

Romania

National Child Protection Legislation

National Legislation

- Age of Child – **Under 18 years of age**
[Romanian Law on the protection and promotion of the rights of the child \[272/2004\]](#)
Art. 4
child - a human being below the age of 18, who has not acquired full capacity of exercise, according to the law.

- a) Age of Consent – **16 years of age**
[Criminal Code](#)
Art. 220 - Sexual Intercourse with a Juvenile
 - 1) Sexual intercourse, oral or anal sex, as well as any act of vaginal or anal penetration committed with a juvenile aged 13 to 15 shall be punishable by no less than 1 and no more than 5 years of imprisonment.
 - 2) The act set by par.1 committed on a juvenile who has not turned 13 years of age, shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.
 - 3) The act set out by par 1. Committed by a person of age with a juvenile aged 13 to 18, when the former abuse their authority or influence over the victim, shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.
 - 4) The act set out by par.1-3 shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights, when:
 - a. The juvenile is a direct line relative, a brother or sister;
 - b. The juvenile is entrusted to the perpetrator for care, protection, education, guard or treatment;
 - c. The act was committed for the production of pornographic materials.The act set out in par 1. And par. 2 shall not be punishable if the age difference does not exceed 4 years.

- b) Age of Marriage – **16 years of age**
[Civil Code \(2016\)](#)
Art. 272 – Matrimonial age
 - (1) Marriage may be terminated if prospective spouses are 18 years of age.
 - (2) For good reasons, the minor who has reached the age of 16 may be married on the basis of a medical opinion, with the consent of his parents or, as the case may be, of the guardian and the authorization of the guardianship court in whose jurisdiction the minor is domiciled. If one of the parents refuses to approve marriage, the court of guardianship also decides on this discrepancy, given the child's best interests.
 - (3) If one of the parents is deceased or is unable to manifest his or her will, the consent of the other parent is sufficient.
 - (4) Also, under the conditions of art. 398, the consent of the parent exercising parental authority is sufficient.
 - (5) If there are no parents or guardian who can grant marriage, it is necessary to approve the person or authority that was authorized to exercise parental rights.

c) Age of Criminal Responsibility – **14 years of age**

[Criminal Code](#)

Art. 113 – Criminal liability limits

- 1) A juvenile who has not yet turned 14 years of age does not have criminal liability.
 - 2) A juvenile who is between 14 and 16 years of age shall have criminal liability if proven they committed the act with competence.
 - 3) A juvenile who turned 16 shall have criminal liability as under the law.
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▪ **Extraterritoriality**

[Criminal Code](#)

Art. 8 – Territoriality of criminal Law

- (1) Romanian criminal law applies to offenses committed on the territory of Romania.
- (2) The territory of Romania is defined as the expanse of land, the territorial sea waters and inland waters, complete with the soil, sub-soil and airspace located inside the national borders.
- (3) An offense committed on the territory of Romania is defined as any offense committed on the territory defined at par. (2) or on a ship sailing under Romanian pavilion or on an aircraft registered in Romania.
- (4) The offense is also considered as having been committed on the territory of Romania when on that territory or on a ship sailing under Romanian pavilion or on an aircraft registered in Romania an action was committed with a view to perform, instigate or aid in the offense, or the results of the offense have been manifest, even if only in part.

Art. 9 – Legal standing under criminal law

- (1) Romanian criminal law applies to offenses committed outside Romanian territory by a Romanian citizen or a Romanian legal entity if the sentencing stipulated by Romanian law is life imprisonment or a term of imprisonment longer than 10 years.
- (2) In the other cases Romanian criminal law applies to offenses committed outside Romanian territory by a Romanian citizen or a Romanian legal entity if the act is also criminalized by the criminal law of the country where it was committed or if it was committed in a location that is not subject to any State's jurisdiction.

Art. 10 – Reality of criminal law

- (1) Romanian criminal law applies to offenses committed outside Romanian territory by a foreign citizen or a stateless person against the Romanian State, against a Romanian citizen or against a Romanian legal entity.
- (2) A criminal investigation can start on receiving authorization from the Prosecutor General of the Prosecutor's Office attached to the High Court of Review and Justice, and only if the violation is not the object of judicial procedures that are already ongoing in the State on whose territory it was committed.

