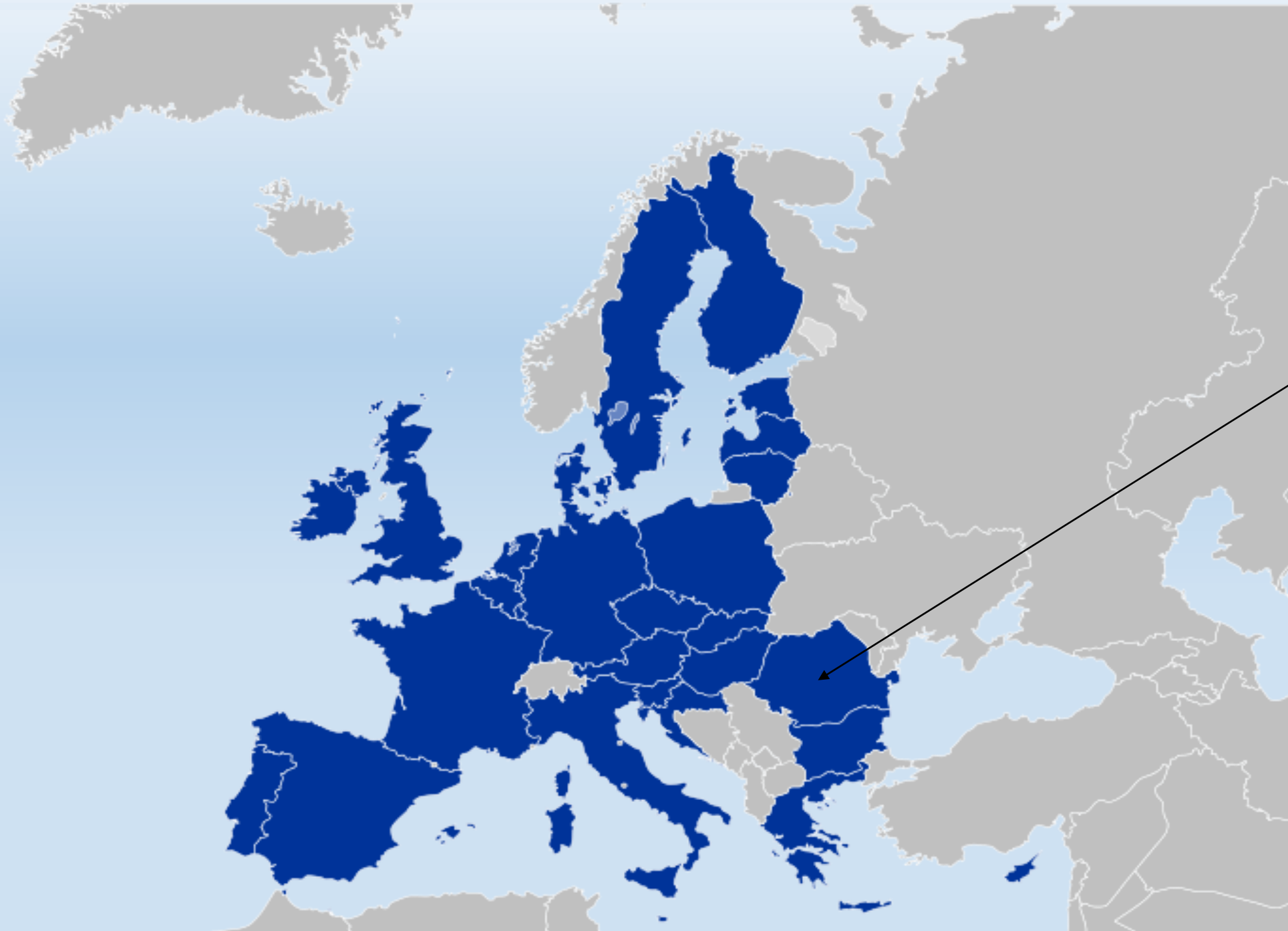


**Third Annual Conference of the Max Planck Partner Group for Balkan Criminology  
Bucharest, 1-4 September 2016**

# **Violent Crime in Romania**



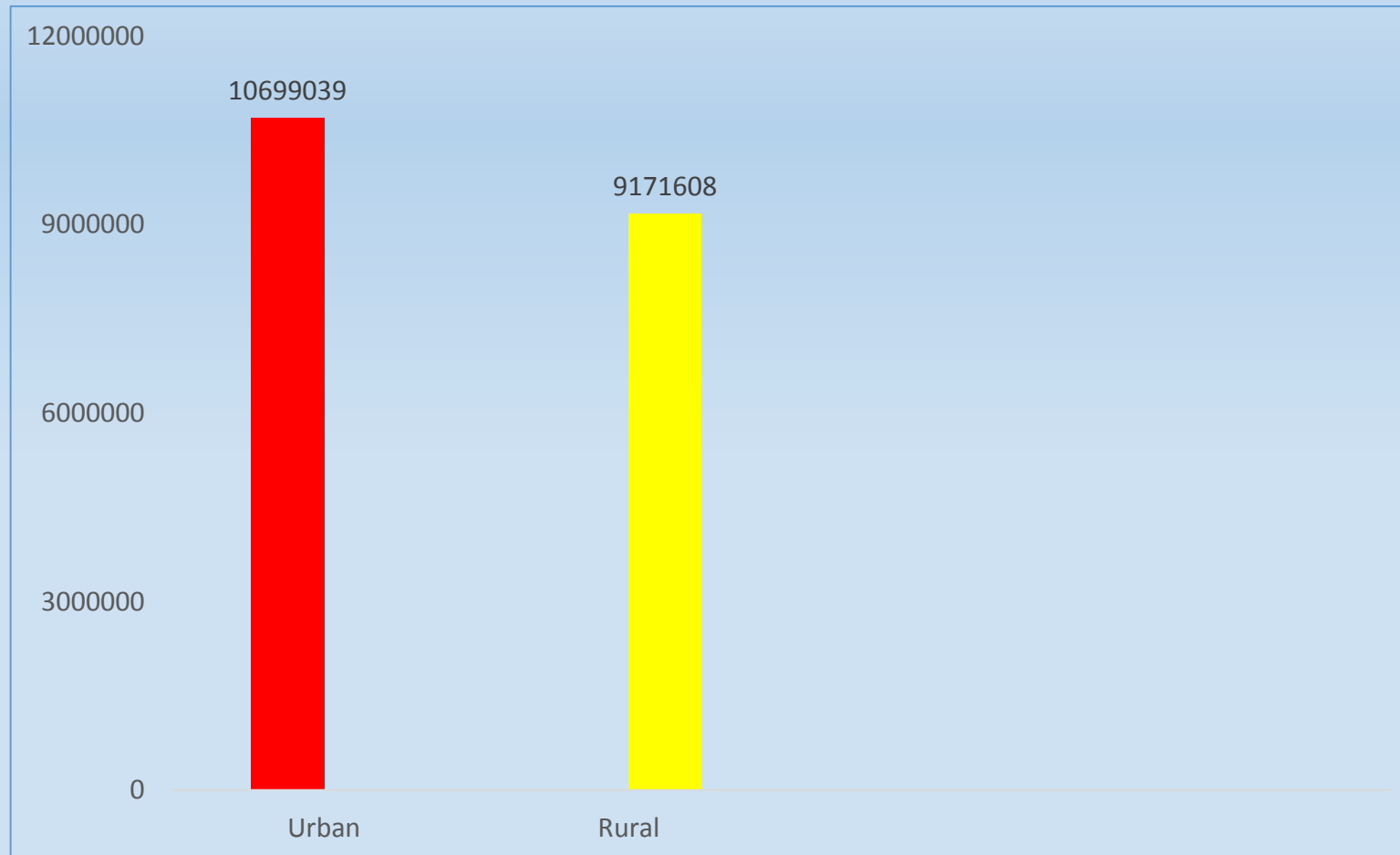
**Assist. Prof. Dr. Andra-Roxana Trandafir  
Faculty of Law, University of Bucharest**



Romania

# Romania - population

- 1.01.2015 – 19.870.647 and approx. 3 million living abroad



Source: [www.insse.ro](http://www.insse.ro)

# Romania – important dates

- December 1989: end of communism
- 1991: adoption of Constitution
- 1996: major modification of the criminal legislation
- 2003: major modification of Constitution
- 2004: Romania joined NATO
- January 1st, 2007: Romania became member of EU
- February 1st, 2014: new Criminal Code and Criminal Procedure Code

# New Criminal Code

- Divided into the General Part and Special Part
- There are two types of minimum and maximum penalties:
  - General limits – in the General Part, applicable to all offences: i.e. min. 15 days – max. 30 years imprisonment/life imprisonment
  - Special limits – in the Special Part, provided for every offence: e.g. 10-20 years for homicide, 15-25 years or life imprisonment for aggravated homicide etc.

A penalty imposed by the judge can never go outside the general limits, irrespective of the mitigating/aggravated circumstances, recidivism etc.

# New Criminal Code

- Crimes are provided for in the Special Part, depending on their primary object of protection - first Title: offences against the person

*Chapter I – Offenses against life* *Art. 188 - 192*

*Chapter II – Offenses against bodily integrity or health* *Art. 193 - 198*

*Chapter III – Offenses against a family member* *Art. 199 - 200*

*Chapter IV – Assault on a fetus* *Art. 201 - 202*

*Chapter V – Violations of the obligation to assist persons in danger* *Art. 203 - 204*

*Chapter VI – Offenses against individual freedom* *Art. 205 - 208*

*Chapter VII – Trafficking in, and exploitation of vulnerable persons* *Art. 209 - 217*

