerning the digital environment.

Child protection:

- Violence in the digital environment: Prevent and punish online abuse, including sexual exploitation.
- Family environment and alternative care: Support and guidance for parents in managing digital exposure in a balanced way.
- Children with disabilities: Accessibility and assistive technologies.
- Health and welfare: Promote safe access to digital health services and fight misinformation and advertising for unhealthy products.
- Education: Fair digital infrastructure, digital literacy and data protection in an educational context.
- Culture, play and leisure: Promote a balance between online and offline activities.

Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse – Lanzarote, 25 October 2007 (CETS No. 201)

- The first[20] binding international instrument requiring member States to criminalise all forms of child sexual abuse, including those committed in the family environment, by the authorities or through digital means (including online).
- The Ombudsman is designated as the independent national institution responsible for defending the rights of the child until another independent national institution is established;
- The Ministry of Labour, Family and Social Protection is the national institution responsible for promoting the rights of the child until another independent national institution is established to promote and defend children's rights.
- Areas covered: offences (Articles 18–23), prevention (Articles 4–17), assistance and protection (Articles 30–39), criminal justice (Articles 27–33), international cooperation and monitoring (Articles 38–46).

Convention on Cybercrime (Budapest, 2001)

- The first binding international treaty[21] comprehensively regulating cybercrime and international cooperation in this area.
- It provides criminal law tools to protect children from online exploitation;
- It facilitates international cooperation in cross-border cases (grooming, abusive live streaming, etc.);
- It is complementary to the Lanzarote Convention and the UN Convention on the Rights of the Child (GC 25/2021).

20 Romania signed the Convention on 25 October 2007 and ratified it through Law No. 252/2010.
21 Romania has been a state party since 2004, pursuant to Law No. 64/2004.

Covered areas:

- Offences relating to information technology: offences against the confidentiality, integrity and availability of computer systems (Article 2–6); computer-related forgery and fraud offences (Article 7–8); content-related offences (Article 9); offences relating to copyright infringement (Article 10).

Guidelines to respect, protect and fulfil the rights of the child in the digital environment (Recommendation CM/Rec(2018)7 of the Committee of Ministers – Council of Europe)

The Recommendation aims to support member States in adopting a consistent strategic approach, in line with international standards (e.g. UN Convention on the Rights of the Child, the ECHR), to ensure that children can fully enjoy their rights in the digital environment, including online.

Fundamental principles on which the guidelines are based:

- The best interests of the child – a primary consideration in all actions related to the digital environment.
- Evolving capacities of the child – recognising the child's gradual development.
- Non-discrimination – all rights are guaranteed without discrimination.
- Right to be heard – children have to be consulted on all matters affecting them.
- Duty to engage other stakeholders – the obligation of the state to cooperate with relevant stakeholders (the family, the school, the private sector).

Operational principles and relevant measures:

- Access to the digital environment: Ensuring fair access – including for vulnerable children – & Child-friendly, safe and age-appropriate digital content and services.
- Freedom of expression and information: Protecting children's right to receive and impart information & Educating children about responsible online expression.
- Participation, play, association: Supporting children's civic participation through digital tools & Promoting play and recreational activities online.
- Privacy and data protection: Applying the principles of personal data protection & Prohibiting the automated profiling of children, with limited and well-regulated exceptions.
- Right to education: Promoting digital literacy from an early age & Equal access to digital educational resources.
- Protection and safety: Preventing exploitation, abuse, hate speech & Parental control and age verification systems in line with data protection principles.
- Remedies: Accessible, child-friendly complaint and redress mechanisms (including courts, administrative authorities, Ombudsman).

National frameworks:

- Legal framework: Harmonising national legislation with European/international standards (e.g. the Lanzarote Convention, the Budapest Convention) & Preventing the criminalisation of children in cases of peer-to-peer abuse.
- Policies and institutions: Developing an integrated national strategy & Involving children and relevant stakeholders in the development process.
- National cooperation: Creating an inter-institutional coordinating mechanism & Promoting public-private cooperation and civil society involvement.

International Classification of Violence against Children (ICVAC), 2023

The ICVAC classification unit[22] is a violent act committed against one or more children. Violent acts are therefore classified into mutually exclusive and exhaustive sets of categories based on criteria such as the nature, severity and frequency of the act.

The objectives of the ICVAC are as follows:

- At the international level: to measure the forms of violence against children in a consistent and comprehensive manner, regardless of differences in legislation across countries; improve the comparability of statistics among countries;
- At the national level: to be used as a model to provide structures and organise statistical data on violence against children from different data sources; improve consistency and comparability within and across sectors at country level; help build the capacities of national statistical institutions and improve the quality of data on violence against children; change the basis of national statistics on violence against children from law-based to act-based definitions; create data that will lead to better public policies and programmes to prevent and respond to violence against children, including for those who are particularly vulnerable to violence;
- Violence against children refers to any deliberate, unwanted and non-essential act, whether threatened or actual, against a child or against multiple children that results in or has a high likelihood of resulting in death, injury or other forms of physical and psychological suffering.
- Harmful acts include any act that results in or has a high likelihood of resulting in death, injury, or other forms of physical and psychological suffering. The harmful consequences of violent acts can be immediate or lead to lifelong consequences for the physical and mental health of the child.

The classification is hierarchical:

Level 1: six major categories of violence:

- Violent killing of a child
- Physical violence
- Sexual violence
- Psychological violence
- Neglect of a child
- Other acts of violence not elsewhere classified

Level 2: sub-categories based on severity, frequency, etc.

WeProtect Global Alliance – Model National Response (2015)

- A comprehensive framework to help Member States develop and strengthen their capacity to prevent and tackle the sexual exploitation and abuse of children online.
- The model has a strategic structure comprising six key areas: policies and governance; legislation and criminal justice; victim support; prevention and awareness-raising; capabilities and resources; cooperation and partnerships.

22 https://data.unicef.org/resources/international-classification-of-violence-against-children/

Audiovisual Media Services Directive – Directive 2010/13/EU of the European Parliament and of the Council of 10 March 2010 on the coordination of certain provisions laid down by law, regulation or administrative action in Member States concerning the provision of audiovisual media services

Protection of minors and human dignity (Article 6 and 6a[23]):

- Any content inciting to hatred or violence is prohibited.
- Services that might impair the physical, mental or moral development of minors must be subject to technical restrictions (e.g. special hours, age verification or other technical measures).
- The most harmful content, such as unjustified violence and pornography, is subject to the strictest measures.

Rules for video platforms (e.g. YouTube):

- Protect minors;
- Regulate hate speech;
- Work together to develop codes of conduct and provide users with mechanisms for reporting harmful content.

Directive (EU) 2011/93 on combating the sexual abuse of children

- It lays[24] down minimum rules for defining offences and penalties relating to the sexual abuse and sexual exploitation of children, child pornography and solicitation of children for sexual purposes. It also introduces provisions that strengthen the prevention of these crimes and the protection of their victims.
- It requires the criminalisation of the following acts: sexual abuse (Article 3), sexual exploitation (Article 4), child pornography (Article 5), online grooming (Article 6).

Prevention and intervention

States are required to implement information campaigns and training programmes for professionals (police officers, magistrates, health care personnel, etc.).

Intervention programmes on a voluntary basis for potential offenders – Articles 22–24.

Technical measures for blocking/removing child pornography content – Article 25.

The Directive was transposed into national law through amendments to the Criminal Code and other relevant legislative acts (e.g. Law No. 272/2004 on the protection of children).

Regulation (EU) 2022/2065 – Digital Services Act (DSA)

It contains a number of relevant provisions regarding the protection and promotion of children's rights online, in accordance with the Charter of Fundamental Rights of the European Union and the UN Convention on the Rights of the Child.

Providers of intermediary services that primarily target minors, for example through their design or marketing, or that are predominantly used by minors, should make special efforts to ensure that their terms and conditions are easily understandable to minors.

An online platform is accessible to minors if its terms and conditions allow minors to use the service, if its service is directed at or predominantly used by minors or if the provider otherwise becomes aware that some of its service recipients are minors, for example because it already processes the personal data of its users, which reveals their age. Providers of online platforms used by minors should take appropriate and proportionate measures to protect them. For example, they should design their online

23 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02010L0013-20250208
24 https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02011L0093-20111217

interfaces or parts thereof with the highest level of privacy, safety and security for minors by default, if necessary, or adopt child protection standards or codes of conduct for the protection of minors.

When assessing risks to children's rights, providers of very large online platforms and very large online search engines should consider, for example, how easy it is for minors to understand the design and functioning of their service, as well as how their service may expose them to content that could affect their health or their physical, mental and moral development.

Providers of very large online platforms and very large online search engines have to put in place reasonable, proportionate and effective mitigation measures tailored to specific systemic risks.

Online protection of minors – Providers of online platforms accessible to minors shall put in place appropriate and proportionate measures to ensure a high level of privacy, safety, and security of minors, on their service (Article 28).

Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)

Regarding the provision of information society services directly to a child, the processing of the child's personal data is lawful if they are at least 16 years of age. If the child is under 16, such processing is lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child.

Member States may set, by law, a lower age limit for these purposes, provided that it is not below the age of 13.

In such cases, the controller has to make all reasonable efforts to verify that the holder of parental responsibility has granted or authorised consent, taking into account the available technologies[25].

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – EU Strategy on the Rights of the Child 2021–2024

The Strategy[26] proposes new actions to better protect, promote and fulfil children's rights.

It brings together all new and existing EU legislative, policy and funding instruments related to children's rights within a comprehensive framework.

Specific actions are proposed across six priority thematic areas:

- Participation in political and democratic life;
- Socio-economic inclusion, health and education;
- Combating violence against children and ensuring child protection;
- Child-friendly justice;
- Digital society and information society;
- The global dimension – supporting, protecting and empowering children globally, including during crisis and conflict.

Children's online presence increases their exposure to harmful or illegal content, such as child sexual abuse or exploitation material, pornography and adult content, sexting, online hate speech, misinformation or disinformation, due to the lack of effective parental control or age verification systems.

25 https://eur-lex.europa.eu/eli/reg/2016/679/oj?locale=ro
26 https://eur-lex.europa.eu/legal-content/RO/TXT/?uri=celex%3A52021DC0142

Online exposure also poses risks relating to harmful and illegal contact, such as online grooming, sexual solicitation, cyberbullying, online abuse and harassment.

Overexposure to screens and online activities is a concern for children's mental health and well-being, as it can lead to elevated stress levels, attention deficit, vision problems and a lack of physical and sporting activity.

Commission Recommendation (EU) 2024/1238 of 23 April 2024 on developing and strengthening integrated child protection systems in the best interests of the child

Member States should take effective, appropriate and proportionate measures to further develop and strengthen integrated child protection systems in order to protect children from all forms of violence, meaning all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, physical abuse or abuse occurring online or in virtual worlds ('violence against children').[27]

European Strategy for a Better Internet for Kids (37) (BIK+)

It was adopted in May 2022, with the aim of improving age-appropriate digital services and ensuring that every child is protected, empowered and respected online.

The opinion on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A Digital Decade for Children and Youth: The new European Strategy for a Better Internet for Kids (BIK+) COM/2022/212 was adopted by the Chamber of Deputies in September 2022.

It includes three key pillars:

- Safe digital experiences: Protecting children and youth from harmful online content, conduct and risks and improving their well-being in an age-appropriate digital environment. The European Commission will focus on an EU code for age-appropriate design, on a European standard for online age verification and on supporting systems for reporting illegal and harmful content as well as cyberbullying.
- Digital empowerment: Children and young people need to acquire the necessary skills and competences to make informed choices and express themselves safely and responsibly in the digital environment. This will be achieved through media literacy campaigns and teaching modules for children, teachers and parents through the network of Safer Internet Centres (SIC).
- Active participation: Children and young people need to be respected by giving them a say in the digital environment through more child-led activities to promote innovative, creative and safe digital experiences. This will be achieved by supporting more experienced children in teaching their peers about online opportunities and risks and by carrying out a child-led evaluation of the Strategy every two years.

Fight against child sexual abuse: updated rules to address new technologies

On the 17th of June, the EU Parliament adopted its position[28] on the draft legislation (proposal for a Directive on combating the sexual abuse and sexual exploitation of children and child sexual abuse material and replacing Council Framework Decision 2004/68/JHA – recast)[29] aimed at improving the capacity of EU countries to fight child sexual abuse effectively.

It supported the EU-wide updating of definitions of offences relating to child sexual abuse (CSA) and exploitation. The legislative proposal aims to adapt the regulatory framework to new technologies,

27 https://eur-lex.europa.eu/legal-content/RO/TXT/PDF/?uri=OJ:L_202401238
28 https://www.europarl.europa.eu/news/en/press-room/20250613IPR28905/fight-against-child-sexual-abuse-updated-rules-to-address-new-technologies
29 https://oeil.secure.europarl.europa.eu/oeil/en/procedure-file?reference=2024/0035(COD)

such as artificially generated material (deepfake) that looks very realistic, and ensure that abuse and solicitation can be prosecuted, regardless of whether they occurred online or in the real world.

The proposal includes amendments regarding tougher penalties, including for sexual activities committed against children over the legal age of consent who did not validly and freely give their consent.

It also proposes to abolish limitation periods for crimes covered by the current regulatory framework, given that statistical data show that child victims disclose the abuses they suffered long after the acts were committed. This would also uphold victims' right to claim compensation without time limitations.

In addition, the proposal introduces a new legal definition of consent for children over the age of sexual consent, stating that peer-to-peer interactions based on mutual consent should not be criminalised, except in cases involving dependent relationships or abuse of trust.

Child victim support should be provided free of charge and should include medical and forensic examinations, support in gathering evidence, gender-sensitive medical care as well as access to sexual and reproductive health services. MEPs want this support to be implemented based on the Barnahus model, which involves integrating all relevant services into a single institutional framework for the benefit of child victims.

The European Parliament expressed its position by adopting the legislative proposal with 599 votes in favour, 2 votes against and 62 abstentions. Inter-institutional negotiations between the European Parliament and the Council of the European Union to agree on the final version of the legislative act are scheduled to begin on the 23rd of June.

Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime and replacing Council Framework Decision 2001/220/JHA

The Directive aims to:

- Ensure the **recognition, respect and protection of victims of crime** in all Member States;
- Establish **common minimum standards** on their rights, support and protection;
- Facilitate **judicial and police cooperation** among Member States based on the mutual recognition of judgments.

Fundamental principles

- Victims must be treated with **respect, dignity, professionalism and without discrimination**, regardless of their legal status or residence.
- It is necessary **to prevent secondary and repeat victimisation**, intimidation and retaliation.
- **Special attention is paid to children**, victims with disabilities and victims of gender-based violence.
- An **individualised approach is taken**, focusing on the needs of each victim.

It applies to all offences committed in the EU; criminal proceedings conducted in the Member States; EU citizens and residents, including in the case of cross-border crimes.

Special protection of children:

- Individual needs assessment for each child victim;
- The possibility of being interviewed in a **dedicated room**, recording video statements and avoiding contact with the offender;
- The child has to be informed and involved, depending on his or her age and maturity.