Art. 11 – Universality of criminal law

- (1) Romanian criminal law also applies to other violations than those stipulated at Art.10, committed outside Romanian territory by a foreign citizen or a stateless person who is located voluntarily on Romanian territory, in the following cases:

- a) an offense was committed that the Romanian State has undertaken to repress on the basis of an international treaty, irrespective of whether it is stipulated by the criminal law of the State on whose territory it was committed;
 - b) extradition or surrender of the offender has been requested and denied.
- (2) The stipulations of par. (1) lett. b) do not apply when, under the law of the state on whose territory the violation was committed, there is a cause to prevent the start of criminal action or the continuing of the criminal trial or the serving of the sentence or when the sentence has been served or when the sentence is considered as having been served.
- (3) When the sentence has not been served or has only been served in part, the applicable procedure is that of the law on the recognition of foreign judgments.

▪ **Dual Criminality**

[Criminal Code](#)

Art. 14 – Extradition

- (1) Extradition can be granted or requested on the basis of an international treaty Romania is a party to, or on a mutual basis, under the law.
- (2) Surrender or extradition of an individual in relation to European Union Member States shall be granted or requested under the law.
- (3) Surrender of an individual to an international criminal court shall be granted as under the law.

▪ **Mandatory reporting requirements**

[Criminal Code](#)

Art. 266 – Failure to Report

- (1) The act of the individual who, becoming aware of the commission of an offense against human life or which resulted in the death of an individual, as provided by criminal law, does not notify the authorities immediately, shall be punishable by no less than 6 months and no more than 2 years of imprisonment or by a fine.
- (2) Failure to report shall not be punishable when committed by a family member.
- (3) A person who, before the commencement of criminal action against an individual for the commission of the offense that was not reported, notifies the relevant authorities concerning such offense or who, even after commencement of the criminal action, has facilitated the criminal action against the perpetrator or the other persons involved in the commission of the offense, shall not be punishable.

[Romanian Law on the protection and promotion of the rights of the child \[272/2004\]](#)

Art. 85

- (1) The child has the right to be protected against any forms of violence, neglect, abuse or maltreatment.
- (2) Any natural or legal person, as well as the child, can notify the authorities empowered by law to take appropriate measures, in order to protect the child against any forms of violence, including sexual violence, harm or physical or mental abuse, maltreatment or exploitation, abandonment or neglect.
- (3) The staff of the public or private institutions who come into contact with the child through the nature of their profession and have suspicions concerning a potential case of child abuse, neglect or maltreatment, must urgently notify the General Directorate for Social Assistance and Child Protection.

Art. 89

(1) Child abuse means any voluntary action of a person who is find out in a relationship of responsibility, trust or authority to him, that he is endangered life, physical, mental, spiritual, moral or social development, integrity physical, physical or mental health of the child.

Art. 91

- (1) Any person who, through the nature of his or her profession, works directly with a child and has suspicions concerning the existence of a case of child abuse or neglect, must notify the public social assistance service or the General Directorate for Social Assistance and Child Protection in whose territorial range the case was identified respectively.
- (2) To report cases of child abuse or neglect, at the level of each General Directorate for Social Assistance and Child Protection, a “child telephone line” will be established, and the number should be widely publicized.¹

Art. 96

If the abuse or neglect was committed by individuals who, based on a work or other legal relationship, provided protection, growth, care or care the education of the child, the employers have the obligation to immediately notify the monitoring bodies and to order the removal of the person from the children in his care.

■ **Obligations of Educational Institutions**

[Romanian Law on the protection and promotion of the rights of the child \[272/2004\]](#)

Art. 85

(3) The staff of the public or private institutions who come into contact with the child through the nature of their profession and have suspicions concerning a potential case of child abuse, neglect or maltreatment, must urgently notify the General Directorate for Social Assistance and Child Protection.