*Chapter VIII – Offenses against sexual freedom and integrity* *Art. 218 – 223*

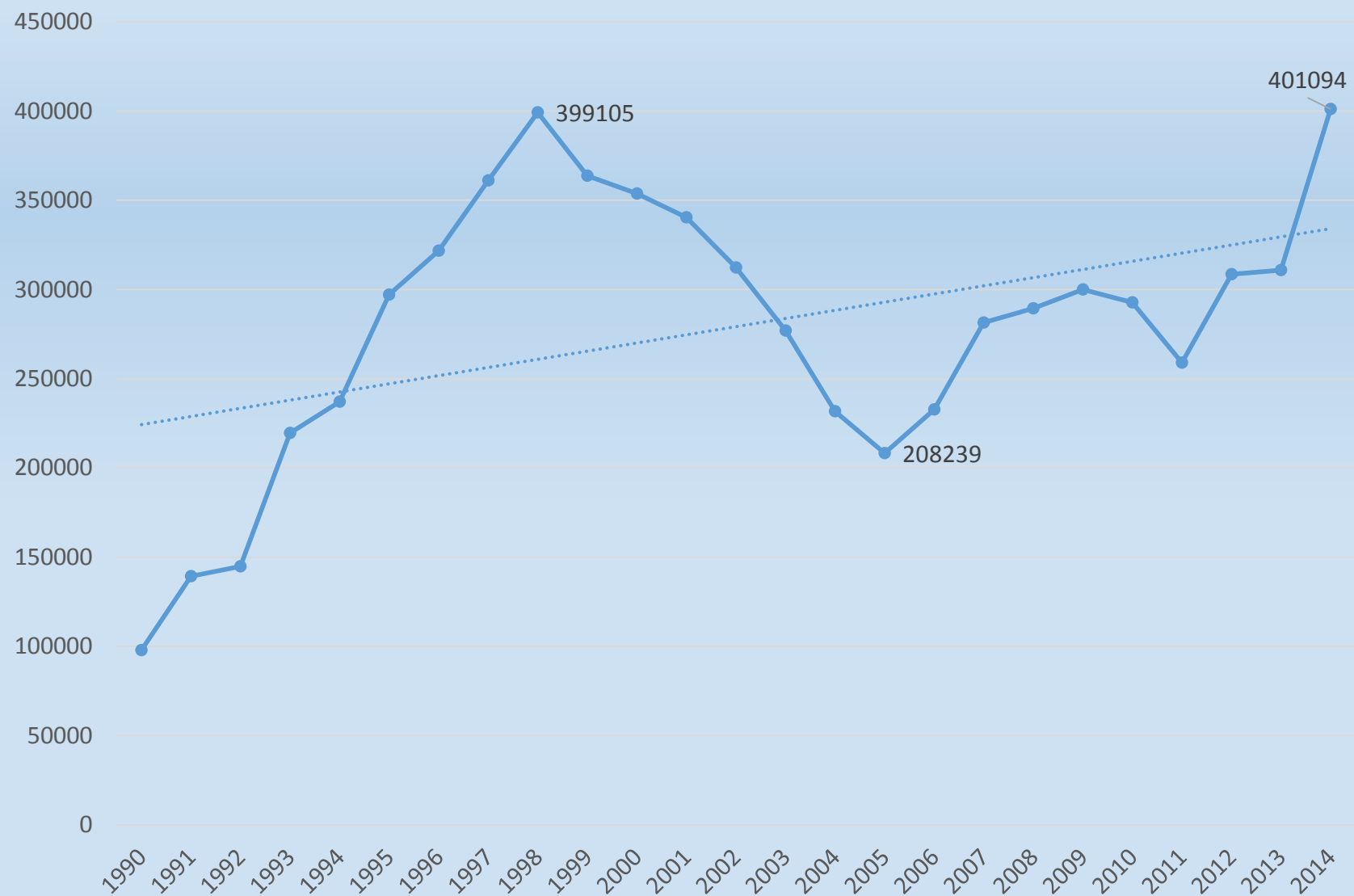
*Chapter IX – Offenses against home and private life* *Art. 224 – 227*

*Title II – Offenses against property* *Art. 228 - 256*

*Chapter I – Theft* *Art. 228 - 232*

*Chapter II – Robbery and piracy* *Art. 233 - 237*

# Number of recorded offences – police reports



Source: [www.insse.ro](http://www.insse.ro)

# Violence

- There is no definition for violent crime in the Criminal Code
- „Violence” is used in order to define some crimes – i.e. intentional injuries (*Loviri și alte violențe*), domestic violence (*Violența în familie*), robbery (*Tâlhărie*)
- Criminological perspective – any crime, irrespective of its primary object of protection, for the perpetration of which violence is intentionally being used
  - Crimes against the person: homicide, intentional injuries (battery and other acts of violence and bodily harm), battery and bodily harm causing death, brawling, domestic violence, killing or harming of a newly-born baby by their mother, rape etc.
  - Crimes against the property – robbery, piracy
  - Other crimes deriving from the above– e.g. attack that jeopardizes national security



# Violent crimes

## **ART. 188**

### **Murder**

(1) Murdering an individual shall be punishable by no less than 10 and no more than 20 years of imprisonment and a ban on the exercise of certain rights.

(2) The attempt shall be also punishable.

# Violent crimes

## **ART. 189**

### **Aggravated murder**

(1) Murder committed under any of the following circumstances:

- a) with premeditation;
- b) for a material interest;
- c) in order to avoid or to help another individual avoid criminal liability or the service of a sentence;
- d) in order to facilitate or conceal the commission of another offense;
- e) by an individual who committed other murders or attempted murders previously;
- f) against two or more individuals;
- g) against a pregnant woman;
- h) with cruelty,

shall be punished by life imprisonment or no less than 15 and no more than 25 years of imprisonment and a ban on the exercise of certain rights.

(2) The attempt shall be also punishable.