Training and cooperation among institutions

- Member States have to provide **initial and ongoing training** for police officers, prosecutors, judges and support service employees.
- **Cooperation with NGOs and the establishment of 'one-stop shops' for victims** are encouraged.
- **Statistical data** need to be collected to evaluate the implementation of the Directive.

Child-friendly multidisciplinary and interagency response services for children who are victims of violence – Requirements and recommendations

The document sets out international requirements and recommendations for multidisciplinary and interagency (MDIA) services that support children who are victims of violence. It provides a consistent global baseline to ensure child-friendly, trauma-informed and effective services. Inspired by successful models such as Iceland's Barnahús (Children's House), the framework integrates child protection, criminal investigation, medical and therapeutic services into a coordinated system. The requirements promote a supportive environment that prioritises children's rights and well-being, minimising subsequent trauma while ensuring access to justice and care.

Benefits of the standards:

- Ensuring integrated child protection:

The proposed measures aim to provide comprehensive protection, including services that offer care, assistance and access to justice, in a way that reduces the risk of secondary victimisation and child re-traumatisation.

- Improving the efficiency of the justice system:

To obtain credible statements while upholding the principle of the best interests of the child, it is recommended to use forensic interviews that are specially adapted to minors, taking into account their age and vulnerability.

- Consistent implementation across the European Union:

They contribute to establishing a harmonised approach to child-centred services, thereby reducing systemic inequalities in child protection among Member States.

- Strengthening compliance with Sustainable Development Goals (SDGs):

They align with SDG 16.2 (End all forms of violence against children) and SDG 16.3 (Promote the rule of law and ensure equal access to justice) as well as with SDG 5 (Gender equality) through gender-sensitive efforts to combat violence against children.

Beneficiaries of the standards:

Governments and frontline child protection services, such as social assistance agencies, law enforcement bodies, health professionals and legal experts, can use these requirements to implement effective and coordinated responses for children who are victims of violence.

Annex 3. Relevant legislation on violence against children in five European countries, with a focus on online violence

GERMANY

General framework

In Germany, child protection is regulated in a systemic and inter-institutional manner, according to international and European standards on children's rights, with a focus on prevention, proportionate penalties and effective institutional response.

Criminal and child protection laws outline a complex and consistent legal framework designed to protect the physical, mental and moral integrity of minors. Both the German Criminal Code and special laws reflect an integrated and progressive approach to preventing and punishing the abuse, neglect, exploitation and exposure of children and young people to harmful content.

Youth Protection Act (JuSchG)[30]

For the purposes of this law, a child is someone who is under the age of 14, while a young person is someone who is 14 or over but under the age of 18.

Other regulations: movie age ratings or identification of the supplier; protection of minors in public spaces (restaurants, dance events, gambling and gaming halls, events and businesses that are harmful to young people, places that are harmful to young people, alcoholic beverages, smoking in public, tobacco products).

Protection of children in the media (offline and online):

- Mandatory rating of films and video games (FSK/USK systems);
- Labelling obligations for digital apps and platforms.

Article 18(1) defines the media that may jeopardise the development of children or young people or prevent them from growing into independent and socially skilled individuals. The Federal Agency has to compile a list (List of media harmful to young people) based on the decision of the Review Board for Media Harmful to Young People.

The list features, in particular, media that are immoral, cruel or inciting violence, crime or racial hatred as well as media in which:

1. Acts of violence, such as murder and massacre scenes, are described in detail and condoned or

30 https://www.gesetze-im-internet.de/juschg/BJNR273000002.html

2. Vigilantism[31] is suggested as the only effective way of delivering justice.

Media cannot be included on the list:

1. Based exclusively on their political, social, religious or ideological content;

2. If they serve the interests of art, science, research or teaching;

3. If they are in the public interest, unless the way they are presented is unacceptable.

In less serious cases, media may be excluded from the list.

Media will be added to the list if a court has issued a final and binding decision stating that they contain any of the content specified in Section 86, Section 130, Section 130a, Section 131, Section 184, Section 184a, Section 184b or Section 184c of the Criminal Code. The provisions of Article 21(5)(2) remain unaffected.

Media will be removed from the list if the conditions for inclusion are no longer met. After 25 years, inclusion on the list ceases to have effect.

Composition of the Review Board for Media Harmful to Young People:

The Review Board for Media Harmful to Young People comprises: a chairperson; an assessor appointed by each state government; other assessors appointed by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

The chairperson is appointed by the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth.

The head of the Agency proposes a Federal Office employee qualified to hold a judicial position under the German Judges Act. The head of the Agency may also act as chairperson. At least one deputy must be appointed for the chairperson and for each assessor. The state government may delegate its appointment powers to a supreme state authority.

The assessors appointed by the Federal Ministry for Family, Senior Citizens, Women and Youth come from the following fields: art, literature, bookselling and publishing, providers of image storage devices and digital services, independent youth service providers, public youth service providers, teaching staff and the clergy, including from Jewish and other religious communities established as organisations governed by public law.

The chairperson and assessors are appointed for a period of three years. The body that appointed them may dismiss them earlier if they fail to fulfil their obligation to cooperate with the Review Board for Media Harmful to Young People.

The members of the Review Board for Media Harmful to Young People are independent – they are under no obligation to follow any instructions when making decisions.

The Review Board for Media Harmful to Young People needs twelve members in order to make decisions, comprising the chairperson, three assessors from the federal states and one assessor from each of the groups mentioned above.

If the summoned assessors or their deputies do not attend the meeting, the Review Board for Media Harmful to Young People will still have a quorum if at least nine members are present, at least two of whom must belong to the aforementioned groups.

Review Board for Media Harmful to Young People:

It usually acts upon request.

31 Dexonline: 1. An attitude of careful and sustained observation, continuously monitoring what is happening around oneself (in order to prevent, detect or combat any reprehensible, hostile or ill-intentioned action). Synonyms: attention, care 2. Behaviour characterised by care, attention, conscientiousness. 3. A political quality that consists of watching, skilfully recognising the class enemy in whatever form they take and neutralising them.

To order the inclusion on the list, the decision must be made by a two-thirds majority of the Review Board members attending the meeting.

Institutions/entities that can request a review of the list: the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth; the highest youth authorities at the state level; the Central Supervisory Authority for the Protection of Minors in the Media; state youth protection offices; youth protection offices; recognised voluntary self-regulatory bodies; internet complaint bodies funded by the European Union, the federal government, state governments or state media authorities.

Internet complaint bodies funded by the European Union, the federal government, state governments or state media authorities also have the right to request the removal of media from the list or to declare that it is not entirely or largely identical in content to media that has already been included on the list.

Simplified procedure:

As part of a simplified procedure, the Review Board for Media Harmful to Young People may decide to include the media on the list if:

(1) It is clear that they are likely to jeopardise the development of children or young people or prevent them from growing into independent and socially responsible individuals, or

(2) In the case of a digital service, the decision is made upon request or following an opinion from the Central Supervisory Authority for the Protection of Minors in the Media.

It infers the protection from risks relating to content (pornography, violence, hatred), contact (grooming, bullying) and use (addiction).

Federal Agency for Child and Youth Protection in the Media[32]

- A body that inspects media that is harmful to minors and decides whether to include them on the harmful content list and limit minors' access to them;
- Examples of media include: DVDs, books, computer games, television and the internet. Information, entertainment or knowledge is transmitted to people through mass media, computers or mobile phones;
- Any content included on the list is only accessible to adults.
- The aim is to prevent children and young people from coming into contact with media that is harmful to them.
- The index is also an important guide for parents. They can find out which media may have a positive or negative influence on their children's development;
- It is subordinate to the Federal Ministry for Family Affairs, Senior Citizens, Women and Youth;
- It is run by a director;
- The website of the Agency features sign language and simplified language sections.

Basic law – Grundgesetz (German Constitution)

The Constitution lays down the obligation[33] to protect children from violence, both within the family and in society.

Articles 1, 2 and 6 read as follows:

- Article 1 - Human dignity is inviolable (including for children);
- Article 2 - Right to life and physical integrity;
- Article 6 - Special protection granted to families and children by the State.

32 https://www.bzkj.de/bzkj/ueberuns
33 https://www.gesetze-im-internet.de/gg/BJNR000010949.html

Social Code (SGB) - Book VIII (VIII) - Child and Youth Services

Local authorities have the obligation[34] to protect children from abuse, neglect and violence; urgent intervention measures (e.g. temporary removal of the child from the family).

Act on improving the enforcement of the law on social networks – Gesetz zur Verbesserung der Rechtsdurchsetzung in sozialen Netzwerken (NetzDG)

The primary objective of this law[35] is to tackle illegal content on social media platforms and protect users (including minors).

The law applies to digital service providers that operate internet platforms for profit, allowing users to share any content with other users or make it publicly available (social networks). Examples of targeted platforms: Facebook, Instagram, YouTube, Twitter (X), TikTok. Private messaging services (e.g. WhatsApp) do not fall within the scope of NetzDG.

Platforms that provide journalistic and editorial content for which the service provider is responsible are not considered social networks under this law. The same applies to platforms that enable individual communication or the dissemination of specific content.

NetzDG was adopted in response to the proliferation of online hate speech, incitement to violence and distribution of illegal content and it focuses particularly on protecting minors from digital abuse.

NetzDG aims to remove content defined as illegal under the German Criminal Code (StGB), including: Section 86 – Distribution of propaganda material from unconstitutional and terrorist organisations; Section 86a – Use of symbols associated with unconstitutional and terrorist organisations; Section 91 – Instructions for committing serious violent offences endangering the state; Section 100a – Treasonous forgery; Section 111 – Public incitement to commit offences; Section 126 – Disturbing the peace by threatening to commit offences; Section 129 – Setting up criminal organisations; Section 129a – Setting up terrorist organisations; Section 129b - Foreign criminal and terrorist organisations; confiscation; Section 130 – Incitement to mass demonstrations; Section 131 – Depictions of violence; Section 140 – Rewarding and approving offences; Section 166 – Denigration of religious beliefs and religious and ideological communities; Section 184b – Distribution, purchase, and possession of child pornography; Section 185 – Insult; Section 186 – Malicious gossip; Section 187 – Defamation; Section 189 – Defiling the memory of the dead; Section 201a – Violation of privacy and personality rights by taking photos or other images; Section 241 – Threatening to commit a serious offence; Section 269 – Tampering with evidence.

Interstate Treaty on the Protection of Human Dignity and Minors in Broadcasting and Telemedia (Interstate Treaty on Youth Media Protection – JMStV), as amended by the Fifth Interstate Treaty Amending the Interstate Treaties on Media Law (Fifth Media Amendment Treaty), in force since 1 October 2024

The purpose of the Interstate Treaty[36] is to ensure the uniform protection of children and young people from any content on digital information and communication channels that may harm or jeopardise their development or education or may violate human dignity or other legal interests protected by the Criminal Code.

Inadmissible content includes, among others, content that:

- Describes cruel or otherwise inhumane acts of violence against people in a manner that glorifies or trivialises such acts of violence or content that presents the cruelty or inhumanity of an event in a way that violates human dignity. This also applies to virtual representations;

34 https://www.gesetze-im-internet.de/sgb_8/BJNR111630990.html
35 https://www.gesetze-im-internet.de/netzdg/BJNR335210017.html
36 https://www.die-medienanstalten.de/service/rechtsgrundlagen/jugendmedienschutz-staatsvertrag/

- Violates human dignity, in particular by depicting people who are dying or who have been or are being subjected to serious physical or mental suffering or by depicting a real event with no legitimate interest in that particular form of representation or storytelling. Consent is irrelevant;
- Presents children or young people in unnatural, sexually explicit positions; this also applies to virtual representations that constitute child pornography under Article 184b(1) of the Criminal Code or juvenile pornography under Article 184c(1) of the Criminal Code, or pornography depicting violence or sexual acts between humans and animals; this also applies to virtual representations; or
- Is included on the list of media harmful to minors under Article 18(1) of the Youth Protection Act and a decision has been made under Article 18(5) of the Youth Protection Act or an affirmative assessment has been made under Article 18(6) of the Youth Protection Act, or they are entirely or largely identical in content to a work included on that list for which a decision has been made under Article 18(5) of the Youth Protection Act or an affirmative assessment has been made under Article 18(6) of the Youth Protection Act.

Criminal Code (Strafgesetzbuch - StGB)[37]

Provision	Regulated offence
§ 225 StGB – Maltreatment of persons under care	Criminalisation of maltreatment of children under someone's care, custody or guidance.
§ 223 StGB – Bodily harm	Any form of bodily harm inflicted on a child is punishable.
§ 224 StGB – Grievous bodily harm	Aggravating circumstances in cases involving the use of: poison or other hazardous substances; weapons or other dangerous instruments;
§ 176 StGB – Child sexual abuse § 176a – Non-contact child sexual abuse § 176b - Preparation of child sexual abuse § 176c - Aggravated child sexual abuse § 176d - Child sexual abuse causing death § 176e – Dissemination and possession of instructions to commit child sexual abuse	Sexual acts committed with or in front of a child under the age of 14, including grooming, constitute criminal offences.
§ 184b StGB – Child pornography	Producing, distributing or possessing pornographic material depicting children (under 14 years of age).
§ 184c – Distribution, purchase and possession of youth pornographic content	Distributing, purchasing and possessing pornographic content depicting young people – over 14 years old, but under 18 years old.
§ 184l – Sale, purchase and possession of childlike sex dolls	It is punishable by imprisonment for up to five years or a fine.
§ 238 StGB – Stalking	Including repeated online or physical harassment of minors.

FRANCE

General framework

French legislation provides a comprehensive and consistent legal framework for the protection of minors from all forms of abuse, including physical, psychological, sexual and online abuse. The Criminal Code explicitly punishes acts of violence, harassment, corruption, incitement to suicide as well as the production and distribution of illicit content depicting children. The Social Action and Family Code reinforces this framework by ensuring that state interventions focus on the best interests of the child, while also requiring authorities and professionals to report and take action.

37 https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html

In the digital sphere, regulations like the Avia Law and the Studer Law reflect the French state's efforts to adapt child protection to the new risks posed by the online environment through surveillance, parental control and prevention measures. However, finding the right balance between protecting children and respecting fundamental rights – in particular freedom of expression – remains a constant challenge, as highlighted by the Constitutional Council's ruling on online censorship.

Social Action and Family Code (Code de l'action sociale et des familles)

The chapter on family policies defines the purpose of child protection, namely fulfilling a child's basic needs, supporting their physical, emotional, intellectual and social development and safeguarding their health, safety, morals and education, while respecting their rights (Article L112-3). Interventions can also target adults under the age of 21 who are experiencing difficulties that could seriously impact their well-being.

Article L112-4 – All decisions concerning the child shall be guided by his or her best interests, giving due consideration to his or her basic physical, intellectual, social and emotional needs and respecting his or her rights.

The chapter on child protection services, Article L221-1 and subsequent articles[38]:

- Regulate the intervention of CHILD PROTECTION SERVICES (PROTECTION DE L'ENFANCE);
- Establish procedures for protecting children at risk of abuse, neglect or violence;
- Require professionals to report suspicious cases.

