

Legal questionnaire completed by Zamfirescu Racoti Vasile & Partners • November 2025

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Is this jurisdiction a European Union (EU) Member State or otherwise subject to EU laws/regulations (such as an overseas territory or department of an EU Member State)?

Yes

1. What laws and regulations contain legal definitions of the following terms or corresponding terms in your local jurisdiction (links to existing U.S. legal definitions are included, where relevant, as background for comparison – please include definitions of any corresponding terms in your jurisdiction):

a. child or minor (18 U.S.C. 2256(1), <https://www.law.cornell.edu/uscode/text/18/2256>)

The Romanian Civil Code stipulates that “*a person becomes an adult upon reaching the age of 18*” ([Article 38\(2\)](#)), therefore, a minor is a person who has not yet reached the age of 18. The definition of a child is found in [Law No. 272/2004](#) on the protection and promotion of children’s rights, namely that a child is “*a person who has not reached the age of 18 and has not acquired full legal capacity under the law*” ([Article 4\(a\)](#)).

According to the Romanian Civil Code, legal capacity *is the ability of a person to enter into civil legal acts on their own* ([Article 37](#)), and full legal capacity begins on the date when the person reaches the age of 18 ([Article 38\(1\)](#)).

Between the ages of 14 and 18, minors have limited legal capacity, meaning that they may enter into legal acts with the consent of their parents or, where applicable, their guardian, and in cases provided for by law, with the approval of the family council, if any, and the authorization of the guardianship court.

Minors acquire full legal capacity (before reaching the legal age of 18) in two ways: through marriage ([Article 39\(1\)](#) of the Civil Code) or through recognition by the guardianship court for valid reasons ([Article 40 of the Civil Code](#)).

The marriage of a minor who has reached the age of 16 may be authorized by the guardianship court, for valid reasons, based on a medical opinion and with the consent of the parents ([Article 272 of the Civil Code](#)). If the marriage is annulled, the minor who was acting in good faith at the time of the marriage retains full legal capacity ([Article 39\(2\) of the Civil Code](#)).



For valid reasons, the guardianship court may grant full legal capacity to a minor who has reached the age of 16. To this end, the parents or guardian of the minor shall be heard and, where appropriate, the opinion of the family council shall be taken into account ([Article 40 of the Civil Code](#)).

Minors who have not reached the age of 14 do not have legal capacity ([Article 43\(1\)\(a\) of the Civil Code](#)).

b. child sexual exploitation (Missing Children's Assistance Act of 2023, Section 2, (a)(1)(9), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

The Romanian Criminal Code contains a general definition of the concept of exploitation of a person, applicable to both adults and minors, and this definition also refers to the sexual exploitation of a person (including a child).

The concept of exploitation of a person is provided for in [Article 182 of the Romanian Criminal Code](#), which states:

"Exploitation of a person means:

- a) subjecting a person to forced labor or services;*
- b) keeping in slavery or other similar conditions of deprivation of liberty or servitude;*
- c) compelling to engage in prostitution, pornographic performances for the purpose of producing and disseminating pornographic material or other forms of sexual exploitation;*
- d) forcing someone to beg;*
- e) illegally taking human organs, tissues or cells.*
- f) forcing someone to commit acts against the criminal law."*

References to this meaning of the concept of exploitation of a person indicated in [Article 182 of the Criminal Code](#) are also provided for in [Law No. 678/2001](#) on the prevention and combating of trafficking in human beings, which provides that exploitation of a person means the activities referred to in [Article 182](#) of the Criminal Code ([Article 2\(c\)](#) of the Law).

Although it does not expressly refer to the sexual exploitation of children, [Government Decision No. 867/2009](#) on the prohibition of hazardous work for children defines as *unacceptable work for minors activities carried out by a child or involving the direct participation of a child which, by their nature or the conditions in which they are carried out, are harmful to the health, safety, development or morals of children, namely: (...) the use, recruitment, or offering of a child for the purpose of prostitution, the production of pornographic material or pornographic performances (...)* ([Article 2\(c\)](#)).

Cases of children involved in intolerable work in the formal and informal sectors are identified by professionals in various fields of activity, such as labor inspection, social assistance and child protection, education, health and the police.