# Violent crimes

## ART. 199

### Domestic violence

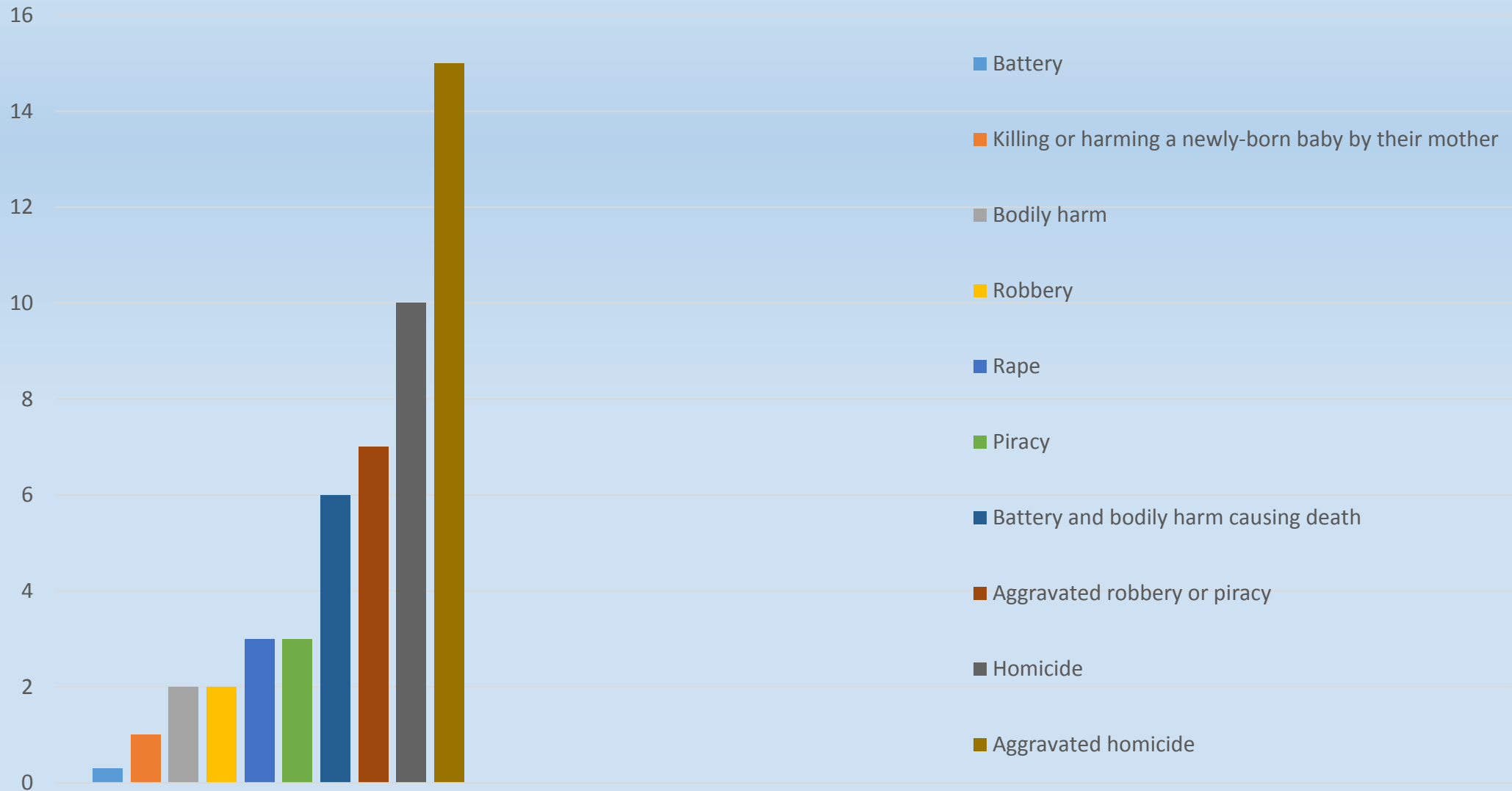
(1) If the acts set by Art. 188, Art. 189 and Art. 193– 195 are committed against a family member, the special maximum term of the penalty set by law shall be increased by one-fourth.

(2) In case of offenses set by Art. 193 and Art. 196 committed against a family member, a criminal action may be initiated also *ex officio*. Reconciliation shall eliminate criminal liability.