The child protection authority is AIDE SOCIALE À L'ENFANCE (ASE).

- **National Child Protection Plan 2020–2025[39]**
- A public strategy for preventing child abuse and violence against children;
- Key measures include: ensuring the safety of children in care and preventing the risk of abuse by establishing a national monitoring framework for child protection reception centres by 2022, with common criteria to standardise the quality of care.

Legislation to protect children from online abuse

The Avia Law No. 2020-766 on combating online hate speech[40] is a French law whose original content was largely deemed unconstitutional by the French Constitutional Council, yet some of its provisions remain in force, namely:

- Setting up an online hate observatory to monitor and analyse online content. It brings together operators, associations, administrations and researchers concerned with preventing and combating these crimes and takes into account the diversity of the audience, particularly children. It is attached to the Audiovisual and Digital Communications Regulatory Authority, which provides its secretariat. The Audiovisual and Digital Communications Regulatory Authority establishes its missions and composition.

As originally adopted, the law aimed to remove terrorist and child pornography content from all websites, as well as hate speech and pornographic content from major social media platforms, collaboration platforms and search engines within 24 hours.

38 https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006074069?init=true&page=1&query=CODE+DE+L%27ACTION+SOCIALE+ET+DES+FAMILLES&searchField=ALL&tab_selection=all

39 https://solidarites.gouv.fr/strategie-nationale-de-prevention-et-de-protection-de-lenfance-2020-2022

40 https://www.legifrance.gouv.fr/loda/id/JORFTEXT000042031970?dateVersion=10%2F05%2F2025&etatArticle=ABROGE_DIFF&etatArticle=VIGUEUR&etatTexte=ABROGE_DIFF&etatTexte=VIGUEUR&page=1&pageSize=10&query=Loi++2020-766+&searchField=ALL&searchType=ALL&sortValue=SIGNATURE_DATE_DESC&tab_selection=lawarticledecree&typePagination=DEFAUT&typeRecherche=date

The French Constitutional Council ruled that the law violated **the fundamental right to freedom of expression**. The following constitutional objections[41] were raised:

- "Given the current media landscape, the widespread development of online public communication services and their importance for participation in democratic life and the expression of ideas and opinions, this right encompasses the freedom to access and express oneself on those platforms";
- "Freedom of expression and communication is all the more precious as it is a prerequisite for democracy and ensures respect for other rights and freedoms. Therefore, any infringement of this freedom must be necessary, appropriate and proportionate to the intended purpose";
- "The distribution of pornographic images depicting children, on the one hand, and incitement to terrorism or glorification of such acts, on the other hand, constitute abuses of freedom of expression and communication that seriously undermine public order and the rights of third parties";
- "The one-hour deadline given to the publisher or host to remove or block access to the content in question does not allow sufficient time for them to obtain a court order before being forced to remove it. Finally, the host or publisher who fails to comply with this request within the given timeframe may be sentenced to one year in prison and a fine of 250,000 euros";
- "For these reasons, the Constitutional Council deems that the legislator has infringed upon freedom of expression and communication in a manner that is inappropriate, unnecessary and disproportionate to the intended purpose";
- "Given the difficulties in assessing whether the reported content is clearly unlawful within the time limit, the penalty imposed for the first infringement and the absence of specific grounds for exemption from liability, the contested provisions will likely encourage online platform operators to remove the reported content, regardless of whether it is clearly unlawful. Therefore, they infringe upon the right to freedom of expression and communication in an unnecessary, inappropriate or disproportionate manner".

Studer Law No. 2022-300 of 2 March 2022 aiming to strengthen parental control over internet-connected devices[42] (the obligations came into force on 13 July 2024)

Terminal equipment intended for the use of online public communications services (personal computers, smartphones, tablets, smart TVs, smart watches, e-readers and game consoles) that provide access to services and content likely to harm children's physical, mental or moral development must be equipped with an easily accessible and easy-to-understand device that allows users to restrict or control children's access to these services and content.

The parental control device must be provided to the user when the equipment is first activated.

Parental controls must block (pre-installed or downloadable) apps that provide access to content prohibited for minors in order to protect them from gambling or betting, violent and pornographic content. They also protect children's personal data collected when the device is activated.

In France, concerns have been raised about the scope of this law, which extends far beyond French national territory, as European producers, distributors and markets intending to sell their products in France would be required to comply with the provisions of this law, which would restrict the freedom of trade.

The National Frequency Agency (Agence nationale des fréquences) monitors compliance with these obligations[43].

41 https://www.conseil-constitutionnel.fr/decision/2020/2020801DC.htm
42 https://www.legifrance.gouv.fr/loda/id/JORFTEXT000045287677/
43 https://www.anfr.fr/accueil - The National Frequency Agency is a public administrative institution established under the Telecommunications Regulation Act of 26 July 1996, with the mission to plan, manage and control the use of radio frequencies in the public domain in France.

'I Protect My Child' – Digital Parenting Information and Support Platform ('Je protège mon enfant' – la plateforme d'information et d'accompagnement à la parentalité numérique)

An online campaign[44] helping parents to support their children in using screens smartly, developed as part of a national partnership aimed at bringing together public and private stakeholders, this platform offers tools, tips and practical resources to better inform and support parents so that they can protect their children.

Criminal Code (Code pénal)[45]

Article	Provision	Relevance
Article 222-13	Violence against children under 15 years of age	Criminalisation of physical or psychological violence against children
Article 227-22	Corruption of minors	Criminalisation of inciting minors to engage in sexual behaviour (including online)
Article 227-23	Child pornography	Producing, possessing, disseminating pornographic images depicting minors
Article 227-24	Dissemination of violent, terrorist or pornographic messages to minors	Applicable also in the online environment
Article 222-33-2-2	Harassment through repeated words or behaviours that aim to or result in the degradation of living conditions, causing damage to physical or mental health	Cyberbullying of minors is explicitly covered.
Article 223-13	Incitement to suicide	Criminalisation of inciting a child to self-harm or commit suicide online

The Criminal Code punishes both **physical violence** and **psychological and digital violence** against children. According to the French Civil Code[46], a minor is a person of both sexes who has not yet reached the age of 18.

ITALY

General framework

Italian legislation provides an extensive and consistent legal framework for the protection of children, which includes provisions from the Criminal Code, special legislative acts and European regulations. Italy explicitly criminalises serious forms of child exploitation, such as child prostitution and pornography (including online pornography), the use of minors for illicit activities (e.g. begging), and the corruption and sexual abuse of minors. Through **Decree-Law No. 123/2023** (Caivano Decree), the Italian state strengthens digital protection measures, aligning with **EU Regulation 2022/2065 (DSA)** and establishing clear responsibilities for online platforms as well as age verification and digital literacy mechanisms.

Decree-Law No. 123/2023 (Caivano Decree) – Urgent measures to tackle youth hardship, educational poverty and juvenile crime as well as to ensure children's safety in the digital environment[47]

This decree, which came into force in 2024, designates the **Communications Regulatory Authority (Autorità per le Garanzie nelle Comunicazioni - AGCOM)** as the national coordinator for digital services, in accordance with EU Regulation 2022/2065 (DSA). It provides the following:

44 https://jeprotegemonenfant.gouv.fr/
45 https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070719/?isSuggest=true
46 https://www.legifrance.gouv.fr/codes/texte_lc/LEGITEXT000006070721/?isSuggest=true
47 https://www.normattiva.it/esporta/attoCompleto?atto.dataPubblicazioneGazzetta=2023-09-15&atto.codiceRedazionale=23G00135

- Block access for children (persons under 18 years of age) to content related to pornography, gambling, weapons, hate groups, drugs, violence, suicide and religious cults.
- Register children's mobile phones in their own names to make it easier for service providers to filter content by age.
- Promote digital and media literacy through guides and awareness campaigns aimed at educators, families and children.

Law No. 71/2017 on the protection of minors for preventing and combating bullying and cyberbullying (Legge Ferrara)[48]

It aims to prevent and combat all forms of bullying and cyberbullying, particularly through preventive action and a strategy for providing care and protection to children as both victims and perpetrators, prioritising formative and educational actions and ensuring interventions for all ages in educational institutions, local bodies, sports organisations and tertiary-sector organisations that carry out educational activities, including non-formal ones. It also applies to those with parental responsibility, who are obliged to guide children in the correct use of technology and supervise them while they use it.

'Cyberbullying' is defined as any form of pressure, aggression, harassment, blackmail, insult, denigration, defamation, identity theft, alteration, illicit acquisition, manipulation or unlawful processing of personal data to the detriment of minors that is carried out electronically. It also includes the dissemination of online content that targets one or more members of a child's family, with the primary and intentional purpose of isolating a child or a group of children by committing serious abuse, launching harmful attacks or ridiculing them.

Any child over the age of 14 and any parent or person responsible for the child who has experienced one of the aforementioned acts may request the data controller or the website or social network administrator to hide, remove or block any of the child's personal data published online.

If, within 24 hours of receiving the request, the responsible party has not communicated its willingness to carry out the requested closure, removal or blocking and has not done so within 48 hours or if it is not possible to identify the data controller or the website or social network administrator, the interested party may submit a similar request to the Data Protection Authority by means of a notification or complaint.

The Ministry of Education has set up a technical committee to develop prevention strategies.

Mechanisms have been identified, allowing children to request the removal of harmful online content.

Regulation implementing Article 41(9) of Legislative Decree No. 208 of 8 November 2021 on programmes, user-generated videos or audiovisual commercial communications addressed to the Italian public and broadcast via a video-sharing platform whose provider is established in another Member State – Resolution 298/23/CONS

Following the transposition of the Audiovisual Media Services Directive (AVMSD), the Communications Regulatory Authority / *L'Autorità per le Garanzie nelle Comunicazioni* (AGCOM) has adopted regulations requiring video-sharing platforms to:

- Implement age verification systems to prevent children from accessing harmful content.
- Ensure transparent content moderation and provide reporting mechanisms for users.

Actions taken:

48 https://www.normattiva.it/esporta/attoCompleto?atto.dataPubblicazioneGazzetta=2017-06-03&atto.codiceRedazionale=17G00085

- In 2024, the Italian Competition Authority fined TikTok[49] €10 million for failing to take adequate measures to protect minors and for promoting potentially harmful content, such as the 'French scar challenge', which encouraged adolescents to self-harm.
- **'Percorsi di tutela' platform[50]**: An online space developed to support organisations and institutions in protecting children from abuse by providing resources, courses and information materials.
- The **Safer Internet Centre[51]** (also known as SIC) was created to provide information, advice and support to children, young people, parents, teachers and educators who have had various online experiences, including negative ones, and to facilitate the reporting of illegal online content. The project is coordinated by the Ministry of Education and Merit, in partnership with some of Italy's leading entities dealing with online security: *the Authority for Children and Adolescents, National Cybersecurity Agency, the Presidency of the Council – Department for the Family, Italian Data Protection Authority, the State Police, University of Florence and Sapienza University of Rome, Save the Children Italy, Telefono Azzurro, EDI Onlus cooperative, Skuola net and the Giffoni Experience Autonomous Body.*

Data protection and the era of digital consent:

- In accordance with the General Data Protection Regulation (GDPR),[52] Italy has set the digital age of consent at 14 years. Below this age, parental consent is required for the processing of personal data.

Criminal Code (Codice penale)

The following are criminalised[53]: child prostitution; child pornography; possession of pornographic material depicting minors under the age of 18; online pornography featuring images of minors under the age of 18 or parts thereof; tourist initiatives exploiting child prostitution; the use of minors for begging; sexual acts with a minor; grooming, including through the use of the internet or other networks or media, etc.

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

General framework

The Department for Education (DfE[54]) is responsible for children's services and education in England, including early years, schools, higher and further education policies, apprenticeships and wider skills programmes. The United Kingdom is a signatory to the UN Convention on the Rights of the Child and is thus obliged to protect children from all forms of violence. Also, the Domestic Abuse Act 2021 was passed to enable the ratification of the Istanbul Convention.

In the United Kingdom, crimes of violence against children are regulated by a comprehensive legal framework, covering physical, psychological and sexual abuse, neglect and other forms of maltreatment.

Children Act 1989 and Children Act 2004 (England and Wales)

These pieces of legislation lay the foundation for the child protection system in England and Wales. The Children Act 1989[55] introduced the principle of the child's best interests, which are paramount in all

49 https://www.lemonde.fr/en/international/article/2024/03/14/italy-fines-tiktok-10-million-for-failing-to-protect-minors_6618466_4.html
50 https://percorsiditutela.savethechildren.it/
51 https://www.generazioniconnesse.it/site/it/home/
52 https://www.normattiva.it/esporta/attoCompleto?atto.dataPubblicazioneGazzetta=2018-09-04&atto.codiceRedazionale=18G00129#
53 https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:regio.decreto:1930-10-19;1398#
54 https://www.gov.uk/government/organisations/department-for-education
55 https://www.legislation.gov.uk/ukpga/1989/41/section/1

decisions concerning the child. The Children Act 2004[56] strengthened this framework by requiring local authorities to cooperate in order to protect and promote children's well-being.

Children and Social Work Act 2017

It has four main objectives[57]:

- Improve decision-making and support for children in care and for those who have previously been in care in England and Wales;
- Improve joint activities at the local level to protect children and facilitate enhanced learning at local and national levels to improve child protection practices;
- Promote child protection by providing relationships and sex education in schools;
- Facilitate the development of a new regulatory framework for the social work profession in England.

It established the national Child Safeguarding Practice Review Panel[58] - an independent group that commissions reviews of serious child safeguarding cases. National and local reviews focus on improving learning, professional practices and outcomes for children. The group meets regularly to decide whether to commission national reviews of child safeguarding cases that are reported to it. The group's decisions are based on the possibility of identifying improvements in cases that it views as complex or of national importance.

The Panel is responsible for:

- Supervising the reviews it commissions.
- Ensuring they are of satisfactory quality;
- Ensuring that reports are completed within an appropriate timeframe;
- Identifying improvements that should be made by partners responsible for protecting people.

The Panel:

- Has statutory powers;
- Is independent of the government;
- Can make its own decisions.

It has a chapter on relationships and sex education regulating:

- **Compulsory education in schools:** It introduces compulsory relationships education in primary schools and relationships and sex education in secondary schools in England. The content has to be age-appropriate, consider pupils' religious background and cover topics like safety in relationships, the characteristics of healthy relationships and their impact on physical and mental health.

Domestic Abuse Act 2021

This act[59] provides a legal definition of domestic abuse and acknowledges that children who witness it are victims. However, abuse between individuals under the age of 16 is not classified as domestic abuse, but as child abuse, being treated in accordance with child protection procedures.

Behaviour is 'abusive' if it involves any of the following: (a) physical or sexual abuse; (b) violent or threatening behaviour; (c) controlling or coercive behaviour; (d) economic abuse; (e) psychological, emotional or other abuse. It doesn't matter whether the behaviour consists of a single incident or repeated incidents.