■ **Prohibition to hold certain positions**

[Criminal Code](#)

Art. 299 – Abuse of power for sexual gain

- (1) The action of the public servant who, for the purpose of performing or not performing, speeding up or delaying the performance of an act related to their professional duties or for the purposes of performing an act contrary to such duties, solicits or is awarded sexual favors by a person who has a direct or indirect vested interest in that professional act shall be punishable by no less than 6 months and no more than 3 years of imprisonment and the ban from exercising the right to hold a public office or to practice the profession or the activity in the exercise of which the action was committed.
- (2) The solicitation by or the award of sexual favors to a public servant who uses or takes advantage of a situation of authority or power over the victim, arising from the office held, shall be punishable by no less than 3 months and no more than 3 years of imprisonment,

¹ Cases of child abuse can be reported to the [Child Telephone Association](#), which implements the single European Child Support Number (116.111). Each Sector has a designated emergency Children’s Telephone Line that receives reports of violence against children and then reports those cases to the competent authorities. In addition, the various sectors of Bucharest have set up emergency child telephone lines under the General Directorate for Social Assistance and Child Protection (DGASPC) to which reports can be made. For instance, [Child Telephone Line – Sector 1](#); [Child Telephone Line – Sector 2](#); [Child Telephone Line – Sector 3](#); [Child Telephone Line – Sector 4](#); [Child Telephone Line – Sector 5](#); [Child Telephone Line – Sector 6](#); For additional information, see https://www.protectiacopilului6.ro/directia-protectia-copilului_doc_11_serviciul-asistenta-in-situatii-de-abuz-neglijare-traffic-si-exploatare-a-copilului_pg_0.htm.

or by a fine and the ban from exercising the right to hold public office or to practice the profession or the activity in the exercise of which the action was committed.

[Romanian Law on the protection and promotion of the rights of the child \[272/2004\]](#)

Art. 96

If the abuse or neglect was committed by individuals who, based on a work or other legal relationship, provided protection, growth, care or care the education of the child, the employers have the obligation to immediately notify the monitoring bodies and to order the removal of the person from the children in his care.

Art. 97

In public or private institutions, as well as in residential, public or public services private care that protects, grows, carries or educates children is forbidden hiring the person against whom a court decision has been pronounced definitive and irrevocable for deliberately committing an offense.

▪ **Employment Law**

[Labour Code of Romania](#)

CHAPTER 4 - Suspension of the individual employment contract

Art. 49 [types and effects of suspension]

- (3) The suspension of the individual employment contract may occur de jure, by agreement of the parties or through a unilateral act of one of the parties.
- (4) Following the suspension of the individual employment contract, the employee shall suspend the provision of work and the employer shall suspend the payment of the wage.
- (5) During the suspension, rights and obligations of the parties, other than those provided for in paragraph (2), may persist, should they be specified in special laws, in the applicable collective labour agreement, in individual employment contracts or in the rules of procedures.
- (6) In case of individual employment contract suspension due to an act attributable to the employee, the latter shall not enjoy any right arising from his/her quality of employee during the suspension.

Art. 50 [suspension de jure]

An individual employment contract shall be suspended de jure in the following cases:

- a) maternity leave;
- b) temporary disability leave;
- c) quarantine;
- d) fulfilment of the compulsory military service;
- e) exercise of a function within an executive, legislative or judicial body, during the entire term, unless the law provides otherwise;
- f) employment in a paid trade union management position;
- g) act of God;
- h) when an employee is taken into preventive custody, under the terms of the Code of Criminal Procedure;
- i) in other cases expressly provided for in the law.

Art. 52 [suspension on the initiative of the employer]

- (1) An individual employment contract may be suspended on the initiative of the employer in the following cases:
- a) during the preliminary disciplinary hearing, under the terms of the law;
 - b) as a disciplinary sanction;
 - c) when the employer has lodged a criminal complaint against the employee or he/she was prosecuted for criminal acts incompatible with the position held, until a final judgment has been issued;
 - d) in case of temporary interruption of the activity, without a cessation of the employment relationship, in particular for economic, technological, structural or similar reasons;
 - e) during the posting.
- (2) In the cases provided for in paragraph (1) (a), (b) and (c), should the innocence of the person concerned be established, the employee shall resume the prior activity and shall, under the rules and principles of civil contractual liability, receive an indemnification equal to the wage and the other rights he/she was deprived of during the suspension of the contract.