Certain articles of the Romanian Criminal Code criminalize behaviors that can be classified as related to the sexual exploitation of children:



Art. 211 – Trafficking in minors

- (1) The recruitment, transportation, transfer, harboring or receiving of a minor for the purpose of exploitation shall be punished by imprisonment of 7 to 15 years and the deprivation of certain rights.*
- (1¹) The penalty provided for in paragraph (1) shall also apply to the incitement or facilitation of prostitution or the obtaining of financial gain from prostitution by one or more minors.*
- (2) The acts provided for in paragraphs (1) and (1¹) shall be punished by imprisonment of 10 to 20 years and the deprivation of certain rights when:*
 - a) the act was committed under the conditions of Article 210 paragraph (1);*
 - b) the act was committed by a public official in the exercise of his or her duties;*
 - c) the act endangered the life of the minor;*
 - d) the act was committed by a family member or a person living with the victim;*
 - e) the act was committed by a person in whose care, protection, education, custody or treatment the minor was, or the perpetrator abused his or her position of trust or authority over the minor or the minor's obvious vulnerability, due to a mental or physical disability, a situation of dependence, a state of physical or mental incapacity or other causes.*
 - f) the act was committed by a person who has previously committed a crime against sexual freedom and integrity, a crime of child pornography, a crime of human trafficking, trafficking in minors or pimping.*
- (3) The consent of the victim of trafficking does not constitute a justifying cause.*
- (4) If the acts referred to in paragraphs (1) and (2) are followed by the actual exploitation of the minor, within the meaning of Article 182, the rules on concurrent offences shall apply.*

Art. 216 - Use of the services of an exploited person

The act of using the services referred to in [Article 182](#), provided by a person whom the beneficiary knows to be a victim of human trafficking or child trafficking, shall be punished by imprisonment of 6 months to 3 years or a fine, if the act does not constitute a more serious crime.

Attempting to commit this crime is also punishable.

Art. 216¹ - Use of child prostitution

Engaging in any sexual act with a minor who is engaged in prostitution shall be punished by imprisonment of 6 months to 3 years if the act does not constitute a more serious crime.

The Romanian Code of Criminal Procedure establishes in [Article 113](#) a presumption of vulnerability of child victims of trafficking, sexual violence or exploitation, so that in such situations, both during the criminal investigation and during the trial of a criminal case involving such victims, the prosecutor or the court may order measures to protect them, such as:

- *during the criminal investigation:*
 - a) surveillance and guarding of the victim's home or provision of temporary accommodation;*



- b) *accompanying and ensuring the protection of the victim or his or her family members during travel;*
- c) *protection of identity data by granting a pseudonym with which the victim will sign his or her statement;*
- d) *hearing the victim without them being present, using audio-visual transmission with distorted voice and image, when other measures are not sufficient.*
- *during trial:*
 - a) *surveillance and security of the victim's home or provision of temporary accommodation;*
 - b) *escorting and protecting the victim or his or her family members during travel;*
 - c) *non-publicity of the court hearing during the victim's hearing;*
 - d) *hearing the victim without them being present in the courtroom, through audio-visual transmission, with their voice and image distorted, when other measures are not enough;*
 - e) *protecting the victim's identity and giving them a pseudonym under which they will testify.*

c. **sexually explicit conduct (18 U.S.C. 2256(2), <https://www.law.cornell.edu/uscode/text/18/2256>)**

In Romania, there is no legal definition of 'sexually explicit conduct'. Various legal provisions expressly mention this concept, but without clearly defining its content.

The relevant legal provisions are set out below:

[Article 374 of the Romanian Criminal Code](#), which criminalizes child pornography, uses the term "*sexually explicit conduct*" in relation to a minor in three paragraphs:

- "(3²) The act of an adult requesting a minor to record, produce, distribute, display or transmit by any means, including electronic means of communication or social networks, images, videos, or other pornographic material depicting the minor engaging in sexually explicit conduct or, although not depicting a real person, credibly simulating a minor engaging in such behavior, as well as any representation of the genitalia of a child for sexual purposes, is punishable by imprisonment of 5 to 12 years.*
- (4) Pornographic material involving minors means any material that depicts a minor or an adult as a minor engaging in sexually explicit conduct or who, although not depicting a real person, credibly simulates a minor engaging in such conduct, as well as any representation of the genitals of a child for sexual purposes.*
- (4¹) Pornographic performance means the live exhibition to an audience, including through information and communication technology, of a child engaged in sexually explicit conduct or of the genitals of a child for sexual purposes."*

[Article 2\(1\) of Law No. 196/2003](#) on the prevention and combating of pornography defines **pornography** as *acts of an obscene nature, as well as materials that reproduce or disseminate such acts.*

Paragraph 2 of the same article regulates the content of the concept of **obscene acts**, namely *sexually explicit gestures or conduct, committed individually or in a group, images,*



sounds or words which, by their meaning, offend modesty, as well as any other forms of indecent expression relating to sexual life, if committed in public.

Paragraph 3 of the same article regulates the concept of **obscene material**, namely *objects, engravings, photographs, holograms, drawings, writings, printed matter, emblems, publications, films, video and audio recordings, advertising spots, computer programs and applications, musical pieces, as well as any other forms of expression that explicitly depict or suggest sexual activity.*

d. **child sexual abuse (18 U.S.C. 2243(a), <https://www.law.cornell.edu/uscode/text/18/2243>)**

A general definition of child abuse, which includes sexual abuse, is regulated by [Article 94\(1\) of Law No. 272/2004](#), which provides that:

"Child abuse means any voluntary act by a person who is in a relationship of responsibility, trust or authority toward a child, which endangers the child's life, physical, mental, spiritual, moral or social development, bodily integrity, physical or mental health, and is classified as physical, emotional, psychological, sexual and economic abuse."