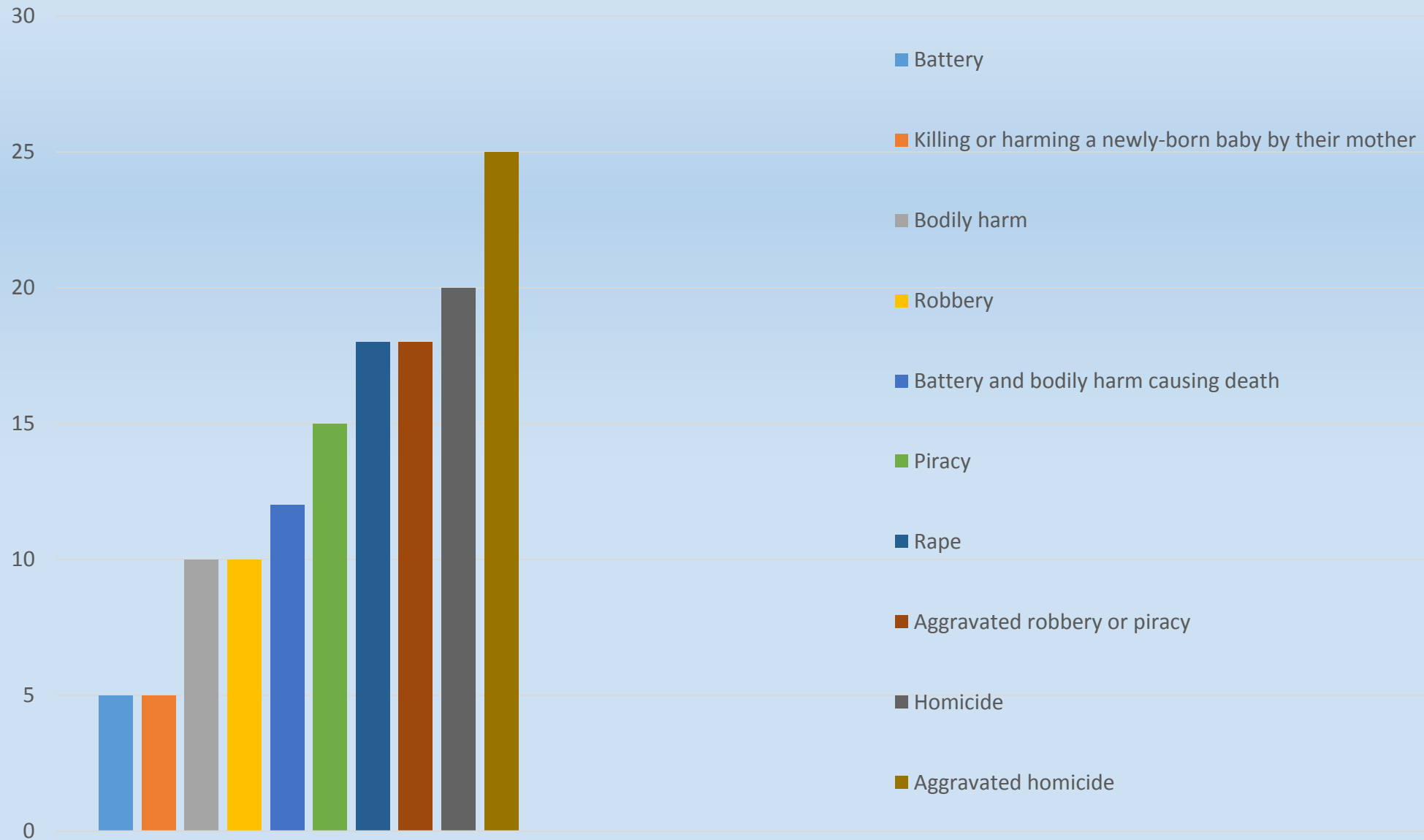
# Penalties

Type of offence	Minimum penalty	Maximum penalty
Homicide	10 years	20 years
Aggravated homicide	15 years	25 years/life imprisonment
Battery and other acts of violence	3 months/fine	5 years
Bodily harm	2 years	10 years
Battery and bodily harm causing death	6 years	12 years
Killing or harming a newly-born baby by their mother	1 year	5 years
Rape	3 years	18 years (if the victim dies)
Robbery	2 years	10 years
Piracy	3 years	15 years
Aggravated robbery or piracy (if the victim dies)	7 years	18 years
Attack that jeopardizes national security	15 years	25 years/life imprisonment

# Penalties – minimum



# Penalties - maximum



# Violent crimes

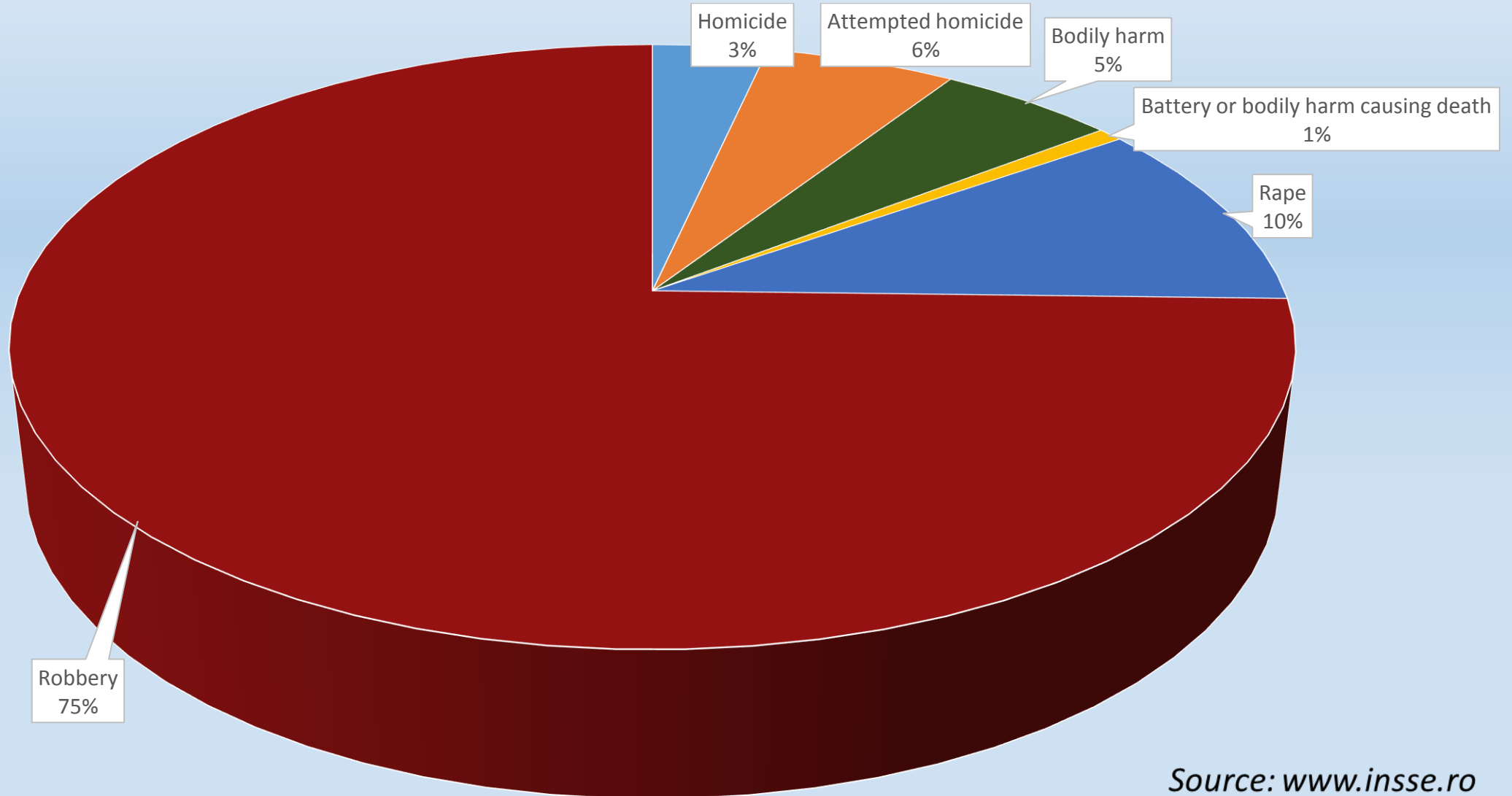
- Waiver of sentence enforcement – not possible if the penalty provided by law is higher than 5 years
- Postponement of penalty enforcement - not possible if the penalty provided by law is higher than 5 years
- Suspension of sentence – only if the applied penalty is lower than 3 years

