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VIOLENCE IN THE FAMILY – LEGAL ASPECTS

1. WHAT IS THE DOMESTIC VIOLENCE?

- ▶ The Special Law, Law 217/2003 on the Prevention and Combating of Domestic Violence, as amended, defines domestic violence as "any intentional act or inaction, except for acts of self-defense or defence, physically or verbally, committed by a member against another member of the same family, which causes or can cause physical, psychological, sexual, emotional or psychological harm, including the threat with such acts, constraint or arbitrary deprivation of liberty. "



WHAT RIGHTS DOES THE VICTIM OF DOMESTIC VIOLENCE HAVE?

- ▶ The rights of a victim of domestic violence are those laid down in the Law 217 of 2003 republished with amendments and supplements (2015), corroborated with those provided by the Law 211 of 2004 with amendments, regarding certain measures to ensure the protection of victims of crimes.
- ▶ These are:



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- ▶ *The right to respect of his personality, dignity and private life.
 - ▶ *The right to information (single no 0800500333).
 - ▶ *The right to free psychological counseling.
 - ▶ *The right to special protection, appropriate to his situation and needs.
 - ▶ *The right to free legal aid.
 - ▶ *The right to other services (shelter, social or psychological counseling, organizational support).
 - ▶ *The right to financial compensation.



WHAT DOES IN THE EYES OF THE LAW "FAMILY MEMBER" MEAN?

- ▶ *ascendants and descendants, brothers and sisters,
- ▶ *their children, as well as those who have been adopted by law, as relatives;
- ▶ *spouse and / or former spouse / ex-wife; persons who have established similar relationships with those spouses or between parents and children if they live together;
- ▶ *the guardian or other person who exercises in fact or in law the rights for the child;
- ▶ *the legal representative or other person who cares for the person with mental illness, intellectual disability or physical disability, except those who perform these tasks in the exercise of his/her professional duties "



4. WHAT ARE THE FORMS OF VIOLENCE, MANIFESTED IN THE FAMILY?

- ▶ *Physical violence can be manifested, for example, by: slapping and beatings, blows and injuries, burns, bites, fractures, strangulation, seizure, murder (or attempt).
- ▶ *Victims often camouflage physical ill-treatment and say they have suffered accidents.



OTHER FORMS OF VIOLENCE, RECOGNIZED BY LAW

- ▶ a) Economic violence
- ▶ b) Psychological violence
- ▶ c) Verbal violence
- ▶ d) Sexual violence
- ▶ e) Social Violence
- ▶ f) Spiritual violence



5. WHAT ARE THE CONSEQUENCES OF VIOLENCE?

- ▶ *If serious physical and sexual violence are clearly perceived as touching on the integrity of individuals, other forms of violence, being more subtle, are more difficult to identify, detect and prove.
- ▶ *Violence undermines self-confidence, destroys welfare and degrades health. It also engages in psychological and physical problems such as stress, anxiety, depression, insomnia, headaches, stomach or back pain, chronic fatigue, etc.



WHAT ARE THE SERVICES AND INSTITUTIONS WHICH HELP THE VICTIMS ?

- ▶ POLICE - If the victim is hit or feels that he/she will be hit, he can call 112. He/she has to tell the 112 operator that he is being attacked by someone in the family. In order to file a complaint, the victim must have at least one forensic certificate stating that he / she has been hit by the aggressor. If they file a complaint after the police have made a finding that domestic violence has taken place, it will be easier to prove the aggression.
- ▶ THE HEALTH SYSTEM - (The medical letter that the victim can receive from the hospital is helpful in obtaining the medico-legal certificate.
- ▶ SOCIAL SUPPORT SERVICES FOR VICTIMS OF DOMESTIC VIOLENCE
- ▶ COURT OF JUSTICE AND PARQUET (Criminal injunction and criminal complaint)



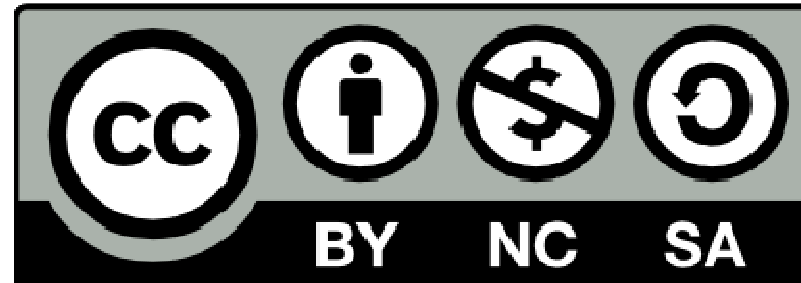
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- ▶ Police starts the investigation only when the victim files a criminal complaint
 - ▶ Domestic violence could only be penalized after two beatings.
 - ▶ This after the Senate tacitly adopted a bill that would allow, in case of domestic violence, the decriminalization of the aggressor if he gets to sit with the victim in the first criminal complaint.
 - ▶ The law's arguments are that in a second assault the authors will not be able to escape, even if they are forgiven by the victims.



WHAT SHOULD A VICTIM OF VIOLENCE DO ?

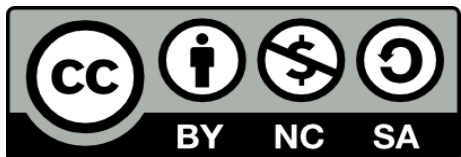
- ▶ Searching evidence to prevent acts of violence
- ▶ Request protection order
- ▶ Evidence: writings, testimonies
- ▶ The application for the issuing of the protection order shall be submitted to the court of the territorial jurisdiction in which the victim has his/her domicile or residence, even if he/she resides at that address without legal form.
- ▶ The application for a restraining order is free of charge
- ▶ The policeman executes the restraining order
- ▶ The victim may request a new restriction order if the old one has been violated or expired
- ▶ Until the restriction order was obtained, the victim can be accommodated in a shelter / protection center





Authors: Sebastian Matei
Alexandru Stefanescu

Assistant teacher: Cristina Buta



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