Without providing a legal definition of sexual abuse of minors, the Romanian Criminal Code criminalizes several crimes against the sexual freedom and integrity of minors that outline the content of this concept.

The relevant crimes criminalized by the Romanian Criminal Code are listed below:

"Art. 218¹ – Rape of a minor

- (1) *Sexual intercourse, oral or anal sex, as well as any other acts of vaginal or anal penetration committed by an adult with a minor under the age of 16 shall be punished by imprisonment of 7 to 12 years and the deprivation of certain rights.*
- (1¹) *Sexual intercourse, oral or anal sex, as well as any other acts of vaginal or anal penetration committed by a minor with another minor under the age of 14 shall be punished in accordance with the provisions of Art. 114.*
- (2) *Sexual intercourse, oral or anal sex, as well as any other acts of vaginal or anal penetration committed by an adult with a minor through coercion, rendering the minor unable to defend themselves or express their will or by taking advantage of this state, shall be punished with imprisonment of 8 to 15 years and the deprivation of certain rights.*
- (3) *Sexual intercourse, oral or anal sex, as well as any other acts of vaginal or anal penetration committed by a minor with another minor through coercion, rendering them unable to defend themselves or express their will or by taking advantage of this state, shall be punished with imprisonment of 3 to 10 years and the deprivation of certain rights.*
- (4) *If the acts referred to in paragraphs (1) to (3) are committed in one of the following circumstances:*
 - a) *the act was committed by a family member of the minor or by a person living with the minor;*
 - b) *the minor is in the care, protection, education, custody or treatment of the perpetrator or the perpetrator has abused his or her position of trust or*



- authority over the minor or the minor's manifestly vulnerable situation caused by illness, mental or physical disability, dependence or physical or mental incapacity;*
- c) the act resulted in bodily harm or endangered the life of the minor in any other way;*
 - d) the act was committed for the purpose of producing pornographic material;*
 - e) the act was committed by two or more persons acting together;*
 - f) the act was committed by a person who has previously committed a crime against sexual freedom and integrity, a crime of child pornography or pimping, or a crime of human trafficking or trafficking in minors;*
 - g) if, as a consequence of the act, the victim became pregnant, the special maximum penalty shall be increased by 3 years.*
- (5) If the acts referred to in paragraphs (1) and (1¹) were committed in exchange for remuneration, material gain or an advantage in kind or the promise of such benefits, the special limits of the penalty shall be increased by one third.*
- (5¹) Sexual intercourse, oral or anal sex, as well as any other acts of vaginal or anal penetration committed by an adult with a minor between the ages of 16 and 18 shall be punished by imprisonment of 2 to 9 years and the deprivation of certain rights, if:*
- a) the minor is a family member of the adult;*
 - b) the minor is in the care, protection, education, custody or treatment of the perpetrator, or the perpetrator has abused his or her position of trust or authority over the minor or the minor's manifestly vulnerable situation, due to a mental or physical disability, a situation of dependence, an illness, a state of physical or mental incapacity, or any other cause;*
 - c) the act resulted in bodily harm or endangered the life of the minor in any way;*
 - d) the act was committed for the purpose of producing pornographic material.*
- (5²) The act referred to in paragraph (5¹) shall be punished by imprisonment of 3 to 10 years if:*
- a) the act was committed by two or more persons acting together;*
 - b) the act was committed by a person who had previously committed a crime against the sexual freedom and integrity of a minor, a crime of child pornography or pimping of a minor, or a crime of human trafficking or trafficking of minors.*
- (6) If the act resulted in the death of the victim, the penalty shall be imprisonment for a term of 9 to 18 years and the deprivation of certain rights.*
- (7) The acts referred to in paragraphs (1) and (1¹) shall not be punishable if the age difference between the perpetrator and the victim does not exceed 5 years.*
- (8) Attempts to commit the offences referred to in paragraphs (1) to (5²) shall be punishable.*

Art. 219¹ – Sexual assault on a minor

- (1) A sexual act, other than those provided for in Art. 218¹, committed by an adult on a minor under the age of 16 shall be punished by imprisonment from 2 to 9 years and the deprivation of certain rights.*