# Violent crimes

- Agreement for the admission of guilt – only if the penalty provided by the law is not exceeding 15 years => not possible for homicide, aggravated rape, aggravated robbery
- Admission of guilt can be possible for all offences not punished by life imprisonment
- Release on probation
  - For life imprisonment – after 20 years
  - For imprisonment exceeding 10 years – after serving  $\frac{3}{4}$  (max. 20 years)
  - For imprisonment not exceeding 10 years – after serving  $\frac{2}{3}$



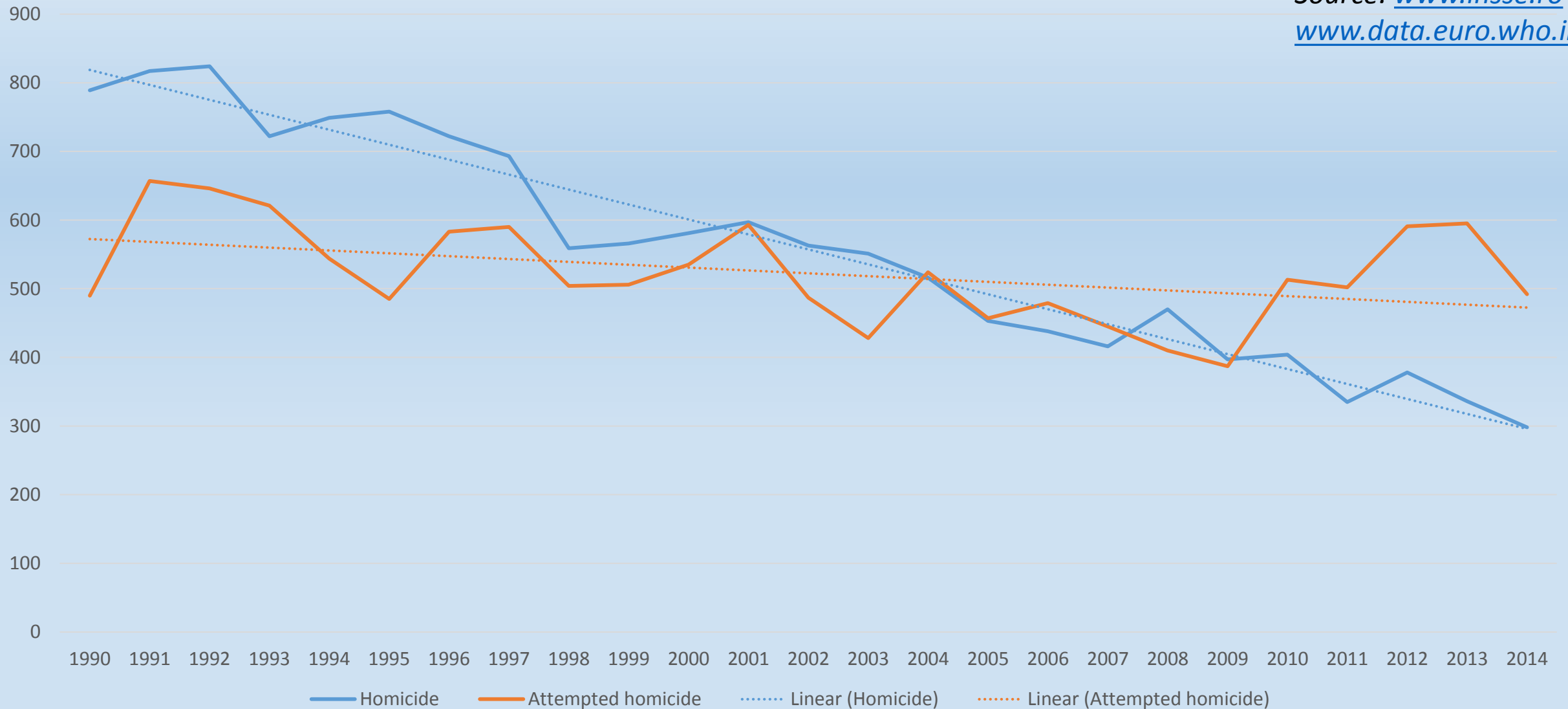
# Number of recorded offences - violent crimes (2014)