56 https://www.legislation.gov.uk/ukpga/2004/31/contents
57 https://www.legislation.gov.uk/ukpga/2017/16/contents
58 https://www.gov.uk/government/organisations/child-safeguarding-practice-review-panel
59 https://www.legislation.gov.uk/ukpga/2021/17/part/1

Safeguarding Vulnerable Groups Act 2006

This Act[60] establishes a vetting and barring system for people working with children and vulnerable adults, thus preventing individuals deemed unsuitable from working with these groups.

Born out of the need to address the shortcomings and problems of existing vetting systems, the Act established a robust framework to prevent people deemed unsuitable from working or volunteering with vulnerable groups. It introduced a system of vetting and barring people that pose a risk to vulnerable people, who are identified and prohibited from engaging in regulated activities.

It mandates organisations to promote the well-being of children and vulnerable adults and ensure their safety in various contexts.

It established the Independent Safeguarding Authority (ISA) which oversaw the implementation of the Vetting and Barring Scheme. Its main role was to prevent the access of unsuitable individuals to vulnerable people. This involved maintaining and managing two barred lists: one for individuals prohibited from working with children and another one for those prohibited from working with vulnerable adults.

In 2012, the ISA merged with the Criminal Records Bureau (CRB) to form the Disclosure and Barring Service (DBS). This merger aimed to streamline the vetting process and create a more efficient protection system. The DBS now performs the functions that were previously carried out by the ISA, including maintaining barred lists and conducting background checks. The DBS operates independently to ensure impartial decision-making.

Obligation to report child abuse

There is currently no general legal obligation for individuals in England to report child abuse. However, the government has announced plans to introduce a mandatory reporting obligation for professionals working with children, such as teachers and health workers, under the Crime and Policing Bill. Failure to comply with these obligations may result in criminal and professional sanctions.

The government's statutory guidance for child protection[61] states that "anyone who has concerns about a child's welfare should consider whether a referral needs to be made to local authority children's social care and should do so immediately if there is a concern that the child is suffering significant harm or is likely to do so."

Corporal punishment and the defence of 'reasonable punishment'

In England, parents can invoke the defence of 'reasonable punishment' in cases involving corporal punishment under section 58 of the Children Act 2004, despite the absence of a regulated definition. However, such defence is not applicable in cases involving actual or grievous bodily harm. Slapping was banned in Scotland in 2020, followed by Wales in 2022, resulting in new calls for the UK government to ban the practice in England and Northern Ireland.

It is illegal for teachers, nursery workers and child care workers to smack another person's child. If a person is privately employed by a parent, for example as a babysitter or a nanny, the parent may give that person permission to smack their child, provided that it is reasonable and does not amount to an offence.

A parent can be charged with a criminal offence if they harm their child based on the following offences: wounding and grievous bodily harm; assault occasioning actual bodily harm; cruelty to persons under 16.

The Director of Public Prosecutions for England and Wales has developed a charging standard to help prosecutors determine the appropriate offence in a case. According to this guidance, common assault is when bodily harm does not exceed the following: scratches; abrasions; minor bruising; swelling; reddening of the skin; superficial cuts; a 'black' eye.

60 https://www.legislation.gov.uk/ukpga/2006/47/contents
61 https://www.gov.uk/government/publications/working-together-to-safeguard-children--2

Online Safety Act 2023

Designed to protect children and adults online, it regulates online content.

This Act[62] requires online platforms to protect their users, especially children, from illegal and harmful content, including child sexual abuse material.

The Office of Communications (Ofcom) is the designated regulator, with the power to impose significant fines for failure to comply with these obligations.

To this end, the Act sets out obligations which, in broad terms, require regulated service providers to identify, mitigate and manage the risks of harm (including those that specifically affect individuals with certain characteristics) arising from (i) illegal content and activity and (ii) content and activity that harms children, while (iii) conferring new functions and powers on the regulatory authority, Ofcom.

The duties imposed on providers by this Act aim to ensure (*inter alia*) that services regulated by law are: (a) safe by design and (b) designed and operated in such a way that: (i) a higher standard of protection is provided for children than for adults, (ii) users' rights to freedom of expression and privacy are protected, and (iii) these services are transparent and accountable.

A 'children's risk assessment' of a particular type of service means an assessment of the following matters, taking into account the risk profile of that type of service:

(a) the user base, including the number of users who are children belonging to different age groups;

(b) the level of risk that children will encounter the following issues while using the service: (i) each type of primary priority content that is harmful to children (with each type assessed separately), (ii) each type of priority content that is harmful to children (with each type assessed separately), and (iii) non-designated content that is harmful to children, taking into account different age groups, (in particular) the algorithms used by the service and how easily, quickly and widely content can be disseminated through the service;

(c) the level of risk of harm to children posed by different types of content that is harmful to children, giving separate consideration to children in different age groups;

(d) the level of risk of harm to children posed by harmful content that specifically affects individuals with a certain characteristic or members of a particular group;

(e) the extent to which the design of the service, in particular its functionalities, affects the level of risk of harm to children, identifying and assessing those functionalities that pose higher levels of risk, including: (i) enabling adults to search for other service users (including children) or (ii) enabling adults to contact other users (including children);

(f) the different ways in which the service is used, including service functionalities or other features that influence how much children use the service (for example a feature that enables content to play automatically) and the impact of such use on the level of risk of harm to children;

(g) the nature and severity of the harm that children may suffer as a result of the issues identified in paragraphs (b) to (f), giving separate consideration to children in different age groups;

(h) how the design and operation of the service (including the business model, governance, use of proactive technology, measures to promote users' media literacy and the safe use of the service and other systems and processes) may reduce or increase the risks identified.

Ofcom must develop guidance for service providers, containing examples or types of content that it considers to be or not to be: (a) primary priority content that is harmful to children or (b) priority content that is harmful to children.

Content harmful to children: Ofcom's review and report

1. Ofcom must review: (a) the incidence of content that is harmful to children on regulated user-to-user services, (b) the incidence of search content that is harmful to children on regulated search services and combined services, and (c) the severity of harm that children in the United Kingdom may suffer as

62 https://www.legislation.gov.uk/ukpga/2023/50/contents

a result of that content. 2. Ofcom must draw up and publish a report on the outcome of each review. 3. The report must include advice as to whether, in Ofcom's opinion, it is appropriate to amend sections 61 and 62, specifying the changes that Ofcom recommends. 4. Reports must be published at least every three years. 5. The first report must be published before the end of the three-year period beginning with the day on which this Act is passed. 6. Ofcom must send a copy of each report to the Secretary of State.

Content that is harmful to children' means:

Type of content	Short description
Primary priority content that is harmful to children[63]:	Pornographic content Content which encourages, promotes or provides instructions for suicide. Content which encourages, promotes or provides instructions for an act of deliberate self-injury. Content which encourages, promotes or provides instructions for an eating disorder or behaviours associated with an eating disorder.
Priority content that is harmful to children	• Content which is abusive and targets any of the following characteristics: (a) race, (b) religion, (c) sex, (d) sexual orientation, (e) disability or (f) gender reassignment. • Content which incites hatred against people – (a) of a particular race, religion, sex or sexual orientation, (b) who have a disability or (c) who have the characteristics of gender reassignment. • Content which encourages, promotes or provides instructions for an act of serious violence against a person. • Bullying content. • Content which: (a) depicts real or realistic serious violence against a person; (b) depicts the real or realistic serious injury of a person in graphic detail. • Content which: (a) depicts real or realistic serious violence against an animal; (b) depicts the real or realistic serious injury of an animal in graphic detail; (c) realistically describes serious violence against a fictional creature or the serious injury of a fictional creature in detail. • Content which encourages, promotes or provides instructions for a challenge or stunt highly likely to result in serious injury to the person who does it or to someone else. • Content which encourages a person to ingest, inject, inhale or otherwise self-administer — (a) a physically harmful substance; (b) a substance in such a quantity as to be physically harmful. • 'Disability' means any physical or mental impairment; (b) 'race' includes colour, nationality and ethnic or national origins; (c) references to religion include references to a lack of religion.
Non-designated content that is harmful to children	Types of content that don't fall into the two categories above

In April 2025[64], Ofcom published more than 40 practical measures[65] for tech firms to meet their duties under the Online Safety Act. These will apply to websites and apps used by children in the UK in areas such as *social media*, *search* and *gaming*. This follows consultations and research involving tens of thousands of children, parents, companies and experts.

63 Content is within this subsection if: (a) it consists only of text or (b) it consists only of text accompanied by: (i) identifying content that consists only of text, (ii) other identifying content that is not itself pornographic content, (iii) a GIF which is not itself pornographic content, (iv) an emoji or other symbol or (v) any combination of content mentioned in sub-paragraph (iv). (7) In this section and section 62, 'injury' includes poisoning.

64 https://www.ofcom.org.uk/online-safety/illegal-and-harmful-content/statement-protecting-children-from-harms-online

65 https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/statement-protecting-children-from-harms-online/main-document/codes-at-a-glance.pdf?v=395791

The regulations adopted by Ofcom in April 2025 include:

- Protecting Children from Harms Online: Guidance on Content Harmful to Children[66] – it helps service providers to interpret different types of harmful content;
- Children's Register of Risks[67] – it provides information on how the risks of harm to children manifest themselves online;
- Children's Risk Assessment Guidance and Children's Risk Profiles[68] – incorporating Children's Risk Profiles, it helps service providers to assess the risk of harm to children posed by content harmful to children on their service(s);
- Protection of Children Code of Practice for user-to-user services[69];
- Protection of Children Code of Practice for search services[70].

The measures include preventing minors from accessing the most harmful content related to suicide, self-harm, eating disorders and pornography. Online services must also act to protect children from misogynistic, violent, hateful or abusive material, online bullying and dangerous challenges.

Online service providers covered by child safety duties must complete and register children's risk assessments by 24 July 2025. Pending the completion of the parliamentary process, as of 25 July 2025, they will have to take the safety measures set out in the Codes or use other effective measures to protect child users from content that is harmful to them.

After completing children's risk assessments, services must implement safety measures to mitigate the risks identified for children in these assessments.

Protection of Children Codes (the Codes) include measures that services have to take to address risks affecting children, including:

- Robust age checks: It is currently far too easy for children to access content that is harmful to them online. The riskiest services must use highly effective age assurance methods to protect children from harmful content. If services have minimum age requirements and do not use highly effective age assurance methods to prevent children under that age from using the service, they should assume that younger children are using their service and take appropriate measures to protect them from harm.
- Safer algorithms: Personalised recommendations are currently the main way in which children come across harmful content online. Service providers that have identified a medium or high risk of harmful content must configure their algorithms to make sure that children are not exposed to the most harmful content and take appropriate measures to protect them from other harmful content.
- Effective moderation: All services must have content moderation systems in place to take swift action against content that is harmful to children as soon as they become aware of it.
- User reporting and complaints. Service providers must ensure that their processes are easy to access and use, increase transparency and take appropriate action when users report harmful content.

66 https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/statement-protecting-children-from-harms-online/main-document/guidance-on-content-harmful-to-children.pdf?v=395445

67 https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/statement-protecting-children-from-harms-online/main-document/childrens-register-of-risks.pdf?v=396667

68 https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/statement-protecting-children-from-harms-online/main-document/childrens-risk-assessment-guidance-and-childrens-risk-profiles.pdf?v=396653

69 https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/statement-protecting-children-from-harms-online/main-document/protection-of-children-code-of-practice-for-user-to-user-services-.pdf?v=395966

70 https://www.ofcom.org.uk/siteassets/resources/documents/consultations/category-1-10-weeks/statement-protecting-children-from-harms-online/main-document/protection-of-children-code-of-practice-for-search-services.pdf?v=395675

- Terms and conditions: Service providers must ensure that their terms and conditions are clear and easy to understand for children.
- More options and support for children: In addition to easy-to-use reporting and complaint processes, children need tools and support to help them stay safe online. This includes support information for children who may have been exposed to harmful content and default safety settings for the largest search services. Children should have the option to accept or decline invitations to group chats where they may encounter harmful content.
- Stronger governance: Keeping children safe starts with good governance. All services should have a person responsible for children's safety. Other measures include an annual review of all risk management activities related to children's safety conducted by their management bodies and an employee Code of Conduct establishing child protection standards for employees.
- Services may take alternative child protection measures that are not set out in the Codes. If they do so, they must be ready to demonstrate that the choices they have made meet child safety duties. Services cannot refuse to take action to protect children because it is too expensive or inconvenient – protecting children is a priority. All services, even the smallest ones, will have to take action.

Ofcom says it will update the regulations as new evidence arises on emerging risks to children and the most effective measures to keep children safe online. They will carefully analyse children's risk assessments carried out by service providers and will work closely with those services to better understand how they meet their children's safety duties. They will continue to build their evidence base, drawing on sources such as their ongoing research with children and the Ofcom report on the use and effectiveness of age assurance methods.

The following steps are part of Ofcom's strategy:

- Providers of services that are likely to be accessed by children must complete children's risk assessments by 24 July 2025.
- Assuming that the draft Codes complete the parliamentary process, providers will have to implement the measures set out in the Codes or use other effective measures to protect children from 25 July 2025.
- They will expand the digital toolkit for service providers to support them in completing children's risk assessments and fulfilling their children's safety duties.

DENMARK

General framework

Denmark's legislation on violence against children is among the most rigorous in Europe, being based on national rules as well as international and European commitments. Child protection is regulated by a comprehensive legal framework, which aims to prevent, sanction and respond to cases of physical, psychological and sexual abuse.

In Denmark, child protection is a decentralised yet well-coordinated area, with clear roles for local governments, national authorities, the police, Barnahus, etc.

Parental Responsibility Act (Lov om forældremyndighed og samvær, Act No. 387 of 14 June 1995)

The Act[71] explicitly states that the holder of parental responsibility must take care of the child and can make decisions about his or her personal circumstances based on the child's interests and needs. Parental responsibility implies an obligation to protect the child from physical and psychological violence and any other abusive treatment. This provision was introduced in 1997 and aimed to unequivocally abolish the unregulated right to hit children.

71 https://www.retsinformation.dk/eli/lta/1995/387

The right to 'slap' meant that, within certain limits, parents could punish their children without risking a conviction for violence. This amendment to the law punishes violence against children in the same way as violence against other people.

Child's Act (Barnets Lov)

Among other things, this Act[72] aims to provide support and assistance based on the child or young person's perspectives, resources and needs in order to ensure their best interests. Support and assistance should be tailored to each child or young person, aiming to:

1) Offer the child or young person opportunities for personal growth and skills development, including the chance to engage in relationships and social networks.
2) Promote the child or young person's health and well-being.
3) Support the child or young person's education and give them the opportunity to complete it.
4) Prepare the child or young person for an independent adult life.
5) Ensure continuity of upbringing and a safe care environment that fosters close and stable relationships with adults, including by supporting the child or young person's family relationships and other networks.

Also, adults who are close to the child or young person are responsible for protecting his or her best interests and providing the necessary support and assistance based on a needs assessment.

Social Services Act (Serviceloven)

Among other things, the Act[73] stipulates that children must benefit from early and holistic support so that problems can be prevented and, as much as possible, addressed within the home or their immediate environment. In each case, support should be planned based on a specific assessment of the individual circumstances of each child or young person and his or her family.