- (1¹) *A sexual act, other than those provided for in Article 218¹, committed by a minor against another minor under the age of 14 shall be punished by imprisonment of between one and five years and the deprivation of certain rights.*
- (1²) *Sexual acts other than those provided for in Article 218¹, committed by an adult against a minor by coercion, rendering the minor incapable of defending themselves or expressing their will, or by taking advantage of this state, shall be punished by imprisonment of 3 to 10 years and the deprivation of certain rights.*
- (2) *Sexual acts other than those provided for in Article 218¹, committed between minors by coercion, rendering them unable to defend themselves or express their will, or by taking advantage of this state, shall be punished by imprisonment of between 2 and 7 years.*
- (3) *If the acts provided for in paragraphs (1) and (2) are committed in one of the following circumstances:*
- a) the act was committed by a family member of the minor or by a person living with the minor;*
 - b) the minor is in the care, protection, education, custody or treatment of the perpetrator or the perpetrator has abused his or her position of trust or authority over the minor or the minor's manifestly vulnerable situation caused by illness, mental or physical disability, a situation of dependence or a state of physical or mental incapacity;*
 - c) the act resulted in bodily harm or endangered the life of the minor in any other way;*
 - d) the act was committed for the purpose of producing pornographic material;*
 - e) the act was committed by two or more persons acting together;*
 - f) the act was committed by a person who had previously committed a crime against sexual freedom and integrity, a crime of child pornography or pimping of a minor, or a crime of human trafficking or trafficking of minors, the maximum special penalty shall be increased by 3 years.*
- (3¹) *The commission by an adult of a sexual act, other than those provided for in Article 218¹, against a minor between the ages of 16 and 18 shall be punished by imprisonment of 6 months to 3 years and the deprivation of certain rights, if:*
- a) the act was committed by a member of the minor's family or by a person living with the minor;*
 - b) the minor is in the care, protection, education, custody or treatment of the perpetrator, or the perpetrator has abused his or her position of trust or authority over the minor or the minor's manifestly vulnerable situation caused by illness, mental or physical disability, dependence, or physical or mental incapacity;*
 - c) the act was committed for the purpose of producing pornographic material;*
 - d) the act resulted in bodily harm or endangered the life of the minor in any other way.*
- (3²) *If the acts referred to in paragraph (3¹) are committed in the following circumstances:*
- a) the act was committed by two or more persons acting together;*
 - b) the act was committed by a person who had previously committed a crime against the sexual freedom and integrity of a minor, a crime of child*



pornography or pimping of a minor, or a crime of human trafficking or trafficking of minors, the special limits of the penalty shall be increased by one third.

- (4) If the act resulted in the death of the victim, the punishment shall be imprisonment for 8 to 15 years and the deprivation of certain rights.*
- (5) The acts referred to in paragraphs (1) and (1¹) shall not be punished if the age difference between the perpetrator and the victim does not exceed 5 years.*
- (6) If the acts of sexual assault were preceded or followed by the commission of acts provided for in [Article 218¹ paragraphs \(1\) to \(3\)](#), they constitute the crime of rape of a minor.*
- (7) Attempts to commit the crimes provided for in paragraphs (1) to (3²) shall be punished.”*

e. child pornography or child sexual abuse material (CSAM) (18 U.S.C. 2256(8), <https://www.law.cornell.edu/uscode/text/18/2256>)

Child pornography is criminalized under [Article 374 of the Romanian Criminal Code](#), and the various paragraphs of this article define the content of the crime, namely:

“Art. 374 – Child pornography

- (1) The production, possession, procurement, storage, display, promotion, distribution, and making available, in any manner, of pornographic material involving minors shall be punished by imprisonment of 3 to 10 years.*
- (1¹) The penalty provided for in paragraph (1) shall also apply to inciting or recruiting a minor to participate in a pornographic performance, obtaining benefits from such a performance in which minors participate, or exploiting a minor in any other way for the purpose of pornographic performances.*
- (1²) Viewing pornographic performances in which minors participate shall be punishable by imprisonment of between one and five years.*
- (2) If the acts referred to in paragraph (1) were committed through a computer system or other means of data storage, the penalty shall be imprisonment for a term of five to twelve years.*
- (3) Unauthorized access to pornographic material involving minors through computer systems or other means of electronic communication shall be punished by imprisonment of one to three years.*
- (3¹) If the acts referred to in paragraphs (1), (1¹), (1²) and (2) were committed in the following circumstances:
 - a) by a family member or a person living with the victim;*
 - b) by a person in whose care, protection, education, custody or treatment the minor was, or by a person who abused his or her position of trust or authority over the minor;*
 - c) the act endangered the life of the minor;*
 - d) by a person who had previously committed a crime against the sexual freedom and integrity of a minor, a crime of child pornography or pimping of a minor, the special limits of the penalties shall be increased by one third.**



- (3²) The act of an adult requesting a minor to record, produce, distribute, display or transmit by any means, including electronic means of communication or social networks, images, videos, or other pornographic material depicting the minor in sexually explicit conduct or, although not depicting a real person, credibly simulating a minor in such behavior, as well as any representation of the genitals of a child for sexual purposes, shall be punished by imprisonment of 5 to 12 years.*
- (4) Pornographic material involving minors means any material that depicts a minor or an adult as a minor engaging in sexually explicit conduct or, although not depicting a real person, credibly simulates a minor engaging in such behavior, as well as any representation of the genitals of a child for sexual purposes.*
- (4¹) Pornographic performance means the live exhibition to an audience, including through information and communication technology, of a child engaged in sexually explicit conduct or of the genitals of a child for sexual purposes.*
- (5) Attempts shall be punishable.”*

Although there is no legal definition of the concept of material containing sexual abuse of minors, criminalization as an aggravated form of crimes constituting sexual abuse of children when committed with the purpose of producing pornographic material is relevant from this perspective.

