

MISCELLANEOUS

The Role of Europe Council Convention on preventing and combating violence against women

The European Council consists of 47 states and aim to promote democratic Principles and based on common European Convention of Human Rights on the protection of the individual. Since 1990 the Council has actively promoted the protection of women and girls against gender violence through adoption of Recommendation (2002) concerning the protection of women and the promotion of a European campaign against violence against women, including domestic violence (<http://declaratie.transcena.ro/wp-content/uploads/2014/03/Legea-217-2003-R-Cap-4-ordinul-de-protectie.pdf>).

The government approved the draft law on ratification of the European Council Convention to combat abuse against women and domestic violence "Istanbul Convention" which aims to prevent assaults, protect victims and prosecuting perpetrators. This document was signed by Romania on 27 June 2014 in Strasbourg, by the Minister of Labour, Family and Social Protection for the Elderly.

Istanbul Convention aims to create levers through which to protect victims and to combat all forms of violence. Indicate the content of this Convention a definition of the genre, which gives them, male and female roles and specific behaviors. In the Convention are set out specific penalties, criminal and / or legal acts of psychological and physical

violence, molestation psychological that violate privacy and for forced marriage, genital mutilation of women, sexual violence (including rape, sexual harassment, forced abortion forced sterilization). It adds that crimes when committed internationally, aiding and abetting and attempt to unite violent act without taking into account sei criminal proceedings justification of the act / acts from the perspective of cultural customs, religion, honor, customs or traditions. Will be considered as aggravating circumstances of a crime was committed against (s) or current (s) husband (ii) or partenerer (s) of a family member or a person who has abused his power:

- Crimes committed repeatedly;
- Crimes committed against a vulnerable person;
- Crimes committed against or in the presence of a child;
- Crimes committed by one or more persons acting jointly;
- Crimes committed with a firearm;
- Offenses that resulted in the victim's physical or mental harm;
- Gunmen previously convicted.

The Convention stipulates a series of measures on protection of victims:

- Information;
- Services of general assistance (for individual or collective complaints);
- Services specialization:
 - housing shelter;
 - permanent telephone line 24 of 24 hours;
 - central referral (for molestation and rape);
 - child protection services for witnesses, witnesses adults.
- Cooperation and international prevention:
- Fighting and prosecution of all forms of violence;
- Procedures reception and support services for asylum seekers;
- Determining refugee status;
- International protection.

Convention applies equally regardless of age race, religion, social origin, status or sexual orientation deimigrant.

Implementation of the Constitution requires: an inter-ministerial working group will bring together specialists from the main ministries involved in these tasks. Minister of Foreign Affairs (Department for equality between women and men coordinating body), Ministry of Interior, the Public Ministry, Ministry of Health, Ministry of Regional Development and Public Administration, Ministry of Development, Education and Research, Ministry of Finance.

Istanbul Convention was adopted by the Committee of Ministers of the European Council on 7 April 2011. The Convention was initiated [Council of Europe in December 2008 and has been signed by 32 countries and ratified by 13 states (Albania, Andorra, Austria, Denmark, Bosnia and Herzegovina, France, Italy, Montenegro, Portugal, Serbia, Spain, Sweden, Turkey) and Romania will be the 14th state to ratify the document (<https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures>). Six months after the entry into force of the Convention, the Committee of Ministers of the European Council, will consult the parties to the election of its expert group intervention (GREVIO).

The issues raised by the Convention were of the order of protection in an emergency. In this regard it may indicate that Law 351/2015 has a provision that judgment must be made within 72 hours of the registration dossier. And to submit the documents on file including medical certificate are required 90 days of hospitalization. Distance after calling the victim to phone rescue number 112 (it is considered that the victim turns for help to a family court defying power or torque) crew and police entry into action of the protection order is too large, the victim may be assaulted again. Criminal Code arrest the abuser only after 90 days of medical care, for healing in those cases criminal proceedings shall be initiated ex officio representatives of the state. 90 days under medical care if the victim decides not to press charges against the perpetrator he did not suffer any consequences (<http://transcena.ro/>). The protection order current for victims of domestic violence states: the application for the order, accompanied by evidence and / or witnesses and the trial is urgently representing 33, 30 and 34 days (after some research for a period of time). Since December 2015 hardener into force by Law 351/2015 a provision

that says that the judgment must be made within 72 hours (3 days) after the registration dossier. Through the protection order provided that offender keep a certain distance from the victim to leave the common residence (during the evacuation of up to six months), to hand over weapons to cover some of the expenses of the victim. The risk is still present, between the aggression, police or rescue crew arrived and when the victim can file the application for court protection order is a period of 8 days. At this time the victim is not protected. In 13 countries are no shelters for victims of domestic violence (in 2013 there were 280 beds at the national level, given that applications exceed five thousand victims a year and the number of defendants indicted in 2015 was 1938). The question is who has this role and how it could protect the victim this time.

References:

- <http://declaratie.transcena.ro/wp-content/uploads/2014/03/Legea-217-2003-R-Cap-4-ordinul-de-protectie.pdf> accessed 21.05.2017
- Law 351/ December 2015 <http://legislatie.just.ro/Public/DetaliiDocument/174467>
- Istanbul Convention was adopted by the Committee of Ministers of the European Council on 7 April 2011. <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/210/signatures> accessed 21.05.2017

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