The Act also stipulates that support for children and young people must be based on their own resources, and their views must always be given due weight, depending on their age and maturity. As far as possible, any difficulties experienced by a child or young person must be addressed with the involvement of their family.

Order on children's houses (Bekendtgørelse om børnehuse)

Børnehus/Barnahus (Children's House)

The Order[74] defines *Børnehus* as an institution that must contribute to the professional investigation of child abuse when there is suspicion or knowledge that a child or young person under the age of 18 has been abused and when the municipality has to involve hospital services or the police. In cases in which *Børnehus* is used, the municipal council of the municipality where the child or young person resides maintains authority and responsibility throughout the entire process.

Børnehus or their representatives must be available by telephone at all times so that, in urgent cases, the case manager in the municipality where the child or young person lives can receive guidance on investigations, examinations and other urgent actions, as well as assistance in contacting the relevant authorities to initiate urgent investigations. In non-urgent cases, counselling, guidance and coordination take place during the normal operating hours of children's houses.

Established in Denmark in 2023, these centres bring police, justice, social care and medical services together under one roof, ensuring coordinated and child-centred interventions.

72 https://www.retsinformation.dk/eli/lta/2025/282
73 https://www.retsinformation.dk/eli/lta/2015/150#Kap11
74 https://boernehuse.dk/lovgivning/

Definition of 'harmful content' and 'harmful features' for children and young people on social media and other digital services

Danish Safer Internet Centre

This centre[75] (SIC DK) is the result of a partnership between the Media Council for Children and Young People (*coordinator and awareness centre*), Save the Children Denmark (*Danish hotline*) and the Centre for Digital Youth Care (*working as a helpline*). The SIC DK aims to strengthen media literacy among children and young people, prevent and combat illegal digital content and protect children through safe digital experiences and environments.

SIC DK has developed[76] educational guides, including on topics such as children's first experience with a phone/tablet, online games for children or social media.

Proposals concerning the bill submitted by the Ministry of Culture to define 'harmful content' and 'harmful features' for children and young people on social media and other services

In Denmark, a 'Media Agreement 2023-2026: A commitment to free media and strong Danish content' was signed in 2023, whereby, among other things, the Ministry of Culture undertook to regulate online content that is harmful to children.

Thus, the agreement mentions that children and young people in Denmark must benefit from "safe digital education, striking a healthy balance between physical and digital communities, which supports their well-being, emancipation and courage in life". Among other things, on social media and other digital services, they risk being exposed to content that is harmful but not necessarily illegal (e.g. suicide, self-harm, disinformation).

There is a need to develop a more detailed definition of what constitutes 'harmful content' and obtain information on how it impacts the well-being of children and young people.

An investigation is needed to determine how children and young people can be better protected from harmful and age-inappropriate online content, retention mechanisms and behavioural patterns, for example through age verification.

The agreement also proposes concrete measures that can strengthen the protection of children and young people online, including potential regulations. To this end, it establishes that the relevant stakeholders – including organisations and researchers dealing with digital issues that affect children and young people – need to be involved. Also, the experience of other countries in managing harmful content and functions, especially with regard to children and young people, has to be considered.

In this regard, the Danish Ministry of Culture asked the entities involved in the protection of children for their opinions on how to regulate 'harmful content' online. We note the following opinions:

Opinion of the Danish Data Ethics Council:

- It deems it essential to adopt a clear and well-founded definition of 'harmful content'. The Council suggests the following definition: "Harmful content is any content that harms a person. Content is any online content, including text, images, audio, video and interactive elements. Harm is defined as a decline in a person's well-being, for example through exposure to content, which leads to physical pain, psychological suffering, financial loss, low self-esteem, social exclusion or the loss of physical, social or cognitive skills."
- In this context, it finds that it may be relevant to assess (i) the risk that a type of content may cause harm, (ii) the scale and nature of the harm caused by content, (iii) how often that type of content appears in digital services, (iv) the cumulative effects of repeated exposure and (v) how the risk of harm varies across relevant groups.

75 https://www.sikkerdigital.dk/
76 https://www.sikkerdigital.dk/borger/laer

- It proposes that a type of content be classified as harmful when the average user's exposure to that content is likely to cause harm.
- 'Type of content' can be defined in different ways, for example as topics, messages, formats or effects. Therefore, content should be classified as harmful if exposure is likely to cause harm to users.

Opinion of the Danish Institute for Human Rights:

- "Online content is protected by the right to freedom of expression and information, as set out in Article 10 of the European Convention on Human Rights and in Article 11 of the EU Charter of Fundamental Rights. Determining whether content is illegal and why the service provider should block or remove it often requires striking a difficult balance between freedom of expression and information and the impacted rights."
- "If providers are encouraged to manage harmful content along with illegal content and can be held accountable for it, there is a risk that they may remove more content than necessary out of caution. This is a well-documented risk that can have a negative impact on freedom of expression and information. In addition, the raw list does not necessarily consider the functions in their proper context and could ban functions that do not directly violate fundamental rights (and are therefore disproportionate), while accepting functions that directly violate fundamental rights but are not on the list."

Opinions of Red Barnet – Danish Red Cross:

- In general, 'harmful content' can be difficult to define because it is often important to distinguish between the various ways in which content can be harmful, for example transgressive content (individual), violent content (individual, but also age-dependent) or other ways in which someone may be impacted, significantly affecting their thoughts/emotions/behaviour/physical reactions. The type of harmful content varies depending on age, cognitive development, context, etc.
- Online abuse (including sexualised online abuse, discrimination and harassment) has consequences that are as serious as abuse and crime.
- Examples of violent content that can be harmful (not only to children but to everyone) include material depicting self-harm, suicide, murder, violent images of war, abuse and calls to engage in very risky activities.
- The definition of 'harmful' should consider that harmful effects may vary depending on age, cognitive development and context. With regard to children and young people, it is particularly important to know that content that is not harmful in itself can have harmful effects on this group due to their age and cognitive development.

Opinion of the Danish Crime Prevention Council (DKR)[77]:

- Definitions of 'harmful content' and 'harmful features' should consider that young people and children are different and have different abilities when it comes to navigating the internet safely. Vulnerable children, such as children with low self-control, children with limited adult care, children in foster care and children with cognitive impairments, may also be more at risk than other children in online contexts. It would be helpful if the definition included specific examples of what is harmful, when it is harmful and for which age groups it is harmful.
- Harmful content is not static, just as the digital infrastructure – with its platforms, open and closed chat groups and encrypted services – is constantly evolving (Facebook, Instagram, Messenger, Snapchat, TikTok, Discord, Telegram, WhatsApp, etc.).
- As regards the definition of harmful content, the Council notes that it should be clearly specified in order to be able to legislate in this area, and that digital media platforms must be able to implement the legislation.

77 https://dkr.dk/hoeringssvar/2024/jun/skadeligt-indhold-for-boern

- It recommends a greater focus on preventive measures. The Council recommends that schools prioritise digital education from grade 0 through systematic and continuous teaching. Children's ability to critically assess content, technology, algorithms and digital infrastructure is crucial for them to be able to navigate the internet safely.
- When defining harmful content and harmful features, consideration should also be given to other European/Western countries that have legislated in this area. It is also important to ensure that the definitions are in line with EU rules, definitions and (future) legislation in this area.

Criminal Code (Straffeloven)

The Code[78] contains the following regulations on crimes against children: sexual offences; distribution of sexual material, such as photographs, films or other visual representations depicting persons under 18 years of age; possession – whether free of charge or for a fee, via the internet or a similar information-sharing system – of sexual material belonging to persons under 18 years of age, such as photographs, films, other visual representations, etc.

Cases involving threats to a child's life, serious violence, serious harm to a child, systematic or organised dissemination are considered to be particularly aggravating circumstances.

78 https://www.retsinformation.dk/eli/lta/2024/1145

Annex 4. Regulation of forms of violence (as defined by the ICVAC): Romania-Germany comparison

Type of regulated violence	Definitions (ICVAC)	Specific aspects potentially associated with identified types & observations Romania	Legislation 1 Romania (0 –unregulated, 1 – regulated; regulatory elements considered good practice/ regulatory gaps) – breakdown	Legislation 2 Germany (0 – unregulated, 1 –regulated; regulatory elements considered good practice/ regulatory gaps) – breakdown	Specific aspects potentially associated with identified types & observations Germany
Minor assault (202)	Intentional or reckless application of minor physical force inflicted upon the body of a child resulting in no immediate physical injury or in minor injury.	Aggravating circumstances if **the victim is a child**: - Bodily harm (Article 194(2¹) (b) of the Criminal Code); Aggravating circumstances if committed by a **family member**: Article 193 of the Criminal Code – Battery or other acts of violence, Article 194 of the Criminal Code – Bodily harm, Article 195 of the Criminal Code – Battery or injury causing death	**1**: Article 208 of the Criminal Code – Harassment; Article 193 of the Criminal Code – Battery or other acts of violence; Article 194 of the Criminal Code – Bodily harm; Article 197 of the Criminal Code – Child maltreatment: *Any measure or any kind of treatment adopted by a parent or carer that seriously endangers the physical, intellectual or moral development of the child shall be punishable with imprisonment for a term of three to seven years and the revocation of certain rights.* - Article 95 of Law No. 272/2004	**1** - Article 223 of the Criminal Code – Bodily harm; Article 1631 of the Civil Code – Content and limits of child care - (2) *Children have the right to a non-violent upbringing. Corporal punishment, psychological harm and other degrading measures shall be inadmissible.*	**Cyberbullying** can cause psychological trauma comparable to physical violence.

Severe assault (201)	Intentional or reckless application of serious physical force inflicted upon the body of a child resulting in serious injury.	Aggravating circumstances if **the victim is a child**: - Unlawful deprivation of liberty (Article 205(3)(b) of the Criminal Code); - Domestic violence (Article 199 of the Criminal Code); - Aggravating circumstances if committed by a **family member**: Article 195 of the Criminal Code – Battery or injury causing death.	**1**: Article 194 of the Criminal Code – Bodily harm; Article 182(e) of the Criminal Code – Exploitation of a person; Article 188 of the Criminal Code – Homicide, in case of death (murder); Article 199 of the Criminal Code – Domestic violence, if committed within the family; Article 282 of the Criminal Code – Torture; Articles 440-442 of the Criminal Code – War crimes against persons; Article 439(g) of the Criminal Code – Harm to a person's physical or mental integrity; Article 193 of the Criminal Code – Battery or other acts of violence; - Article 110(2) – Law No. 272/2004 on the protection and promotion of children's rights	**1 -** Article 226 of the Criminal Code – Grievous bodily harm; Article 224 of the Criminal Code – Gefährliche Körperverletzung (Dangerous bodily harm) – if a weapon or dangerous object is used or if cruelty is involved; Article 225 of the Criminal Code – Maltreatment of persons in one's care; Article 229 of the Criminal Code - Negligent bodily harm –a person causing bodily harm to another person through negligence.	Dangerous bodily harm – if a **weapon** or **dangerous object** is used or if cruelty is involved. It is punished more severely if the **perpetrator** had **a duty of care** towards the child. **Repeated acts**: If the violence is persistent or reflects a pattern of abuse, the punishment is more severe (Article 46 of the Criminal Code). **Note:** The punishment is more severe in Germany (up to 10 years)
Isolating a child (203)	Separating a child from other children or adults to whom he/she is connected, including while in residential care, police custody or detention.	It is limited to acts committed by public officials – Article 296 of the Criminal Code.	**0.** - It is not expressly regulated as a distinct crime in the Criminal Code, but it may fall under: Article 205 of the Criminal Code – Unlawful deprivation of liberty; Article 282 of the Criminal Code – Torture; Article 197 of the Criminal Code – Child maltreatment; Article 296 of the Criminal Code – Abusive conduct, if committed by an official (educator, police officer, social worker) Article 95 of Law No. 272/2004 on the protection and promotion of children's rights; Psychological abuse, within the meaning of Article 94(1) of Law No. 272/2004 on the protection and promotion of children's rights, which provides for a child's right to live in an environment that is free from abuse.	**1** - Article 239 of the Criminal Code – Freiheitsberaubung (Deprivation of liberty); Article 171 of the Criminal Code - Violation of the duty of care or upbringing: A person who seriously neglects their duty of care or upbringing towards a person under the age of 16, thereby seriously endangering the physical or mental development of the person in their care or risking their involvement in crime or prostitution, shall be punishable with imprisonment for up to three years or a fine. Article 1684 of the Civil Code – Contact between the child and his or her parents Article 1631 of the Civil Code – Content and limits of child care Article 225 of the Criminal Code – Maltreatment of persons in one's care	Denial of access to support networks or social isolation through controlled access to communications can constitute psychological abuse, including in the online environment.

Non-contact sexual violence (303)	Any form of verbal or non-verbal non-physical conduct, whether isolated or persistent, that involves unwanted references to any part of the body used for sexual activity or to the sexuality of the child, including conduct facilitated via technology.	**Article 221** of the Criminal Code – Sexual corruption of minors – paragraph (4) **Any adult who causes a minor under the age of 16** to witness acts of exhibitionism, performances or shows involving sexual acts of any kind or who provides the minor with pornographic material shall be punished; Article 221(4[1]) Any adult who incites a minor under the age of 16, through **means of remote communication**, electronic communication or social media, to commit any act of a sexual nature on themselves, on another person or with another person, including when the act of a sexual nature is not completed, shall be punished by imprisonment for a term of six months to three years or by a fine. **When the perpetrator is a family member – Law No. 217/2003**	**0. -** It is not expressly regulated as a distinct crime in the Criminal Code, but it may fall under: Article 223 of the Criminal Code – Sexual harassment; Article 206 of the Criminal Code – Threat; Article 374 of the Criminal Code – Child pornography; Article 221 of the Criminal Code – Sexual corruption of minors – Article 221(4) of the Criminal Code – Sexual corruption of minors; Article 207 of the Criminal Code – Blackmail; Article 221(4[1]) – The act of an adult who incites a minor under the age of 16 through means of remote communication, electronic communication or social media; Article 219[1] of the Criminal Code – Sexual assault of a minor, paragraph (3)(d) – the act was committed for the purpose of producing pornographic material; Law No. 217/2003 on preventing and combating domestic violence, if the perpetrator is a family member – Article 4(1)(h) cyberviolence.	**1. -** Article 176 of the Criminal Code – Child sexual abuse; **Article 176a of the Criminal Code – Non-contact child sexual abuse; 176b of the Criminal Code – Child grooming; Article 184a of the Criminal Code – Distribution of pornographic content depicting acts of violence or sexual acts with animals; Article 184b of the Criminal Code – Distribution, purchase and possession of child pornography; Article 238 – Stalking – including by means of telecommunications or other means of communication; Article 241 – Threatening to commit a serious offence**	**Online grooming** cases (e.g. adults sending messages with sexual connotations to minors on social media or through online games) are constantly punished in Germany under Article 176b of the Criminal Code. The German Criminal Code does not explicitly criminalise cyberbullying. Online: it includes non-consensual sexting, grooming, sending messages with sexual content to children.
Sexual assault (302)	Touching the private parts of a child (not including penetration) or making a child touch the private parts of someone else, with or without the use of force and without consent because the child is too young to consent or consent is not given.	**Distinct crime** for child victims If the acts are **committed by parents or relatives**: statutory aggravating factors - Article 219[1](3)(a)(b).	**1.** Article 219[1] of the Criminal Code – Sexual assault of a minor; Article 218[1](2) of the Criminal Code – Rape of a minor. The attempt is punishable.	**1.** - Article 176 of the Criminal Code – Child sexual abuse; Article 176a of the Criminal Code – Non-contact child sexual abuse; Related offences (possibly concurrent): Article 225 of the Criminal Code – Maltreatment of persons in one's care; Article 184b of the Criminal Code – Distribution, purchase and possession of child pornography.	Germany has a clear age limit: under 14 – lack of consent