▪ **Criminal Law - Defamation**

Defamation and insult were repealed as criminal offenses in Romania with the adoption of the new Criminal Code in January 2014.

Sexual Offenses Against Children

Criminal Code

Art. 182 - Exploitation of a Person

Exploitation of a person means:

- a) forcing a person to carry out work or a task;
- b) enslavement or other similar procedures to deprive of freedom or place in bondage;
- c) forcing persons into prostitution, pornography, in view of obtaining and distributing pornographic material or any other types of sexual exploitation;
- d) forcing into mendicancy
- e) illegal collection of body organs, tissues, or other cells

Art. 205 - Illegal Deprivation of Freedom

- 1) Illegal deprivation of freedom of an individual shall be punishable by no less than 1 and no more than 7 years of imprisonment.
- 2) The kidnapping of an individual unable to express their will or to defend themselves shall also constitute a deprivation of freedom
- 3) If such act is committed:
 - a. By an armed person;
 - b. Against an underage person;
 - c. By jeopardizing the victim's health or life, it shall be punishable by no less than 3 and no more than 10 years of imprisonment.
- 4) if such act resulted in the victim's death, it shall be punishable by no less than 7 and no more than 15 years of imprisonment and a ban on the exercise of certain rights.
- 5) The attempt to commit the offenses set under par. 1-3 shall be punishable.

Art. 210 - Trafficking in Human Beings

- 1) Recruitment, transportation, transfer, harboring or receipt of persons for exploitation purposes:
 - a) by means of coercion, abduction, deception, or abuse of authority;
 - b) by taking advantage of the inability of a person to defend themselves or to express their will or of their blatant state of vulnerability
 - c) by offering, giving, and receiving payments or other benefits in exchange for the consent of an individual having authority over such person, shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.
- 2) Trafficking in human beings committed by a public servant in the exercise of their professional duties and prerogatives shall be punishable by no less than 5 and no more than 12 years of imprisonment.
- 3) The consent expressed by an individual who is a victim of trafficking does not represent an acceptable defense.

Art. 211 - Trafficking in Underage Persons

- 1) Recruitment, transportation, transfer, harboring, or receipt of a juvenile for the purpose of their exploitation shall be punishable for no less than 3 and no more than 1 years of imprisonment and a ban on the exercise of certain rights.
- 2) If such act was committed under the terms of Art.210 par. 1 or by a public servant while in the exercise of their professional duties and prerogatives, it shall be punishable by no less than 5 and no more than 12 years of imprisonment and a ban on the exercise of certain rights
- 3) The consent expressed by an individual who is a victim of trafficking does not represent a acceptable defense.

Art. 212 - Pressing into Forced or Compulsory Labor

An act of compelling a person, in cases other than the ones established by the legal stipulations, to work against their will or to compulsory labor shall be punishable by no less than 1 and no more than 3 years of imprisonment.

Art. 213 - Pandering

- 1) The causing or facilitation of the practice of prostitution or the obtaining of financial benefits from the practice of prostitution by one or more individuals shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.
- 2) In the event that a person was determined to engage in or continue the practice of prostitution through coercion, the penalty shall be no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.
- 3) If such acts are committed against an underage person, the special limits of the penalty shall be increased by one-half.
- 4) Practicing prostitution means having sexual intercourse with various individuals for the purpose of obtaining financial benefits for oneself or for others.

Art. 214 - Exploitation of Beggary

- 1) An act of an individual who causes a juvenile or a person having physical or psychic disabilities to resort repeatedly to the public's pity in order to ask for material help or benefits from financial benefits from such activity shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine.
- 2) If such an act is committed in the following situations

- a. By a parent, guardian, curator, or by the person under whose care the begging person is;
 - b. By means of coercion
- It shall be punishable by no less than 1 and no more than 5 years of imprisonment.

Art. 215 - Use of Underage Persons for Mendicancy

The action of a person who is of age and has the capacity to work, who resorts repeatedly to the public's pity in order to ask for material help, by using the presence of a juvenile for this purpose, shall be punishable by no less than 3 months and no more than 2 years of imprisonment or by a fine.