In this regard, we mention, without repeating the list in point (d) above, the following offences:

“Art. 218¹ - Rape of a minor

(4) If the acts referred to in paragraphs (1) to (3) are committed in one of the following circumstances:

d) the act was committed for the purpose of producing pornographic material;

Art. 219¹ - Sexual assault committed against a minor

(3) If the acts referred to in paragraphs (1) - (2) are committed in one of the following circumstances:

d) the act was committed for the purpose of producing pornographic material;

(3¹) The commission by an adult of a sexual act, other than those provided for in Art. 218¹, against a minor between the ages of 16 and 18 shall be punished by imprisonment from 6 months to 3 years and the prohibition of the exercise of certain rights, if:

c) the act was committed for the purpose of producing pornographic material;”

- f. computer-generated images or videos of child pornography or CSAM (created by artificial intelligence or morphed) (18 U.S.C. 2256(8) & (9), <https://www.law.cornell.edu/uscode/text/18/2256>)**

The term has no legal definition, however the following legal provisions contained in the Romanian Criminal Code are relevant:



"Art. 226 - Violation of privacy

- (1) *Unlawful interference with private life by photographing, capturing or recording images, listening with technical means or audio recording of a person in a dwelling or room or an annex thereto or of a private conversation shall be punished by imprisonment of one month to six months or a fine.*
- (2) *The unauthorized disclosure, dissemination, presentation or transmission of the sounds, conversations, or images referred to in paragraph (1) to another person or to the public shall be punished by imprisonment of three months to two years or a fine.*
- (2¹) *The disclosure, dissemination, presentation or transmission, in any manner, of an intimate image of a person who is identified or identifiable based on the information provided, without the consent of the person depicted, in a manner likely to cause them psychological suffering or damage their image, shall be punished by imprisonment of 6 months to 3 years or a fine.*
- (2²) *Intimate image means any reproduction, regardless of the medium, of an image of a person who is naked, exposing all or part of their genitals, anus or pubic area or, in the case of women, their breasts, or who is involved in sexual intercourse or a sexual act.*
- (3) *Criminal proceedings shall be initiated upon prior complaint by the injured party.*
- (4) *The act referred to in paragraphs (1) and (2) shall not constitute a crime if committed:*
 - a) *by a person who participated in the meeting with the injured person during which the sounds, conversations or images were recorded, if they can justify a legitimate interest;*
 - b) *if the injured person acted explicitly with the intention of being seen or heard by the perpetrator;*
 - c) *if the perpetrator captures the commission of a crime or contributes to proving the commission of a crime;*
 - d) *if it captures facts of public interest that are significant for the life of the community and whose disclosure presents greater public advantages than the harm caused to the injured person.*
- (4¹) *The act referred to in paragraph (2¹) shall not constitute a crime if the perpetrator captures the commission of a crime or contributes to proving the commission of a crime.*
- (5) *The unauthorized placement of audio or video recording devices for the purpose of committing the acts referred to in paragraphs (1) and (2) shall be punishable by imprisonment of one to five years.*

Art. 244 – Fraud

- (1) *Misleading a person by presenting a false fact as true or a true fact as false, with the aim of obtaining an unjust financial gain for oneself or for another, and if damage has been caused, shall be punished by imprisonment of between six months and three years.*
- (2) *Fraud committed by using false names or qualities or other fraudulent means shall be punished by imprisonment of one to five years. If the fraudulent means constitutes a crime in itself, the rules on concurrent crimes shall apply.*



(3) *Reconciliation removes criminal liability.*

Art. 325 - Computer fraud

The act of unlawfully introducing, modifying or deleting computer data or unlawfully restricting access to such data, resulting in data that is untrue, with the intention of using it to produce a legal consequence, constitutes a crime and is punishable by imprisonment of one to five years."