Rape (301)	Vaginal, anal or oral penetration of a sexual nature of the body of a child with any bodily part or object, with or without the use of force and without consent because the child is too young to consent or consent is not given.	Distinct crime for child victims If the perpetrator **administers substances** to facilitate the act, this can also fall under Article 193 of the Criminal Code (Battery) or Article 192 (Negligence causing bodily harm), in concurrence. An act committed by **two or more individuals** If the acts are committed by parents or relatives: statutory aggravating factors – Article 218[1](4)(a)(b)	**1.** - Article 218[1](2) of the Criminal Code Law No. 272/2004 on the protection and promotion of children's rights Article 110 (2) According to their responsibilities, public institutions and authorities shall adopt specific regulations and take appropriate measures to prevent, among other things: e) the involvement of children in armed conflicts; Article 218[1](4) of the Criminal Code – Rape of a minor – it is punishable by imprisonment for a term of three to ten years if (e) it is committed by two or more individuals acting together, as set out in paragraph (5[2]) (a).	**1. -** Article 177 – Sexual assault; sexual coercion; rape Article 176 of the Criminal Code – Child sexual abuse; Article 176c of the Criminal Code – Aggravated child sexual abuse	
Terrorizing a child (401)	Repeatedly making a child feel frightened by threatening to kill, hurt or abandon him/her.	Article 197 of the Criminal Code – Child maltreatment: if **committed with a weapon**, it is considered an aggravating circumstance (Article 77(d) of the Criminal Code); - Law No. 217/2003, Article 4(b), if the perpetrator is a **family member.**	**1.** - Article 206 of the Criminal Code – Threat; Article 197 of the Criminal Code – Child maltreatment; Psychological violence (Law No. 217/2003 on preventing and combating domestic violence, Article 4(b) – if the perpetrator is a family member.	**1.** - Article 241 – Threatening to commit a serious offence; Article 225 of the Criminal Code – Maltreatment of persons in one's care – Physical or psychological abuse of a child under the perpetrator's care, supervision or guardianship.	Consideration is given to the child's **dependent relationship** with the perpetrator – a parent, guardian, caregiver, etc.
Harassing, spurning and humiliating a child (402)	Repeated interactions with a child that convey that he/she is worthless, flawed, unloved, unwanted, endangered or only of value in meeting others' needs.	The perpetrator is a **family member**. If it is committed **in school**.	**1**. Article 197 of the Criminal Code – Child maltreatment; Article 208 of the Criminal Code – Harassment; Article 206 of the Criminal Code – Threat; Article 207 of the Criminal Code – Blackmail, if the child is emotionally manipulated or coerced; - Psychological violence – Article 4(b) of Law No. 217/2003 on preventing and combating domestic violence, if the perpetrator is a family member; Article 374 – Child pornography; Article 375 – Indecent exposure. - **Bullying** – if committed in school – Order No. 4342/2020 approving the Methodological rules for implementing the provisions of Article 7(11), Article 561 and paragraph 61 of the Annex to the National Education Law No. 1/2011 regarding psychological violence. Law No. 272/2004 on the protection and promotion of children's rights Protection of children from abuse, neglect, exploitation and any form of violence – Article 89, Article 94.	**1** - Article 225 of the Criminal Code – Maltreatment of persons in one's care – Physical or psychological abuse of a child under the perpetrator's care, supervision or guardianship. Article 171 of the Criminal Code - Violation of the duty of care or upbringing Article 1666 of the Civil Code – Judicial measures for endangering the best interests of the child	It refers to **children under the care of the perpetrator**: parents, guardians, caregivers, teachers, educators. Aggravating circumstances: 1. Death or serious harm, or 2. Significant impairment of their physical or mental development. In Germany, repeatedly and systematically saying things like "You are worthless", "Nobody loves you", "You exist only to do what I want" to a child is considered mental abuse of a person in care (Schutzbefohlene).

Exposure of a child to domestic violence (403)	Exposure of a child to an act of physical, sexual or psychological violence that occurs within the family or domestic unit between intimate partners, resulting in or with a high likelihood of resulting in psychological, social, emotional and behavioural problems.	Article 197 of the Criminal Code – if it results in severe deterioration of mental health	**1.** Physical violence Article 193 of the Criminal Code – Battery or other acts of violence Article 194 of the Criminal Code – Bodily harm Article 197 of the Criminal Code – Child maltreatment Psychological violence – It is not defined as a distinct crime, but it may fall under: Article 197 of the Criminal Code – if it results in severe deterioration of mental health Article 206 of the Criminal Code – Threat Article 208 of the Criminal Code – Harassment Article 207 of the Criminal Code – Blackmail, if the child is emotionally manipulated or coerced Sexual violence Article 218[1] of the Criminal Code – Rape of a minor Article 219[1] of the Criminal Code – Sexual assault of a minor Article 221 of the Criminal Code – Sexual corruption of minors Articles 374–375 of the Criminal Code – Child pornography, indecent exposure If the acts are committed by parents or relatives: statutory aggravating factors – Article 218[1](4)(a)(b) and Article 219[1](3)(a)(b). Domestic violence Article 4 – Law No. 217/2003 on preventing and combating domestic violence (if the perpetrator is a family member) – paragraph (1) (a) verbal violence, (b) psychological violence, (c) physical violence, (d) sexual violence.	**1** - Article 225 of the Criminal Code – Maltreatment of persons in one's care – Physical or psychological abuse of a child under the perpetrator's care, supervision or guardianship. Article 223 of the Criminal Code – Bodily harm, Article 224 of the Criminal Code – Gefährliche Körperverletzung (Dangerous bodily harm) – if a weapon or dangerous object is used or if cruelty is involved. Article 1666 of the Civil Code – Judicial measures for endangering the best interests of the child	Article 1666 of the Civil Code – The judicial measures taken in accordance with subsection (1) include the following: 1. Instructions for applying for public assistance, such as child and youth protection benefits and medical care; 2. Instructions for complying with the obligation to attend school; 3. Prohibition from temporarily or indefinitely using the family residence or other dwelling, coming within a specified radius of the residence or visiting other places where the child frequently spends time; 4. Prohibition from establishing contact with the child or requesting a meeting with the child; 5. Replacement of statements made by the person with parental authority; 6. Partial or complete removal of parental authority.
Exposure of a child to other violent experiences (404)	Exposure of a child to community violence or delinquency resulting in or with a high likelihood of resulting in psychological, social, emotional and behavioural problems.		**0. - It is not expressly regulated as a distinct crime in the Criminal Code, but it may be classified as:** Psychological violence - It is not defined as a distinct crime, but it may fall under: Article 206 of the Criminal Code – Threat; Article 197 of the Criminal Code – Child maltreatment Physical violence Article 193 of the Criminal Code – Battery or other acts of violence; Article 194 of the Criminal Code – Bodily harm; Article 197 of the Criminal Code – Child maltreatment. School shooting is not explicitly regulated in Romania, but it may be classified as psychological violence.	**1.** Article 171 of the Criminal Code – Violation of the duty of care or upbringing; Article 225 of the Criminal Code – Maltreatment of persons in one's care – Physical or psychological abuse of a child under the perpetrator's care, supervision or guardianship. Article 1666 of the Civil Code – Judicial measures for endangering the best interests of the child	

Neglect of a child (501-505)	Ongoing failure to protect a child from harm, including through lack of supervision, or ongoing failure to provide a child with basic necessities, including adequate food, shelter, clothing when those responsible for the child's care have the means, knowledge and access to services to do so.	Ongoing failure to protect a child from harm, including through lack of supervision, or ongoing failure to provide a child with basic necessities, including adequate food, shelter, clothing when those responsible for the child's care have the means, knowledge and access to services to do so.	**0. - It is not expressly regulated as a distinct crime in the Criminal Code, but it may fall under:** Article 197 of the Criminal Code – Child maltreatment; Article 378 of the Criminal Code – Family desertion. Law No. 272/2004 on the protection and promotion of children's rights, Article 94(2) – Child neglect; Article 97(1) - the obligation to supervise children and take all necessary measures to prevent them from begging or facilitating begging; Article 94(1) – Child abuse. Law No. 217/2003 on preventing and combating of domestic violence, if the perpetrator is a family member: Article 4(4) (a) verbal violence, (b) psychological violence, (c) physical violence 'Secret' (anonymous) abandonment at birth is NOT regulated by Romanian law. In Romania, there is no legal system for anonymous births or baby boxes.	1. Article 171 of the Criminal Code - Violation of the duty of care or upbringing; Article 225 of the Criminal Code – Maltreatment of persons in one's care – Physical or psychological abuse of a child under the perpetrator's care, supervision or guardianship. Article 1666 of the Civil Code – Judicial measures for endangering the best interests of the child	

ISO standards			Civil Code – Article 263(1) The principle of the best interests of the child; Law No. 272/2004 on the protection and promotion of children's rights – Article 2(1); Article 2(6); Article 6; Article 29(1); Article 32(2); Article 34(1); Government Decision No. 49/2011 Law No. 211/2004 on certain measures to provide information, support and protection to victims of crime – Article 33; Article 3[9](6); Article 4(6); Law No. 303/2022 on the status of judges and prosecutors – Article 270(1); Article 271(g)(s); Article 272; Civil Code – Article 263(4); Code of Criminal Procedure – Article 111(6); Article 111(9); Article 113; Article 124(1)(2)(4); Code of Civil Procedure – Article 226(1); Constitution of Romania – Article 16(1); Article 6; Article 7; Charter of Fundamental Rights of the European Union	Article 1666 of the Civil Code – Judicial measures for endangering the best interests of the child; Social Code (SGB) - Book VIII (VIII) – Child and Youth Services; Code of Criminal Procedure (StPO) – It regulates **interviews with minors and the protection of victims** – Article 58a Audio and video recording of the interview (1) The testimony of a witness may be recorded using video and audio. This recording shall be made after due consideration of the relevant circumstances and shall be conducted as a judicial hearing in order to: 1. better protect the legitimate interests of persons under the age of 18 and of those who were harmed as children or young people by one of the offences referred to in Article 255a(2). **Multidisciplinary team**: Cooperation between the police, the Public Prosecutor's Office, the Youth Welfare Office (Jugendamt), doctors, forensic psychologists; local or regional protocols have been established (e.g. Landesjugendamt -Child Protection Act (Bundeskinderschutzgesetz – BKiSchG) - **Child-centred approach** – SGB VIII, Article 8 – Child's right to be heard; Article 8a of SGB VIII – Protection from dangers **Child-friendly spaces** – Many states have child-friendly interview centres (Kinderschutzambulanzenzen, Kinderschutzzentren); some use the Barnahus model (e.g.: Cologne, Munich). **Child participation** – Article 8 of SGB VIII – The right of the child to be involved in and informed about decisions that affect him or her.	The federal states of Bayern, Baden-Württemberg and North Rhine-Westphalia use child protection clinics (Kinderschutzambulanzen) and integrated intervention teams. **Barnahus projects** are being piloted in Cologne and Hamburg. In Germany, there is a legal obligation to protect children from **re-traumatisation**. **Regional Child Protection Clinics (Kinderschutzambulanzen)** promote better medical care for children and thus contribute to further improvements in the child protection system. Their task is to investigate **acute and chronic forms of physical or psychological abuse or neglect as well as sexual violence against children**, sometimes with the help of youth protection and healthcare professionals. https://www.berlin.de/sen/jugend/familie-und-kinder/kinderschutz/netzwerk-kinderschutz/#ambulanzen Germany has clearer provisions on **preventing contact with the offender**. **Multidisciplinary evaluation and monitoring**: In Germany, collaboration between the authorities is mandatory.

Notes:
GERMANY
Criminal Code: https://www.gesetze-im-internet.de/englisch_stgb/englisch_stgb.html
Civil Code: https://www.gesetze-im-internet.de/englisch_bgb/englisch_bgb.html
Code of Criminal Procedure: https://www.gesetze-im-internet.de/englisch_stpo/englisch_stpo.html
Social Code: https://www.gesetze-im-internet.de/sgb_8/

Annex 5. Criteria grid for analysing the alignment of national legal provisions with international instruments and standards regarding children's rights and their protection from violence (in particular from technology-facilitated violence, including online violence)

Type of regulated violence	Definitions (ICVAC)	Specific aspects potentially associated with identified types - details	Legislation 1 Romania (0 – unregulated, 1 – regulated; regulatory elements considered good practice/regulatory gaps) – breakdown	Legislation 2 Other country (0 – unregulated, 1 – regulated; regulatory elements considered good practice/regulatory gaps) – breakdown	Observations
Minor assault (202): slapping, pinching, ear pulling, hair pulling, intentionally pushing or otherwise physically assaulting a child without seriously injuring him or her, spanking, scratching, forcing a child to stay in an uncomfortable position	...	Facilitated by digital technology (including online)/ offline, the child's sex, age, migrant status, ethnicity, relationship with the alleged perpetrator, sex and age of the alleged perpetrator, place of the incident, history of assault, etc.	...	...	...
Severe assault (201): punching, kicking or hitting with hard objects, burning, mutilating, choking, poisoning, knifing or stabbing with other sharp objects, striking the head or other parts of the body, causing severe pain, wounding and endangering the health of a child		Facilitated by digital technology (including online)/ offline, the child's sex, age, migrant status, ethnicity, relationship with the alleged perpetrator, sex and age of the alleged perpetrator, place of the incident, history of assault, etc.			