Art. 216 - Use of an Exploited Person's Services

The action of using the services listed under Art.182, provided by a person about whom the beneficiary knows that they are a victim of trafficking in human beings or of trafficking or underage persons, shall be punishable by no less than 6 months and no more than 3 years of imprisonment or by a fine, unless such action is a more serious offense.

Art. 218 - Rape

- 2) Sexual intercourse, oral or anal intercourse with a person, committed by constraint or rendering the person in question unable to defend themselves or to express their will or by taking advantage of such state, shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.
- 3) It shall be punishable by no less than 5 and no more than 12 years of imprisonment and a ban on the exercise of certain rights when:
 - a. The victim has not turned 16 years old.
 - b. The act was committed for the production of pornographic materials

Art. 219 - Sexual Assault

- 1) An act that is sexual in nature, other than those set out under Art. 218, with a person, committed by constraint, by rendering the person in question unable to defend themselves or express their will or by taking advantage of such state, shall be punishable by no less than 2 and no more than 7 years of imprisonment a ban on the exercise of certain events.
- 2) The penalty shall be no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights when:
 - a. The victim has not turned 16 years of age
 - b. The act was committed for the production of pornographic material

Art. 220 - Sexual Intercourse with a Juvenile

- 5) Sexual intercourse, oral or anal sex, as well as any act of vaginal or anal penetration committed with a juvenile aged 13 to 15 shall be punishable by no less than 1 and no more than 5 years of imprisonment.
- 6) The act set by par.1 committed on a juvenile who has not turned 13 years of age, shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.
- 7) The act set out by par 1. Committed by a person of age with a juvenile aged 13 to 18, when the former abuse their authority or influence over the victim, shall be punishable by no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights.
- 8) The act set out by par.1-3 shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights, when:
 - a. The juvenile is a direct line relative, a brother or sister;

- b. The juvenile is entrusted to the perpetrator for care, protection, education, guard or treatment;
 - c. The act was committed for the production of pornographic materials.
- 9) The act set out in par 1. And par. 2 shall not be punishable if the age difference does not exceed 4 years.

Art. 221 - Sexual Corruption of Juveniles

- 1) The commission of an act that is sexual in nature, other than the one set out in Art. 220, against a juvenile who has not turned 13 of age, as well as determining a juvenile to endure or carry out such an act shall be punishable by no less than 1 and no more than 5 years of imprisonment.
- 2) The penalty shall be no less than 2 and no more than 7 years of imprisonment and a ban on the exercise of certain rights, when:
 - a. The juvenile is a direct-line, a brother or sister;
 - b. The juvenile is entrusted to the perpetrator for care, protection, education, guard or treatment;
 - c. The act was committed for the production of pornographic materials.
- 3) The sexual act of any nature, committed by a person of age in the presence of a juvenile who has not turned 13 shall be punishable by no less than 6 months and no more than 2 years of imprisonment or by a fine
- 4) Determination of a juvenile who has not yet turned 13 years of age, by a person of age, to assist to the commission of acts that are exhibitionist in nature or to shows or performance in which sexual acts of any kind are committed, and making materials that are pornographic in nature available to the juvenile shall be punishable by no less than 3 months and no more than 1 year of imprisonment or by a fine.
- 5) The acts set out in par.1 shall not be punishable if the age difference does not exceed 3 years.

Art. 222 - Recruitment of Juveniles for Sexual Purposes

The act of an individual of age to propose that a juvenile who has not yet turned 13 years of age to meet for the purposes of the commission of one of the acts set out in Art.220 or Art.221, including when such proposal has been made using remote communication means, shall be punishable by no less than 1 month and no more than 1 year of imprisonment or by a fine.

Art.264 - Trafficking in Migrants

- 1) Recruitment, instructing, guiding, transporting, or harboring individuals for the purposes of fraudulently crossing Romania's state border shall be punishable by no less than 2 and no more than 7 years of imprisonment.
- 2) When the act was committed:
 - a. In order to obtain material gain, directly or indirectly;
 - b. Using means the endanger the life, integrity, or health of the migrant;
 - c. By subjecting migrants to inhuman or degrading treatment.It shall be punishable by no less than 3 and no more than 10 years of imprisonment and a ban on the exercise of certain rights.
- 3) The attempt shall also be punishable.