- g. enticement or grooming (encouraging, persuading, or coercing a child to engage in sexual activity or to create child pornography or CSAM) (18 U.S.C. 2422(b), <https://www.law.cornell.edu/uscode/text/18/2422>)

The term has no legal definition, however the following legal provisions contained in the Romanian Criminal Code are relevant:

"Art. 219² - Determining or facilitating sexual acts or acts of a sexual nature between minors

- (1) *The act of an adult who causes sexual intercourse, oral or anal sex, or any other act of vaginal or anal penetration between minors under the age of 16, as well as causing a minor to endure or perform such an act, shall be punished with the penalty provided for in [Art. 218¹ para. \(1\) - \(3\)](#), as applicable, reduced by one third.*
- (2) *The act of an adult who causes the commission of any act of a sexual nature, other than those provided for in paragraph (1), between minors under the age of 16, as well as causing a minor to undergo or perform such an act, shall be punished with the penalty provided for in [Article 219¹ paragraphs \(1\) - \(3\)](#), as applicable, reduced by one third.*
- (3) *If the act provided for in paragraph (1) is preceded or followed by the act provided for in paragraph (2), only the act provided for in paragraph (1) shall be punished.*

Art. 221 - Sexual corruption of minors

- (1) *«repealed»*
- (2) *«repealed»*
- (2¹) *«repealed»*
- (3) *Sexual acts of any kind committed by an adult in the presence of a minor under the age of 16 shall be punished by imprisonment of 6 months to 3 years or a fine.*
- (4) *The act of an adult causing a minor under the age of 16 to witness acts of exhibitionism or performances or shows involving sexual acts of any kind, as well as providing them with pornographic material shall be punished by imprisonment between 3 months and 3 years or a fine.*
- (4¹) *The act of an adult inciting a minor under the age of 16, by means of remote communication, by means of electronic communication or social networks, to commit any act of a sexual nature on themselves, on another person or together with another person, including when the act of a sexual nature is not committed, shall be punished by imprisonment between 6 months and 3 years or a fine.*



Art. 222 - Solicitation of minors for sexual purposes

The act of an adult proposing to a minor under the age of 16 to meet for the purpose of committing a sexual act of any kind or for the purpose of committing an act referred to in [Article 374](#) (child pornography), including when the proposal was made by means of remote communication, shall be punished by imprisonment between six months and three years.

Art. 222¹ - Acts committed under aggravating circumstances

If the acts provided for in [Articles 221](#) and [222](#) are committed by two or more persons acting together or by a person who had previously committed a crime against the sexual freedom and integrity of a minor, a crime of child pornography, or pimping of a minor, the special limits of the penalty shall be increased by one third."

h. legal age of consent for sexual activity – are there laws and regulations, if so, what ages are specified?

Romanian law does not establish a legal age at which minors can validly consent to sexual activities.

However, such crimes when committed against minors under the age of 16 are generally punishable.

In this regard, the legal provisions of the Romanian Criminal Code presented above in point 1(d) and (g), which will not be repeated here, are relevant.

However, the Romanian Criminal Code provides for crimes affecting the sexual freedom and life of minors in which the perpetrators are also punished for acts committed against minors under the age of 14 or against minors between the ages of 16 and 18.

The Romanian Criminal Code also provides for grounds for non-punishment of certain crimes when the age difference between the perpetrator and the victim is less than 5 years.

In this regard, the legal provisions set out above in point 1(d) and (g), which will not be repeated here, are relevant.

Last but, there are crimes for which the Romanian Criminal Code does not provide any age limit below 18, such as child pornography, as previously mentioned in point (e), which we will not repeat here.

i. Sextortion (extorting money or sexual favors from a child by threatening to share sexually explicit, child pornography or CSAM images of the child) (Missing Children's Assistance Act of 2023, Section 2, (a)(1)(8), <https://www.congress.gov/118/bills/s2051/BILLS-118s2051es.pdf>)

The term itself has no legal definition, however the following legal provisions contained in the Romanian Criminal Code are relevant:



“Art. 206 – Threat

- (1) *The act of threatening a person with the commission of a crime or a harmful act directed against them or another person, if it is likely to cause them fear, shall be punished by imprisonment from 3 months to one year or a fine, without the penalty imposed exceeding the penalty provided by law for the crime that was the subject of the threat.*
- (2) *Criminal proceedings shall be initiated upon the prior complaint of the injured party.*

Art. 207 – Blackmail

- (1) *Coercing a person to give, do, refrain from doing or suffer something, with the aim of unjustly obtaining a non-pecuniary benefit for oneself or for another, shall be punished by imprisonment of one to five years.*
- (2) *The same penalty shall be imposed for threatening to disclose a real or imaginary fact that is compromising to the threatened person or a member of their family for the purpose set out in paragraph (1).*
- (3) *If the acts referred to in paragraphs (1) and (2) were committed with the aim of unjustly obtaining a financial advantage for oneself or for another person, the penalty shall be imprisonment for a term of two to seven years.*

Art. 208 – Harassment

- (1) *The act of a person who repeatedly pursues, without right or legitimate interest, a person or watches their home, workplace, or other places frequented by them, thereby causing them to fear, shall be punished by imprisonment of 3 to 6 months or a fine.*
- (2) *Making telephone calls or communications by means of remote transmission which, by their frequency or content, cause fear to a person shall be punished by imprisonment of one month to three months or a fine, unless the act constitutes a more serious crime.*
- (2¹) *If the acts referred to in paragraphs (1) and (2) are committed against a minor, the special limits of the penalty shall be increased by one third.*
- (3) *Criminal proceedings shall be initiated upon the prior complaint of the injured party.*