Isolating a child (203): confining a child alone in a room or other place, without being able to talk to anyone; isolating a child in harsh or humiliating conditions (without light, toilet, food, etc.); repeatedly forcing a child to stay in an enclosed space against his or her will; imposing unreasonable restrictions on freedom of movement or social interactions (without such restrictions being justified by the child's safety or well-being)	...	Facilitated by digital technology (including online)/ offline, the child's sex, age, migrant status, ethnicity, relationship with the alleged perpetrator, sex and age of the alleged perpetrator, place of the incident, history of assault, etc.	...	...	...
Non-contact sexual violence (303): verbal sexual advances, including cyber grooming, sexual insults, sexual comments, threats or requests, exposing a child to sexual abuse or pornography, exposure of sexual organs, persistent leering looks, sexual stalking, unwanted sexting, live broadcasting of child sexual abuse, sextortion, coercion and blackmail of a child for sexual purposes, photographing a child's sexual organs without consent	...	Facilitated by digital technology (including online)/ offline, the child's sex, age, migrant status, ethnicity, relationship with the alleged perpetrator, sex and age of the alleged perpetrator, place of the incident, history of assault, etc.	...	...	...
Sexual assault (302): unwanted groping, fondling or other touching of a child's private parts, including attempted rape, or forcing a child to touch a person's private parts, with or without the use of force and without consent (including because the child is too young to consent)					
Rape (301): vaginal, anal or oral penetration of a sexual nature of the body of a child with any bodily part or object, with or without the use of force and without consent (including because the child is too young to consent)					
Terrorizing a child (401): repeatedly making a child feel frightened by threatening to abandon, hurt or wound him/her or his/her loved ones or objects		Facilitated by digital technology (including online)/ offline, the child's sex, age, migrant status, ethnicity, relationship with the alleged perpetrator, sex and age of the alleged perpetrator, place of the incident, history of assault, etc.			
Harassing, spurning and humiliating a child (402): repeatedly belittling, degrading, ridiculing a child; repeatedly singling out a child to criticise or punish; repeatedly humiliating a child, including in public; repeatedly pushing a child away and ignoring him/her; repeatedly insulting, name-calling, hurting a child's feelings; psychological bullying (direct and indirect), including cyber-bullying; stalking, including cyber-stalking					
Exposure of a child to domestic violence (403): exposure of a child to physical, sexual and psychological attacks among parents, caregivers or other family members within the family or household					
Exposure of a child to other violent experiences (404): witnessing severe acts of violence outside the family environment – in the community, in the public space, at school or in other places; witnessing crimes against humanity, war crimes and crimes of aggression; exposure of a child to violent organised crime activities; unwanted exposure of a child to the use of firearms; witnessing the kidnapping, sexual abuse or torture of a family member; exposure of a child to gun attacks in schools or in the community		Facilitated by digital technology (including online)/ offline, the child's sex, age, migrant status, ethnicity, relationship with the alleged perpetrator, sex and age of the alleged perpetrator, place of the incident, history of assault, etc.			

Neglect of a child (501-505): repeatedly depriving a child of what he or she needs to develop healthily – such as adequate food, clothing, shelter, medical or specialised care, emotional support or access to education – although those responsible have the means to provide those things		Facilitated by digital technology (including online)/ offline, the child's sex, age, migrant status, ethnicity, relationship with the alleged perpetrator, sex and age of the alleged perpetrator, place of the incident, history of assault, etc.			
ISO standards: multidisciplinary teams; child-centred approach; dedicated premises; child participation; child victim/survivor engagement; preventing undue delays in cases involving children who are victims of violence; inclusion of services for children who are victims of violence into national laws or policies; non-discrimination; preventing contact with the alleged offender; support person; observation and recording of interviews/hearings; medical examinations carried out by specialised staff; performance evaluation and improvement of response services, etc.	...	...	...	...	...
Other relevant concepts/ dimensions/elements: ...	...	...	...	...	...

Annex 6. Questionnaire for assessing the alignment of national legal provisions with international instruments and standards regarding children's rights and their protection from violence (in particular from technology-facilitated violence, including online violence)

This questionnaire is part of a broader effort to assess the extent to which Romanian legislation and public policies reflect the recommendations set out in international standards. We hope that this initiative will help to determine how national legislation aligns with the concepts and categories of the International Classification of Violence against Children (ICVAC) and with the requirements and recommendations of the International Organisation for Standardisation (ISO) in order to support the monitoring and prevention of all forms of violence against children. The questionnaire is intended for the authorities and institutions involved in developing, implementing and supervising the legislation concerning the protection and promotion of children's rights, focusing on child protection, digital education and safety, psychological services, the regulation of audiovisual and online content, etc. The purpose of the questionnaire is to identify best practices as well as potential regulatory or implementation gaps in order to harmonise the Romanian regulatory framework with international standards regarding children's rights in the online environment. The findings will be used to develop specific proposals for improving the legal framework to protect children from violence (in particular from technology-facilitated violence, including online violence). The answers will be kept confidential and will only be used for analytical purposes.

Thank you for your availability and support.

D1. Name of your institution: _____

D2. What is your main field of work? _____

D3. Do you have any responsibilities regarding the protection and promotion of children's rights?

❑ Yes, even if partially/indirectly ❑ No

Alignment of Romanian legislation with the ICVAC (International Classification of Violence against Children)

For more details on the ICVAC, please visit: **https://data.unicef.org/resources/international-classification-of-violence-against-children/**

Q1. Are you familiar with the provisions of the ICVAC (International Classification of Violence against Children)?

❑ Yes, at least partially ❑ No

Q2. The following forms of violence against children are included in the ICVAC. Please indicate the categories regulated under Romanian legislation to which they correspond and mention any specific aspects or details included in the regulation.

MINOR ASSAULT (202): slapping, pinching, ear pulling, hair pulling, intentionally pushing or otherwise physically assaulting a child without seriously injuring him or her, spanking, scratching, forcing a child to stay in an uncomfortable position

Q2a. Is **minor assault** regulated by Romanian law?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q2b1. Are there any provisions in Romanian legislation regarding **minor assault** facilitated by digital technology?

*These provisions may refer to the following: the child was **contacted via phone, text messages or apps** before the incident; the child was **persuaded to meet with the person via text messages/apps**; the person found out the child's location from **online posts**; the incident was **filmed and/or shared online**; **online threats** were made before or after the incident; etc.*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q2b2. Are there any other provisions in Romanian legislation concerning specific aspects/details? *Specific aspects/details may include the **child's sex;** the **child's age**; the **place/institution where the assault occurred** (at home, at school, in a healthcare facility, in a social service unit, etc.); the child's **history** (whether the child has experienced such situations before); **individual perpetrator** (a family member, schoolmate, teacher, coach, doctor, etc.) or **a group of perpetrators** (part of an organised group).*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q2c. Are there any gaps in Romanian legislation regarding **minor assault** in terms of alignment with the ICVAC provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q3. The following forms of violence against children are included in the ICVAC. Please indicate the categories regulated under Romanian legislation to which they correspond and mention any specific aspects or details included in the regulation.

SEVERE ASSAULT (201): punching, kicking or hitting with hard objects, burning, mutilating, choking, poisoning, knifing or stabbing with other sharp objects, striking the head or other parts of the body, causing severe pain, wounding and endangering the health of a child.

Q3a. Is **severe assault** regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q3b1. Are there any provisions in Romanian legislation regarding **severe assault** facilitated by digital technology? *These provisions may refer to the following: the child was **contacted via phone, text messages or apps** before the incident; the child was **persuaded to meet with the person via text messages/apps**; the person found out the child's location from **online posts**; the incident was **filmed and/or shared online**; **online threats** were made before or after the incident; etc.*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q3b2. Are there any other provisions in Romanian legislation concerning specific aspects/details? *Specific aspects/details may include the **child's sex;** the **child's age**; the **place/institution where the assault occurred** (at home, at school, in a healthcare facility, in a social service unit, etc.); the child's **history** (whether the child has experienced such situations before); **individual perpetrator** (a family member, schoolmate, teacher, coach, doctor, etc.) or **a group of perpetrators** (part of an organised group).*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q3c. Are there any gaps in Romanian legislation regarding **severe assault** in terms of alignment with the ICVAC provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q4. The following forms of violence against children are included in the ICVAC. Please indicate the categories regulated under Romanian legislation to which they correspond and mention any specific aspects or details included in the regulation.

ISOLATING A CHILD (203): confining a child alone in a room or other place, without being able to talk to anyone; isolating a child in harsh or humiliating conditions (without light, toilet, food, etc.); repeatedly forcing a child to stay in an enclosed space against his or her will; imposing unreasonable restrictions on freedom of movement or social interactions (without such restrictions being justified by the child's safety or well-being).

Q4a. Is **child isolation** regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q4b1. Are there any provisions in Romanian legislation regarding **child isolation** facilitated by digital technology? *These provisions may refer to the following: the child was **contacted via phone, text messages or apps** before the incident; the child was **persuaded to meet with the person via text messages/apps**; the person found out the child's location from **online posts**; the incident was **filmed and/or shared online**; **online threats** were made before or after the incident; etc.*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q4b2. Are there any other provisions in Romanian legislation concerning specific aspects/details? *Specific aspects/details may include the **child's sex;** the **child's age**; the **place/institution where the assault occurred** (at home, at school, in a healthcare facility, in a social service unit, etc.); the child's **history** (whether the child has experienced such situations before); **individual perpetrator** (a family member, schoolmate, teacher, coach, doctor, etc.) or **a group of perpetrators** (part of an organised group).*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q4c. Are there any gaps in Romanian legislation regarding **child isolation** in terms of alignment with the ICVAC provisions?

Y❑ Yes ❑ Partially ❑ No ❑ Do not know

Q5. The following forms of violence against children are included in the ICVAC. Please indicate the categories regulated under Romanian legislation to which they correspond and mention any specific aspects or details included in the regulation.

NON-CONTACT SEXUAL VIOLENCE (303): verbal sexual advances, including cyber grooming; sexual insults; sexual comments, threats or requests; exposing a child to sexual abuse or pornography; exposure of sexual organs; persistent leering looks; sexual stalking; unwanted sexting; live broadcasting of child sexual abuse; sextortion; coercion and blackmail of a child for sexual purposes; photographing a child's sexual organs without consent.

Q5a. Is **non-contact sexual violence** regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q5b1. Are there any provisions in Romanian legislation regarding **non-contact sexual violence** facilitated by digital technology? *These provisions may refer to the following: the child was **contacted via phone, text messages or apps** before the incident; the child was **persuaded to meet with the person via text messages/apps**; the person found out the child's location from **online posts**; the incident was **filmed and/or shared online**; **online threats** were made before or after the incident; the child was **exposed to unwanted sexual content** on social media, gaming platforms, forums, the dark web, etc.*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q5b2. Are there any other provisions in Romanian legislation concerning specific aspects/details? *Specific aspects/details may include the **child's sex;** the **child's age**; the **place/institution where the assault occurred** (at home, at school, in a healthcare facility, in a social service unit, etc.); the child's **history** (whether the child has experienced such situations before); **individual perpetrator** (a family member, schoolmate, teacher, coach, doctor, etc.) or **a group of perpetrators** (part of an organised group).*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q5c. Are there any gaps in Romanian legislation regarding **non-contact sexual violence** in terms of alignment with the ICVAC provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q6. The following forms of violence against children are included in the ICVAC. Please indicate the categories regulated under Romanian legislation to which they correspond and mention any specific aspects or details included in the regulation.

SEXUAL ASSAULT (302): unwanted groping, fondling or other touching of a child's private parts, including attempted rape, or forcing a child to touch a person's private parts, with or without the use of force and without consent (including because the child is too young to consent)

Q6a. Is **sexual assault** regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q6b1. Are there any provisions in Romanian legislation regarding **sexual assault** facilitated by digital technology? *These provisions may refer to the following: the child was **contacted via phone, text messages or apps** before the incident; the child was **persuaded to meet with the person via text messages/apps**; the person found out the child's location from **online posts**; the incident was **filmed and/or shared online**; **online threats** were made before or after the incident; etc.*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q6b2. Are there any other provisions in Romanian legislation concerning specific aspects/details? *Specific aspects/details may include the **child's sex;** the **child's age**; the **place/institution where the assault occurred** (at home, at school, in a healthcare facility, in a social service unit, etc.); the child's **history** (whether the child has experienced such situations before); **individual perpetrator** (a family member, schoolmate, teacher, coach, doctor, etc.) or **a group of perpetrators** (part of an organised group).*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q6c. Are there any gaps in Romanian legislation regarding **sexual assault** in terms of alignment with the ICVAC provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q7. The following forms of violence against children are included in the ICVAC. Please indicate the categories regulated under Romanian legislation to which they correspond and mention any specific aspects or details included in the regulation.

RAPE (301): vaginal, anal or oral penetration of a sexual nature of the body of a child with any bodily part or object, with or without the use of force and without consent (including because the child is too young to consent)

Q7a. Is **rape (of a child)** regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q7b1. Are there any provisions in Romanian legislation regarding technology-facilitated **rape**? *These provisions may refer to the following: the child was **contacted via phone, text messages or apps** before the incident; the child was **persuaded to meet with the person via text messages/apps**; the person found out the child's location from **online posts**; the incident was **filmed and/or shared online**; **online threats** were made before or after the incident; etc.*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q7b2. Are there any other provisions in Romanian legislation concerning specific aspects/details? *Specific aspects/details may include the **child's sex;** the **child's age**; the **place/institution where the assault occurred** (at home, at school, in a healthcare facility, in a social service unit, etc.); the child's **history** (whether the child has experienced such situations before); **individual perpetrator** (a family member, schoolmate, teacher, coach, doctor, etc.) or **a group of perpetrators** (part of an organised group).*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q7ctag. Are there any gaps in Romanian legislation regarding **rape** in terms of alignment with the ICVAC provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q8. The following forms of violence against children are included in the ICVAC. Please indicate the categories regulated under Romanian legislation to which they correspond and mention any specific aspects or details included in the regulation.

TERRORIZING A CHILD (401): repeatedly making a child feel frightened by threatening to abandon, hurt or wound him/her or his/her loved ones or objects

Q8a. Is the act of **terrorizing a child** regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q8b1. Are there any provisions in Romanian legislation regarding the act of **terrorizing a child** through digital technology? *These provisions may refer to the following: the child was **contacted via phone, text messages or apps** before the incident; the child was **persuaded to meet with the person via text messages/apps**; the person found out the child's location from **online posts**; the incident was **filmed and/or shared online**; **online threats** were made before or after the incident; etc.*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q8b2. Are there any other provisions in Romanian legislation concerning specific aspects/details? *Specific aspects/details may include the **child's sex;** the **child's age**; the **place/institution where the assault occurred** (at home, at school, in a healthcare facility, in a social service unit, etc.); the child's **history** (whether the child has experienced such situations before); **individual perpetrator** (a family member, schoolmate, teacher, coach, doctor, etc.) or **a group of perpetrators** (part of an organised group).*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q8c. Are there any gaps in Romanian legislation regarding the act of **terrorizing a child** in terms of alignment with the ICVAC provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q9. The following forms of violence against children are included in the ICVAC. Please indicate the categories regulated under Romanian legislation to which they correspond and mention any specific aspects or details included in the regulation.

HARASSING, SPURNING AND HUMILIATING A CHILD (402): repeatedly belittling, degrading, ridiculing a child; repeatedly singling out a child to criticise or punish; repeatedly humiliating a child, including in public; repeatedly pushing a child away and ignoring him/her; repeatedly insulting, name-calling, hurting a child's feelings; psychological bullying (direct and indirect), including cyber-bullying; stalking, including cyber-stalking

Q9a. Is the act of **harassing, spurning and humiliating a child** regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q9b1. Are there any provisions in Romanian legislation regarding the act of **harassing, spurning and humiliating a child** through digital technology? *These provisions may refer to the following: the child was **contacted via phone, text messages or apps** before the incident; the child was **persuaded to meet with the person via text messages/apps**; the person found out the child's location **from online posts**; the incident was **filmed and/or shared online**; **online threats** were made before or after the incident; the child was **harassed, spurned or humiliated on social media, gaming platforms, forums, the dark web**; etc.*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q9b2. Are there any other provisions in Romanian legislation concerning specific aspects/details? *Specific aspects/details may include the **child's sex;** the **child's age**; the **place/institution where the assault occurred** (at home, at school, in a healthcare facility, in a social service unit, etc.); the child's **history** (whether the child has experienced such situations before); **individual perpetrator** (a family member, schoolmate, teacher, coach, doctor, etc.) or **a group of perpetrators** (part of an organised group).*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q9c. Are there any gaps in Romanian legislation regarding the act of **harassing, spurning and humiliating a child** in terms of alignment with the ICVAC provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q10. The following forms of violence against children are included in the ICVAC. Please indicate the categories regulated under Romanian legislation to which they correspond and mention any specific aspects or details included in the regulation.