Art. 374 - Child Pornography

- 1) The production, possession for display or distribution, the purchase, storage, display, promotion, distribution and supply, in any manner, of child pornography shall be punishable by no less than 1 and no more than 5 years of imprisonment.

- 2) If the act set out in par.1 are committed using a computer system or other means of data storage, it shall be punishable by no less than 2 and no more than 7 years of imprisonment.
- 3) The act of unlawfully accessing child pornography through computer systems or other means of electronic communication shall be punishable by no less than 3 months and no more than 3 years of imprisonment or by a fine.
- 4) Child pornography means any material that shows a juvenile displaying a sexually explicit behavior or that, even if not presenting a real person, simulate a juvenile with such behavior in a credible manner.
- 5) The attempt is also punishable.

Art. 439 - Crimes Against Humanity

- 1) The act of committing, as part of a generalized or systematic attack on a civilian population, one of the following offenses:
 - a. Slavery or trafficking in human beings, especially women or children
Shall be punishable by life imprisonment or no less than 15 years and no more than 25 years of imprisonment and a ban on the exercise of certain rights.

[Romanian Law on the protection and promotion of the rights of the child \[272/2004\]](#)

Art. 85

- (4) The child has the right to be protected against any forms of violence, neglect, abuse or maltreatment.
- (5) Any natural or legal person, as well as the child, can notify the authorities empowered by law to take appropriate measures, in order to protect the child against any forms of violence, including sexual violence, harm or physical or mental abuse, maltreatment or exploitation, abandonment or neglect.
- (6) The staff of the public or private institutions who come into contact with the child through the nature of their profession and have suspicions concerning a potential case of child abuse, neglect or maltreatment, must urgently notify the General Directorate for Social Assistance and Child Protection.

Art. 86

- (1) The child's parents or, if the case, any other legal representative of the child, the public authorities and private institutions must take all the appropriate measures in order to facilitate the physical and mental rehabilitation and the social re-integration of any child who has been the victim of any form of child neglect, exploitation or abuse, torture, cruel, inhuman or degrading punishments or treatments.
- (2) The persons referred to under paragraph (1) will provide the necessary conditions so that the re-adjustment and re-integration of the child should have as primary consideration the child's health, self-respect and dignity.

Art. 89

- (1) Child abuse means any voluntary action of a person who has a relation of responsibility, trust or authority towards the child, through which the life, the normal physical, mental, spiritual, moral and social development, the bodily integrity, and the physical and mental health of the child are endangered.
- (2) Child neglect means the omission, either voluntary or involuntary, of a person who is responsible for upbringing, caring for and educating the child, to undertake any measure which is subordinated to this responsibility, and which results in endangerment of the physical, mental, spiritual, moral and social development, the bodily integrity and the physical and mental health of the child.

Art. 90

It is forbidden to enforce physical punishments of any kind or to deprive the child of his or her rights, which may result in the endangerment of the life, the physical, mental, spiritual, moral and social development, the bodily integrity, and the physical and mental health of the child, both within the family, as well as in any institution which ensures the protection, care and education of children.

Art. 91

- (1) Any person who, through the nature of his or her profession, works directly with a child and has suspicions concerning the existence of a case of child abuse or neglect, must notify the public social assistance service or the General Directorate for Social Assistance and Child Protection in whose territorial range the case was identified respectively.
- (2) To report cases of child abuse or neglect, at the level of each General Directorate for Social Assistance and Child Protection, a “child telephone line” will be established, and the number should be widely publicized.²

Art. 92

In view of providing special protection for the abused or neglected child, the General Directorate for Social Assistance and Child Protection shall:

- verify and provide a solution for all notifications concerning child abuse and neglect cases, including those coming from family social workers;
- provide the services stipulated under art. 107, which specialize in addressing the needs of children victims of abuse and neglect and their families.