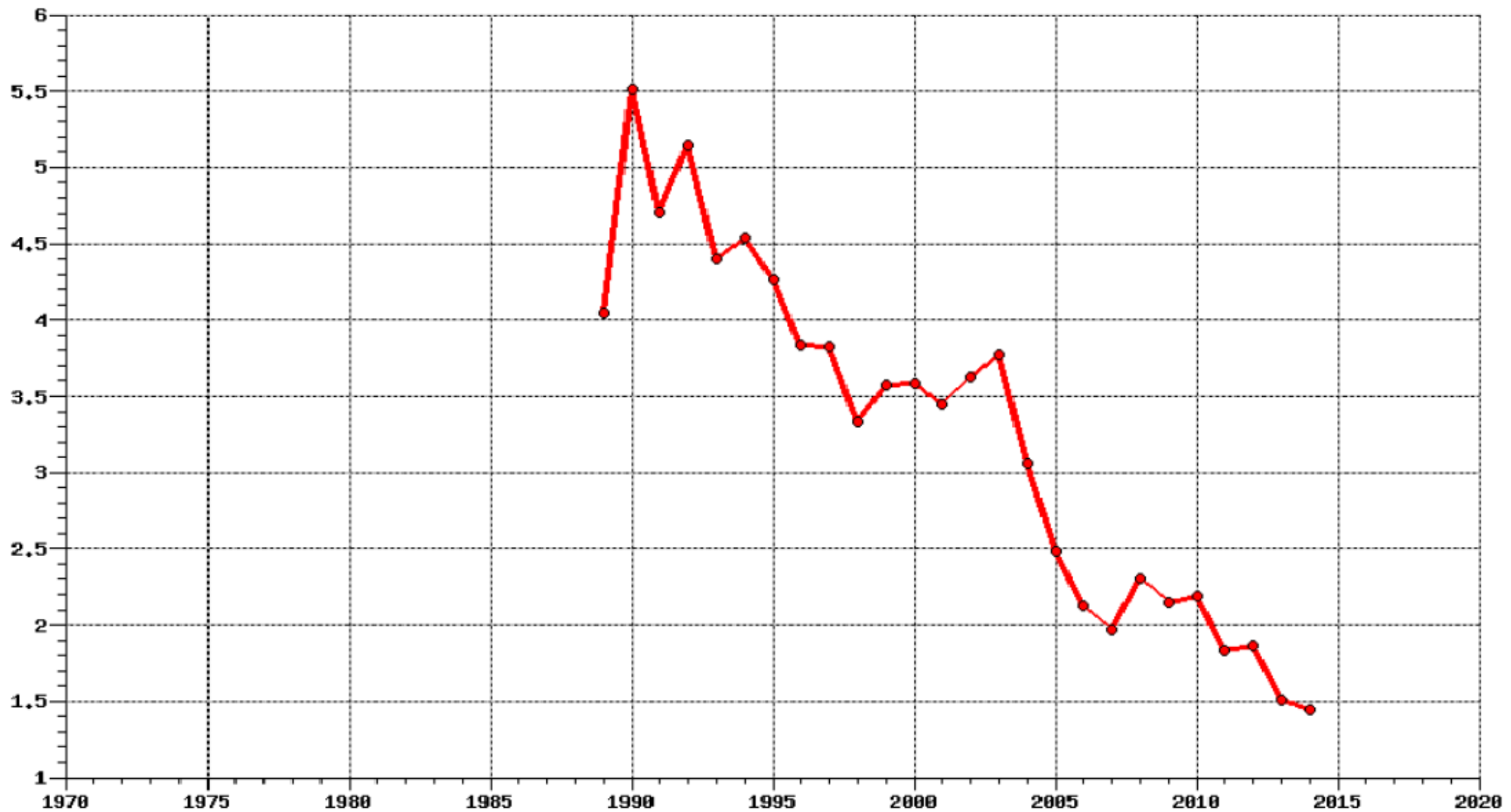
Source: [www.insse.ro](http://www.insse.ro)

# Recorded offences - homicide – 1990-2014

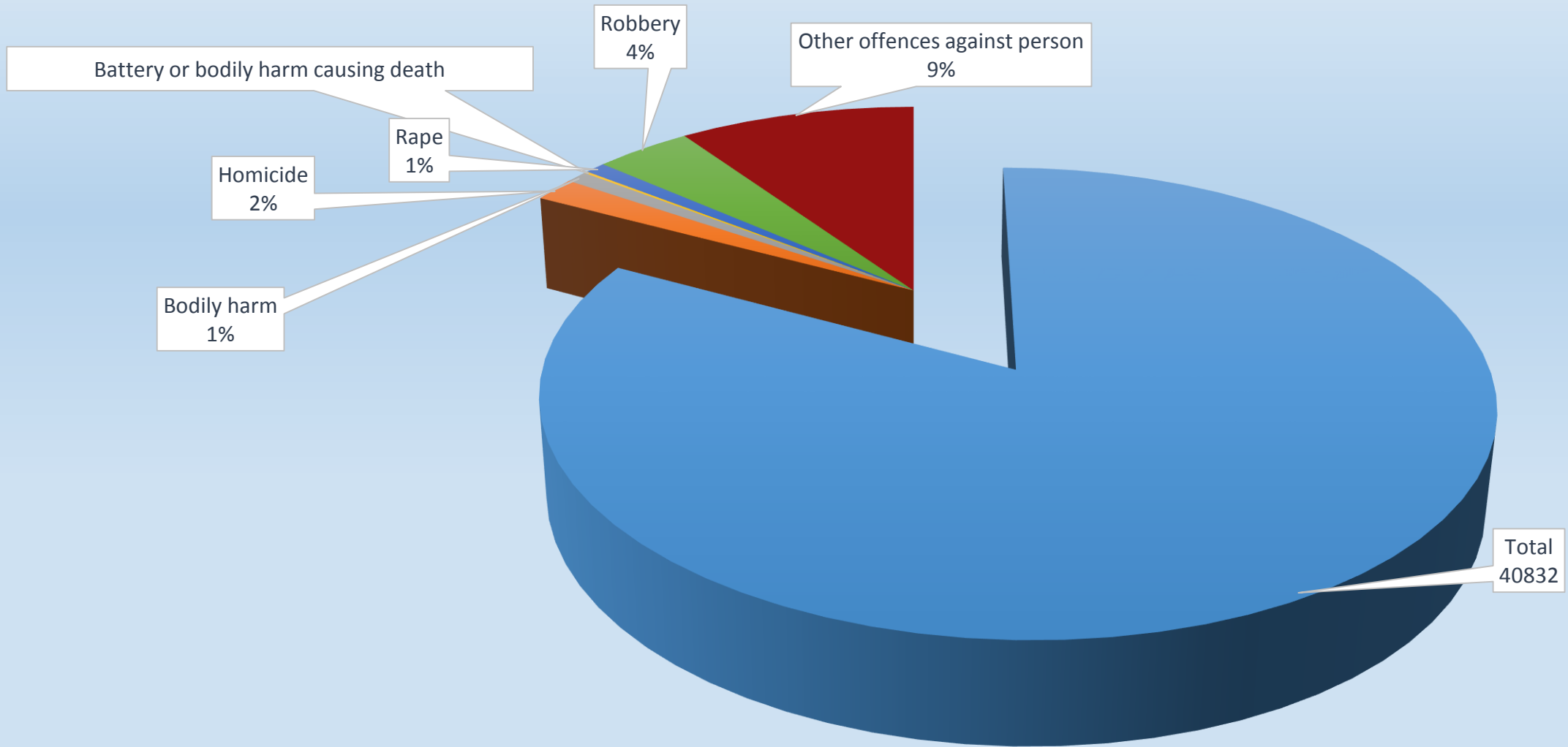
Source: [www.insse.ro](http://www.insse.ro)  
[www.data.euro.who.int](http://www.data.euro.who.int)