EXPOSURE OF A CHILD TO DOMESTIC VIOLENCE (403): exposure of a child to physical, sexual and psychological attacks among parents, caregivers or other members of the family within the family or household

Q10a. Is **the exposure of a child to domestic violence** regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q10b1. Are there any provisions in Romanian legislation regarding the **exposure of a child to domestic violence** through digital technology? *These provisions may refer to the following: the child was **contacted via phone, text messages or apps** before the incident; the child was **persuaded to meet with the person via text messages/apps**; the person found out the child's location from **online posts**; the incident was **filmed and/or shared online**; **online threats** were made before or after the incident; etc.*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q10b2. Are there any other provisions in Romanian legislation concerning specific aspects/details? *Specific aspects/details may include the **child's sex;** the **child's age**; the **place/institution where the assault occurred** (at home, at school, in a healthcare facility, in a social service unit, etc.); the child's **history** (whether the child has experienced such situations before); **individual perpetrator** (a family member, schoolmate, teacher, coach, doctor, etc.) or **a group of perpetrators** (part of an organised group).*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q10c. Are there any gaps in Romanian legislation regarding **the exposure of a child to domestic violence** in terms of alignment with the ICVAC provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q11. The following forms of violence against children are included in the ICVAC. Please indicate the categories regulated under Romanian legislation to which they correspond and mention any specific aspects or details included in the regulation.

EXPOSURE OF A CHILD TO OTHER VIOLENT EXPERIENCES (404): witnessing severe acts of violence outside the family environment – in the community, in the public space, at school or in other places; witnessing crimes against humanity, war crimes and crimes of aggression; exposure of a child to violent organised crime activities; unwanted exposure of a child to the use of firearms; witnessing the kidnapping, sexual abuse or torture of a family member; exposure of a child to gun attacks in schools or in the community

Q11a. Is **the exposure of a child to other violent experiences** regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q11b1. Are there any provisions in the Romanian legislation regarding the **exposure of a child to other violent experiences** through digital technology? *These provisions may refer to a child **receiving or viewing videos depicting violent acts**; receiving **messages containing violent content**; participating in **conversations or online groups** in which such events were discussed; etc.*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q11b2. Are there any other provisions in Romanian legislation concerning specific aspects/details? *Specific aspects/details may include the **child's sex;** the **child's age**; the **place/institution where the assault occurred** (at home, at school, in a healthcare facility, in a social service unit, etc.); the child's **history** (whether the child has experienced such situations before); **individual perpetrator** (a family member, schoolmate, teacher, coach, doctor, etc.) or **a group of perpetrators** (part of an organised group).*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q11c. Are there any gaps in Romanian legislation regarding **the exposure of a child to other violent experiences** in terms of alignment with the ICVAC provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q12. The following forms of violence against children are included in the ICVAC. Please indicate the categories regulated under Romanian legislation to which they correspond and mention any specific aspects or details included in the regulation.

NEGLECT OF A CHILD (501-505): repeatedly depriving a child of what he or she needs to develop healthily – such as adequate food, clothing, shelter, medical or specialised care, emotional support or access to education – although those responsible have the means to provide those things

Q12a. Is **child neglect** regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q12b2. Are there any other provisions in Romanian legislation concerning specific aspects/details? *Specific aspects/details may include the **child's sex;** the **child's age**; the **place/institution where the assault occurred** (at home, at school, in a healthcare facility, in a social service unit, etc.); the child's **history** (whether the child has experienced such situations before); **individual perpetrator** (a family member, schoolmate, teacher, coach, doctor, etc.) or **a group of perpetrators** (part of an organised group).*

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q12c. Are there any gaps in Romanian legislation regarding **child neglect** in terms of alignment with the ICVAC provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q13. What are the main challenges of aligning the Romanian legal framework with the policies and standards included in the International Classification of Violence against Children?

To support your answer, please refer to specific situations regarding online violence or technology-facilitated violence. If you cannot answer, please write 'Do not know' in the space below.

_____

Alignment of Romanian legislation with the requirements and recommendations of the International Organisation for Standardisation (ISO) for coordinating criminal investigation and child protection services in cases involving children who are victims of violence

The International Organisation for Standardisation (ISO) has issued a set of requirements and recommendations for coordinating criminal investigation and child protection services in cases involving children who are victims of violence and abuse, with the aim of preventing children's re-traumatisation during judicial proceedings. For more details, please visit: **https://www.iso.org/standard/89302.html.**

Q14. Which of the following standards are also found in Romanian legislation?

If you do not know the answer to any of the following questions, please check the 'Do not know' box.

Q14a. Multidisciplinary teams: Synchronised involvement of the child protection, criminal investigation, medical care and psychotherapy systems to ensure a coordinated and coherent response.

Is this recommendation regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Are there any gaps/differences compared to the ISO provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q14b. Child-centred approach: All services pursue the best interests of the child and are tailored to the child's developmental level, needs and rights.

Is this recommendation regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Are there any gaps/differences compared to the ISO provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q14c. Dedicated premises: In the case of child victims, interviews, medical examinations and therapy sessions are conducted in child-friendly spaces.

Is this recommendation regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Are there any gaps/differences compared to the ISO provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q14d. Child participation: Children's rights to express their views, to be heard and to receive information are respected.

Is this recommendation regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Are there any gaps/differences compared to the ISO provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q14e. Child victim/survivor engagement: Survivors who benefit from response services are involved in assessing their needs for such services and in all stages of service provision.

Is this recommendation regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Are there any gaps/differences compared to the ISO provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q14f. Preventing undue delays in cases involving children who are victims of violence: Investigative interviews, child protection assessments, judicial and law enforcement proceedings, medical examinations and psychotherapeutic interventions are carried out within a specified, reasonable timeframe.

Is this recommendation regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Are there any gaps/differences compared to the ISO provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q14g. Inclusion of services for children who are victims of violence into national laws or policies to ensure their formal recognition: there are explicit provisions covering the scope, responsible institutions, their organisation and operation.

Is this recommendation regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Are there any gaps/differences compared to the ISO provisions?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Q14h. Non-discrimination: All children are treated equally, regardless of their own or their parents' race, colour, sex, language, religion, political views or other opinions.

Is this recommendation regulated by Romanian legislation?

❑ Yes ❑ Partially ❑ No ❑ Do not know

Are there any gaps/differences compared to the ISO provisions?

❏ Yes ❏ Partially ❏ No ❏ Do not know

Q14i. Preventing contact with the alleged offender: The place used for interacting with children is properly designed to avoid contact between victims and alleged offenders.

Is this recommendation regulated by Romanian legislation?

❏ Yes ❏ Partially ❏ No ❏ Do not know

Are there any gaps/differences compared to the ISO provisions?

❏ Yes ❏ Partially ❏ No ❏ Do not know

Q14j. Support person: A trained person is designated to ensure that both children and their families are fully informed and supported throughout the process. The support person acts as a single point of contact and makes sure that children's voices are heard in all actions and decisions affecting them.

Is this recommendation regulated by Romanian legislation?

❏ Yes ❏ Partially ❏ No ❏ Do not know

Are there any gaps/differences compared to the ISO provisions?

❏ Yes ❏ Partially ❏ No ❏ Do not know

Q14k. Observation and recording of interviews/hearings: Live observation of interviews is possible from a separate room and interviews are audio-visually recorded to avoid children having to repeat their story. These recordings are safeguarded to prevent unauthorised access by third parties and ensure they remain unaltered.

Is this recommendation regulated by Romanian legislation?

❏ Yes ❏ Partially ❏ No ❏ Do not know

Are there any gaps/differences compared to the ISO provisions?

❏ Yes ❏ Partially ❏ No ❏ Do not know

Q14l. Medical examinations should be carried out by specialised staff, including paediatricians and paediatric nurses: staff are trained to conduct examinations in a trauma-informed and child-friendly manner. All necessary measures are taken to prevent re-traumatisation when collecting samples.

Is this recommendation regulated by Romanian legislation?

❏ Yes ❏ Partially ❏ No ❏ Do not know

Are there any gaps/differences compared to the ISO provisions?

❏ Yes ❏ Partially ❏ No ❏ Do not know

Q14m. Performance evaluation and improvement of response services: Performance evaluation criteria are established by deciding: what should be measured; measurement and data collection methods; when measurement results should be analysed and evaluated; how results should be used for improvements.

Is this recommendation regulated by Romanian legislation?

❏ Yes ❏ Partially ❏ No ❏ Do not know

Are there any gaps/differences compared to the ISO provisions?

❏ Yes ❏ Partially ❏ No ❏ Do not know

Q15. What are the main challenges of complying with ISO requirements and recommendations in our country? *If you cannot answer, please write 'Do not know' in the space below.*

_____

Other questions

Q16a. In your opinion, is there a difference between illegal online content and online content that is harmful to children? If so, what is it?

_____

Q16b. As far as you know, does Romanian legislation define online content that is harmful to children?

_____

Q16c. As far as you know, is there a mechanism in Romania for reporting and removing illegal and harmful content?

_____

Q17. Have you identified any other significant legal gaps in your practice (particularly with regard to online violence against children) that have not been listed above? If so, could you please mention them?

_____

Q18. Do you have any other recommendations or suggestions for improving the legal framework and practices regarding children who are victims of violence (especially online violence)?

_____

Q19. Would you like to take part in a focus group on this topic during the next period (most probably on the 7th of August at the UNICEF headquarters)? If so, please provide us with your e-mail address.

_____

Thank you for your time!

Annex 7. Focus group guide for rigorously assessing the alignment of national legal provisions with international instruments and standards regarding children's rights and their protection from violence (in particular from technology-facilitated violence, including online violence)

I. Introduction

Introduce the participants and ask for their consent to record the discussion.

Make a brief presentation of the ICVAC and ISO provisions.

II. Introductory questions

1. Looking back over the last three to five years, have you noticed any progress in Romanian legislation regarding children's rights and their protection from violence (especially online violence)? Can you give us some examples? We have talked about legislation, but have you noticed any practical progress in recent years?

III. About the ICVAC (International Classification of Violence against Children)

1. Without going into detail yet (but rather on a general note), how would you assess – in broad terms – the extent to which Romanian legislation aligns with the provisions of the ICVAC (International Classification of Violence against Children)?

2. Let us focus first on the various forms of violence against children. If you were to separate them into two categories, what **forms of violence** do you think are **somewhat well-regulated/criminalised** in Romania and **what forms of violence are rather unregulated/criminalised** in Romania? Please start with the forms of offline violence.

Add the forms of **offline violence** that have already been identified: Do you agree with this? Would you change/add anything here?

Somewhat well-regulated/criminalised	Rather poorly regulated/criminalised
What works well and where are the bottlenecks?	What are the main areas of ambiguity and what legislative changes would be necessary?
	What form should these amendments take – develop a single law on violence against children, amend/supplement existing laws, create a new regulatory framework (by repealing the current one) or other suggestions? What are the main barriers to establishing a clearer regulatory framework? Which best practices from other countries could we adapt?

3. Let us now move on to the various forms of online violence. If you were to separate them into two categories, what **forms of online violence** do you think are **somewhat well-regulated/criminalised** in Romania and **what forms of online violence are rather unregulated/criminalised** in Romania?

Add the forms of **online violence** that have already been identified: Do you agree with this? Would you change/add anything here?

Somewhat well-regulated/criminalised	Rather poorly regulated/criminalised
What works well and where are the bottlenecks?	What are the main areas of ambiguity and what legislative changes would be necessary?
	What form should these amendments take – develop a single law on violence against children, amend/supplement existing laws, create a new regulatory framework (by repealing the current one) or other suggestions? What are the main barriers to establishing a clearer regulatory framework? Which best practices from other countries could we adapt?

4. Now, looking at these lists, what would you prioritise when it comes to regulating/improving regulations? Which form of violence (both online and offline) requires immediate regulation/changes? Which one comes second?

5. If you look at this side of the table where we have the poorly regulated/criminalised forms of violence (both online and offline), can you think of any situations where we have, let's say, a weak/non-existent regulatory framework, yet various institutions or organisations contribute/provide services/take action to prevent/sanction/criminalise this form of violence? Could you give us some examples?

6. Or if you think about the somewhat well-regulated/criminalised forms of violence, do you know any institutions/organisations that can be given as examples of good practice in terms of the services/activities they carry out to prevent and/or fight this form of violence?

7. What quick actions could be taken without any major legislative changes (i.e. What could we actually do within the current regulatory framework to make things better? For example improve cooperation among professionals, their preparation/training on the various forms of violence against children, the availability of prevention/support services for children who are victims of violence)?

8. What would be helpful or what actions should be taken to strengthen cooperation among the institutions involved (the GDSACP, the police, education, (physical & mental/psychological) health?

9. What kind of training or resources are needed to help professionals in related fields enforce the law more effectively?

IV. About ISO IWA 49:2025 Standards

1. Without going into detail yet (but rather on a general note), how would you assess – in broad terms – the extent to which Romanian legislation aligns with the ISO provisions?

2. Looking at this list of ISO recommendations, which ones would you say are somewhat regulated/ implemented by Romanian legislation and which ones would you say are rather poorly regulated/ implemented?

Add the ISO recommendations that have already been identified: Do you agree with this? Would you change/add anything here?

Somewhat well-regulated	Rather poorly regulated/implemented
What works well and where are the bottlenecks?	What are the main areas of ambiguity and what legislative changes would be necessary?
	What form should these amendments take – develop a single law on services for children who are victims of violence, amend/supplement existing laws, create a new regulatory framework (by repealing the current one) or other suggestions? What are the main barriers to establishing a clearer regulatory framework? Which best practices from other countries could we adapt?

3. Now, looking at this list, what would you prioritise when it comes to regulating/improving regulations? Please specify two or three ISO recommendations that require immediate regulation/amendment/ implementation.

V. Other legal differences and gaps

1. What other legal gaps have you identified (including in your own practice), particularly with regard to violence against children in the online environment or facilitated by digital technology?

2. Is there any confusion or overlap between the concepts of illegal online content and online content that is harmful to children?

3. What other specific recommendations do you have for aligning Romanian legislation with international legislation and/or standards regarding violence against children, in particular online violence?

4. Which institutions or mechanisms should be more actively involved in this process? Are these institutions currently cooperating well?

5. Would you like to share any other important observations that were not covered during the discussion?

Thank you for your time!

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