Art. 226 – Violation of privacy

- (1) *Unlawful interference with private life by photographing, capturing or recording images, listening with technical means or audio recording of a person in a dwelling or room or an annex thereto or of a private conversation shall be punished by imprisonment of one month to six months or a fine.*
- (2) *The unauthorized disclosure, dissemination, presentation, or transmission of the sounds, conversations, or images referred to in paragraph (1) to another person or to the public shall be punished by imprisonment of three months to two years or a fine.*
- (2¹) *The disclosure, dissemination, presentation or transmission, in any manner, of an intimate image of a person who is identified or identifiable based on the information provided, without the consent of the person depicted, in a manner*



likely to cause them psychological suffering or damage their image, shall be punished by imprisonment of 6 months to 3 years or a fine.

- (2²) Intimate image means any reproduction, regardless of the medium, of an image of a person who is naked, exposing all or part of their genitals, anus, or pubic area, or, in the case of women, their breasts, or who is involved in sexual intercourse or a sexual act.*
- (3) Criminal proceedings shall be initiated upon prior complaint by the injured party.*
- (4) The act referred to in paragraphs (1) and (2) shall not constitute a crime if committed:
 - a) by a person who participated in the meeting with the injured party during which the sounds, conversations, or images were recorded, if they can prove a legitimate interest;*
 - b) if the injured party acted explicitly with the intention of being seen or heard by the perpetrator;*
 - c) if the perpetrator captures the commission of a crime or contributes to proving the commission of a crime;*
 - d) if it captures facts of public interest that are significant for the life of the community and whose disclosure presents greater public benefits than the harm caused to the injured person.**
- (4¹) The act referred to in paragraph (21) shall not constitute a crime if the perpetrator captures the commission of a crime or contributes to proving the commission of a crime.*
- (5) The unauthorized placement of audio or video recording devices for the purpose of committing the acts referred to in paragraphs (1) and (2) shall be punishable by imprisonment of one to five years."*

2. Please explain any legal or regulatory requirement or recommendation for Online Platforms to undertake any of the following activities on their systems to protect children online from sexual exploitation:

a. review, screen, moderate, or detect content to identify child pornography or CSAM content

In Romania, there is currently no general legal obligation for online platforms to review, filter, moderate or proactively detect content related to child pornography or CSAM.

Online video-sharing platforms have legal obligations to take appropriate measures to protect minors from programs, user-generated video content, and audiovisual commercial communications that may impair their physical, mental or moral development, in particular programs containing pornography or gratuitous violence, as well as appropriate measures to control minors' access to content.

Additional measures for reviewing, filtering, moderating or proactively detecting content related to child pornography or CSAM may be adopted on a voluntary basis through their own regulations or the adoption of codes of conduct.

EU Regulation 2022/2065 (Digital Services Act), directly applicable in EU member states, including Romania, as of February 17, 2024, requires risk assessments and the



implementation of proactive risk reduction measures, including those related to minors online (e.g., algorithm adjustments, default privacy settings, child-friendly reports), but does not establish a general obligation for automated scanning for all platforms or all types of content.

The relevant legal provisions in this regard are set out below:

- [Broadcasting Law No. 504/2002](#)

Definition of video-sharing platform service ([Article 1\(1¹\)](#))

1¹. video-sharing platform service - a service whose main purpose or a separable section thereof or an essential functionality thereof is to provide to the general public user-generated video programs or video material, or to provide both, for information, entertainment or educational purposes, for which the video-sharing platform provider has no editorial responsibility, via electronic communications networks, as regulated by [Government Emergency Ordinance No. 111/2011](#), approved with amendments and additions by [Law No. 140/2012](#), with subsequent amendments and additions, the organization of which is established by the video-sharing platform provider, including by automatic means or algorithms, in particular by display, marking and sequencing.

[Art. 42⁷](#)

Video-sharing platform providers shall take appropriate measures to protect:

- a) minors from programs, user-generated video content and audiovisual commercial communications that may impair their physical, mental or moral development, in particular programs containing pornography or gratuitous violence, in accordance with the provisions of [Art. 39\(1\)](#)*

[Art. 42⁸](#)

(7) For the purpose of protecting minors, video-sharing platform providers shall take measures to control access to content as follows:

- a) including and applying, in the terms and conditions of video-sharing platform services, the requirements derived from the application of the provisions of [Art. 42⁷](#);*
- b) including and applying, in the terms and conditions of the video-sharing platform services, the requirements laid down in [Art. 29\(1\)](#) and [\(2\)](#) concerning audiovisual commercial communications that are not promoted, marketed, or organized by video-sharing platform providers;*
- c) including a functionality whereby users who upload user-generated video content declare whether such video content contains audiovisual commercial communications to the extent that they are aware of it or to the extent that it can reasonably be assumed that they are aware of this;*
- d) establishing and using transparent and user-friendly mechanisms enabling users of video-sharing platforms to report or flag to the video-sharing platform provider content referred to in Article 42⁷ that is provided on its platform;*
- e) setting up and using systems through which video-sharing platform providers explain to users of those platforms the effects of reporting and flagging as referred to in point (d);*



