

Current situation and trends of female genital mutilation in Romania



LEGAL FRAMEWORK

International and European conventions

Romania has ratified various international conventions condemning FGM, including the Universal Declaration of Human Rights (UDHR), the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Rights of the Child (CRC), the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR), and the Charter of Fundamental Rights of the European Union (2010/C 83/02).

Criminal law

General criminal law could be applied to cases of FGM, in particular Articles 180-184 of the Penal Code, which refer to the crime of spousal bodily injury. The act of causing, aiding, abetting, counselling or procuring a third party to undertake FGM is similarly punishable.

Child protection law

In Romania, general child protection law could be used in cases of FGM. In particular, Article 306 of the Penal Code punishes the act of severely endangering, through measures or treatments of any type, the physical, mental, social or moral development of a minor, by parents or by any other person to which the minor has been given to be raised and educated. These acts of violence punished by the Penal Code are referred to in Article 3 of Law No. 231/2003 on Prevention and Control of Domestic Violence, modified and completed by Law No. 25 from March 2012. The Methodology Framework for Multidisciplinary Prevention and Intervention Units and Networks on Cases of Violence against Children, as approved by Governmental Decision No. 49/2011, includes general mutilation under the definition of sexual abuse. The framework applies to all Romanian children, as well as to the children of foreign citizens, with or without refugee status, who are present in Romania.

Asylum law

Law No. 122/2006 regulates asylum in Romania, and applies the refugee definition stated in the Geneva Convention. When a woman or girl can prove a justified fear of persecution because of membership of a particular social group, she can be granted asylum.

Professional secrecy law

General laws with regard to professional secrecy and disclosure may be applied to report cases of performed or planned FGM. Article 37 of Governmental Decision M.G. No. 774/2006, on the organization and functioning of legal medicine institutions, states that the right to confidentiality is limited if the legal doctor suspects that a crime, which qualifies for

About the study

In order to contribute to identifying and filling the gaps in previous data collection and support the development of strategies for combating female genital mutilation (FGM), the European Institute for Gender Equality has commissioned the 'Study to map the current situation and trends of female genital mutilation in 27 EU Member States and Croatia'. The study was launched at the request of Viviane Reding, Vice-President of the European Commission. It was conducted by the International Centre for Reproductive Health (ICRH) of the Ghent University and fellow Win-win Management Consultants in division of I.A.D.C.

The desk research in the 27 EU Member States and Croatia and the in-depth research in nine EU Member States brings about the first collection of information and data, legal and policy framework, actors, tools and methods in the area of FGM in the EU. The different national approaches to tackle FGM in the EU were analysed and compared in order to identify practices with potential to prevention, protection, prosecution, provision of services, partnership and providers.

The data provided in this publication were collected through desk research conducted between December 2011 and April 2012. More information and references about the study are available at eige.europa.eu.

Downloads



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Situaia la zi privind mutilarea genitala feminina în România

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