

Deliverable 2.1.A: Roma-specific provisions mainstreamed in the thematic analysis of the protection and assistance mechanisms for children as victims of crime

The purpose of this additional deliverable is to consolidate the Roma-relevant content in the thematic analysis in one consistent document for easier reference and content search.

3.4.1. Overview of existing policies and measures

The Ministry of Interior provided information on the existence of a draft strategy initiated by the Ministry of Family, Youth and Equal Opportunities: The National Strategy for the Protection and Promotion of Children Rights “Protected Children, Safe Romania” for the period 2022-2027, to be discussed further. It also indicated two adopted strategies in the area of combating hate crime and inclusion of the Roma: the National Strategy to prevent and combat antisemitism, xenophobia, radicalisation and hate speech for 2021-2023 (*Strategia națională pentru prevenirea și combaterea antisemitismului, xenofobiei, radicalizării și discursului instigator la ură, aferentă perioadei 2021-2023*), adopted by the Government’s decision no. 539/2021¹ and the Strategy for the inclusion of Romanian citizens belonging to the Roma minority for 2022-2027 (*Strategia de incluziune a cetățenilor români aparținând minorității rome pentru perioada 2022-2027*), adopted by the Government’s Decision no. 560/2022.² None of these strategies contains any provisions on victims of crime in general, or children as victims of crime, in particular.

3.6.1 Overview of existing policies and measures

The areas related to the rights of the child in judicial proceedings covered in the guides and instructions available for assessment are presented in Annex 3. Overall, the first two guides focus on the effective conducting of hearings of children, with the aim of finding the judicial truth. To this aim, the specific vulnerabilities of children are explained and taken into consideration, for the proper recording and identification of children as victims of crimes, for the individual needs assessment, child friendly language and environment, sensitive language and treatment of children. As regards vulnerabilities, the focus is on the age of children, trauma, family background and possible disabilities, but there are no references to ethnicity of children or sexual orientation and gender identity, as part of specifics to take into consideration. The situation of Roma children is not covered at all. As the aim is more towards the effective administration of justice, there is less emphasis on the rights of the children as such, although both guides provide an overview of the rights of the child. Involvement of the children in the judicial proceedings by providing information in an adapted manner, via specific materials or guides or the protection against re-victimisation are covered, but in a less detailed manner. Information on access to legal aid and representation is provided, as well, but referrals to victim support services is not

¹ Romania, Government Decision no.539/2021 on adopting the National Strategy to prevent and combat antisemitism, xenophobia, radicalisation and hate speech for 2021-2023 ([Hotărârea de Guvern nr. 539/2021 pentru aprobarea Strategiei naționale pentru prevenirea și combaterea antisemitismului, xenofobiei, radicalizării și discursului instigator la ură, aferentă perioadei 2021-2023](#)).

² Romania, Government’s Decision no.560/2022 on adopting Strategy for the inclusion of Romanian citizens belonging to the Roma minority for 2022-2027 ([Hotărârea de Guvern nr.560/2022 pentru aprobarea Strategia de incluziune a cetățenilor români aparținând minorității rome pentru perioada 2022-2027](#)).

mentioned at all. As for the third guide, it contains general references to the previously mentioned topics, with the exception of legal aid and referral to victim support services.

3.6.2. Discussion of findings

The 2017 Methodological Guide on hearing children as victims of violence (*Ghid metodologic privind audierea minorilor victime ale violenței*)³ is especially useful for the day-to-day activity of prosecutors and police officers involved in cases with children as victims of crime, as it is drafted in a concise and practical manner, even if it needs updating with the current legal framework on the protection of victims of crimes and does not cover in details all relevant aspects (proper recording and identification of children as victims of crime and the specific vulnerabilities due to Roma background, reporting individual needs assessment, provision of information on the proceedings in a child-friendly manner, access to legal aid, referrals of victims to support services and protection against secondary victimisation).

4.1. Challenges and Gaps

The substantial provisions of the Criminal Code are providing adequate protection for children and rather than amending the relevant provisions, efforts should be concentrated on implementing them in practice. The same is applicable for the procedural provisions which, even if susceptible to improvement, do not preclude the observance of the rights of the children as victims of crime. Even areas that are not specifically addressed, such as hearing the child's opinion, providing information in a child-friendly language, speedy decision making, the ban on virginity testing, the criminal standing of children witnessing domestic violence, the vulnerability of Roma children, can be covered through implementation, rather than simply amending the legal framework.

4.3. Suggestions and Recommendations

The Methodological Guide on hearing children as victims of violence (*Ghid metodologic privind audierea minorilor victime ale violenței*)⁴, once updated with the current legal framework on victim protection and supplemented with more information on referrals to victim support services, protection against secondary victimisation, provision of information on the proceedings in a child-friendly manner and identification of and response to all possible vulnerabilities, including Roma background, can be used as support in the trainings. The same guide or a similar one can be used also for the child protection officers.

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Notwithstanding the seriousness of the crimes against the sexual liberty of children, when it comes to the protection and assistance provided to children as victims of crimes, it should be guaranteed to all children. Therefore, **the experiences and good practices in the area of investigating sexual crimes against children**, including the specific procedure at the level of Bucharest prosecutor offices, **should be extended to all children as victims of crimes**, irrespective of the type of crime. Once the general framework and practice exist and is properly implemented, the specific vulnerabilities of victims of

³ BADEA V., TRANDAFIR B.N., Methodological Guide on hearing children as victims of violence (*Ghid metodologic privind audierea minorilor victime ale violenței*), Federation of Nongovernmental Organizations for Children (*Federația Organizațiilor Neguvernamentale pentru Copii*), April 2017, 67 pp.

⁴ BADEA V., TRANDAFIR B.N., Methodological Guide on hearing children as victims of violence (*Ghid metodologic privind audierea minorilor victime ale violenței*), Federation of Nongovernmental Organizations for Children (*Federația Organizațiilor Neguvernamentale pentru Copii*), April 2017, 67 pp.

certain crimes or members of certain groups (e.g. Roma children, children with disabilities, LGBTI children etc) can also be addressed.

5. CONCLUSIONS

Efforts should be concentrated on implementing the material and procedural provisions regarding children as victims of crime in practice, rather than amending the existing legal framework. Even areas where improvements are welcome, such as hearing the child's opinion, providing information on the judicial proceedings in an adapted language to children, speedy decision making, the ban on virginity testing, the criminal standing of children witnessing domestic violence, the vulnerability of Roma children can be covered through implementation of the existing legal framework and general principles.