Art. 93

In order to verify the notifications concerning cases of child abuse and neglect, the representatives of the General Directorate for Social Assistance and Child Protection have the right to gain access, according to the law, to the headquarters of the legal persons, as well as to the domicile of the natural persons who are legally responsible or provide child protection. In order to conduct these verifications, the police must support the representatives of the General Directorate for Social Assistance and Child Protection.

Art. 94

- (1) The representatives of the legal persons, as well as the natural persons who are legally responsible or provide child protection must cooperate with the representatives of the General Directorate for Social Assistance and Child Protection and offer them all necessary information for addressing the situations.
- (2) In case when, following the verifications, the representatives of the General Directorate for Social Assistance and Child Protection reach the conclusion that there are sound reasons to support the existence of an imminent dangerous situation for the child, as a result of child abuse and neglect, and they do not face any opposition from the persons referred to under paragraph (1), the director of the General Directorate for Social Assistance and Child Protection will establish the emergency placement measure. The provisions stipulated under art. 58 - 60, art. 64, paragraph (3) and art. 66 are properly enforced.
- (3) In case the persons referred to under paragraph (1) refuse or prevent in any way the representatives of the General Directorate for Social Assistance and Child Protection to conduct the verifications, and it is established that there are sound reasons to support the existence of an imminent dangerous situation for the child, as a result of child abuse and neglect, the General Directorate for Social Assistance and Child Protection notifies the

² [Child Telephone Association](#), *supra* at note 1.

court of law, requesting the issuance of a presidential ordinance for the emergency placement of the child with a person, family, maternal assistant or in a residential service, which is licensed in accordance with the law. The provisions stipulated under art. 58 - 60 and art. 64, paragraph (3) are properly enforced.

- (4) Within 48 hours from the date of executing the presidential ordinance through which the emergency placement measure was established, the General Directorate for Social Assistance and Child Protection notifies the court of law, requesting it to issue a decree ruling on: the replacement of the emergency placement with a placement measure, the partial or complete termination of parental rights, as well as on the exercise of parental rights.

Art. 95

- (1) During the process mentioned under art. 94, paragraphs (3) and (4), the written statement of the child concerning the abuse or neglect situation to which he or she was subjected, may be administered ex-officio as evidence. The child's statement may be recorded, according to the law, through technical audio-visual methods. The recordings are made obligatorily with the assistance of a psychologist.
- (2) The child's consent is mandatory for the recording of his or her statement.
- (3) If the court of law deems necessary, it may subpoena the child in order to conduct a hearing. The hearing only takes place in the council chamber, in the presence of a psychologist and only subsequent to an initial preparation of the child in this regard.

Art. 96

In case the child abuse or neglect were committed by persons who, based on a legal working contract or another type of contract, were providing the protection, upbringing, care and education of the child, the employers of these persons must notify immediately the criminal investigation authorities and must separate the respective persons from the children who are in their care.

Art. 97

It is forbidden to employ a person against whom a final and irreversible court decree has been issued for intentionally committing a crime, in the public or private institutions, as well as in the public or private residential services, which provide the protection, upbringing, care or education of children.

Art. 98

- (1) The Ministry of Administration and Internal Affairs and the National Authority for the Protection of the Rights of the Child, in cooperation with the Ministry of Education and Research, will undertake the necessary steps in order to adopt all legal, administrative and educational measures that are destined to ensure the efficient protection against any forms of internal or international child trafficking, for any purpose or in any form, including by the child's own parents.
- (2) For this purpose, the public authorities referred to under paragraph (1) have the responsibility to elaborate a national strategy for the prevention and eradication of this phenomenon, including an internal mechanism for coordinating and monitoring the already accomplished activities.

Art. 99

- (1) The child has the right to be protected against any form of exploitation.
- (2) The public authorities and institutions, according to their responsibilities, adopt specific regulations and enforce adequate measures in order to prevent, among others:

- the illegal transfer and the failure of returning of the child;
- the conclusion of adoptions, either national or international, for any other purposes than the best interests of the child;
- sexual exploitation and sexual violence;
- the kidnapping and trafficking in children, for any purpose and in any form;
- the involvement of children in armed conflicts;
- the forced development of children's abilities to the detriment of their harmonious physical and mental development;
- the exploitation of the children by the media;
- the exploitation of children as part of scientific researches or experiments.