## SDR, homicide and intentional injury, all ages, per 100 000

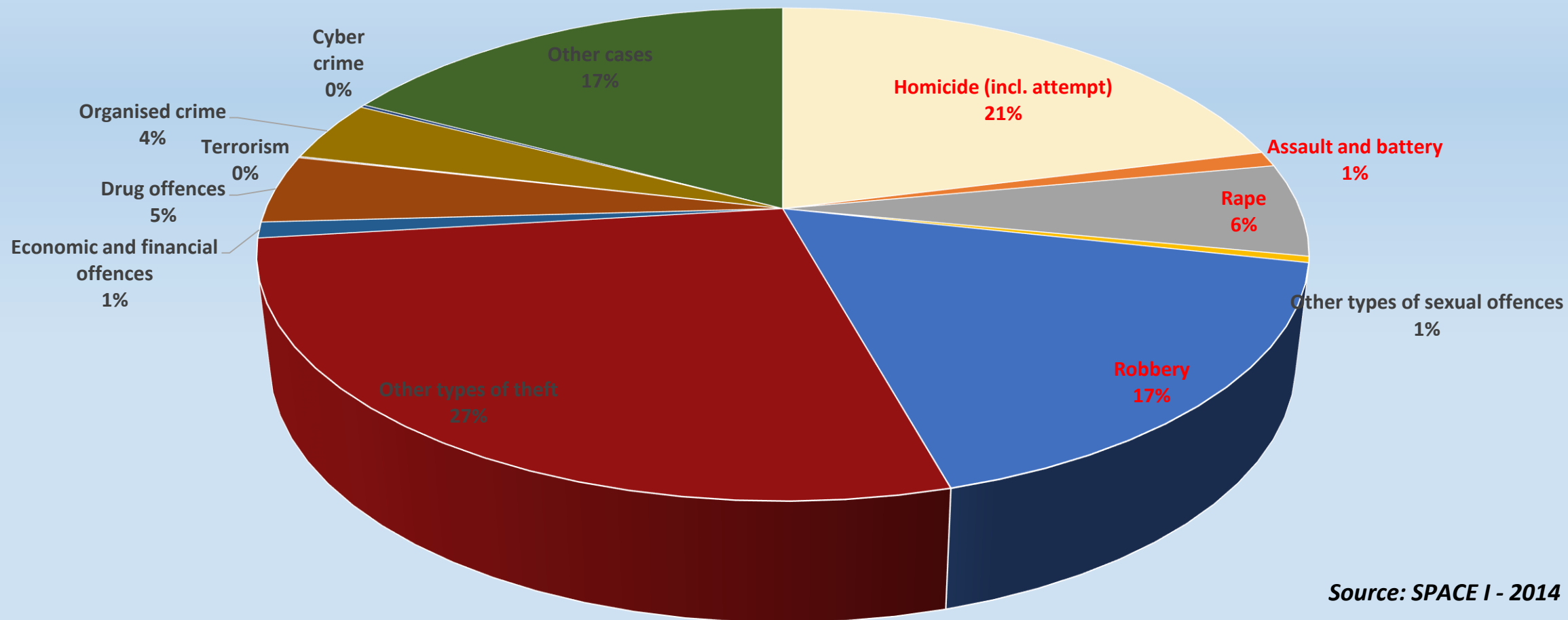


# Convicted prisoners by offence (2014)



Source: [www.insse.ro](http://www.insse.ro)

# Main offence of sentenced prisoners (1.09.2014)



Source: SPACE I - 2014

# What about the victim of violent crimes?

- Possibility to be heard in the presence of a psychologist or other specialist
- Possibility to be heard by a person having the same sex as the victim
- Special measures of protection when case (similar to those applicable to witnesses)
- Law no. 217/2003 on domestic violence provides for the restraint order (*ordin de protectie*)
  - 1.10.2013-30.09.2014 – 3088 demands for issuing a protection order
  - 1233 demands were admitted, 863 - granted, 365 - withdrawn
  - 91% of the plaintiffs were women, 9% were men



# Thank you for your attention!

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