- f) establishing and using systems that enable the age of users of video-sharing platforms to be verified in relation to content that may adversely affect the physical, mental or moral development of minors;*
 - g) putting in place and using easy-to-use systems that let users of video-sharing platforms classify the content mentioned in [Article 42⁷](#);*
 - h) providing parental control systems under the control of end users with regard to content that may adversely affect the physical, mental or moral development of minors;*
 - i) setting up and using transparent, easy-to-use, and effective procedures for handling and resolving user complaints to video-sharing platform providers regarding the application of the measures referred to in points d) to h);*
 - j) establishing effective measures and tools for education in the field of audiovisual media and increasing the level of information available to users on those measures and tools.*
- (8) Personal data of minors collected or generated by video-sharing platform providers by any means, pursuant to the provisions of paragraph (7)(f) and (h), may not be processed for commercial purposes, such as direct marketing, profiling and behavior-based advertising.*

Art. 42¹⁰

- (1) For the purposes of implementing the measures provided for in Art. 42⁷ and Art. 42⁸ para. (6) - (8), the Council shall encourage the use of co-regulation and self-regulation.*
- (2) The Council shall establish, by means of decisions, the mechanisms necessary to assess the adequacy of the measures provided for in Art. 42⁷ and Art. 42⁸ para. (6) - (8), implemented by video-sharing platform providers.*

Definition of self-regulation and co-regulation (Article 1(42) and (43))

- “42. self-regulation - a type of voluntary initiative that allows economic operators, social partners, non-governmental organizations and associations to adopt common guidelines for themselves and among themselves;*
- 43. co-regulation - an initiative that ensures, in its minimum form, a legal link between self-regulation and the national legislator, with the regulatory role being shared between the interested parties and the Government or Council (National Audiovisual Council – our note), with state intervention being permitted in the event of failure to achieve public interest objectives.”*

b. review, screen, moderate, or detect content to identify enticement, grooming, or sextortion of a child

In Romania, there is currently no general legal obligation for online platforms to review, filter, moderate or proactively detect content to identify the grooming, manipulation or sextortion of a child.

However, their legal obligations to take appropriate measures to protect minors from programs, user-generated video content and audiovisual commercial communications that may impair their physical, mental or moral development, in particular programs containing



pornography or gratuitous violence, as well as appropriate measures to control minors' access to content

The relevant legal provisions indicated in the answer to letter (a) are also applicable in this situation.

- c. **report child pornography, CSAM, enticement, grooming, or sextortion that they become aware of or are notified about on their systems to a law enforcement or government agency or nongovernmental organization**

Online platforms (as providers of information society services) have a legal obligation to report illegal content that comes to their attention to the competent authorities and to cooperate actively with the authorities.

The relevant legal provisions in this regard are set out below:

- [Law No. 365/2002 on electronic commerce](#)

“Art. 16 – Obligations of service providers

- (1) Service providers are required to immediately inform the competent public authorities of any apparent illegal activities carried out by the recipients of their services or of any apparent illegal information provided by them.*
- (2) Service providers are required to immediately communicate to the authorities referred to in paragraph (1), at their request, information enabling the identification of the recipients of their services with whom they have concluded contracts for the permanent storage of information.*
- (3) Service providers shall be required to temporarily or permanently interrupt the transmission in a communications network or the storage of information provided by a recipient of the service concerned, in particular by removing the information or blocking access to it, access to a communications network or the provision of any other information society service, if such measures have been ordered by the public authority defined in [Article 17\(2\)](#); this public authority may act on its own initiative or following a complaint or notification from an interested party.*
- (4) The complaint referred to in paragraph (3) may be made by any person who considers himself or herself to have been harmed by the content of the information in question. The complaint or notification shall be made in writing, stating the reasons on which it is based, and shall be dated and signed. The complaint may not be lodged if legal proceedings having the same subject matter and involving the same parties have already been brought.*
- (5) The decision of the authority shall be reasoned and communicated to the parties concerned within 30 days of the date of receipt of the complaint or notification or, if the authority has acted on its own initiative, within 15 days of the date on which it was issued.*
- (6) An appeal may be lodged against a decision taken in accordance with the provisions of paragraph (3) within 15 days of its notification, under penalty of forfeiture, with the competent administrative court. The application shall be heard as a matter of urgency, with the parties being summoned. The judgment shall be final.*



Art. 17 – Competent authorities

- (1) *The Authority for the Digitization of Romania, hereinafter referred to as the Authority, shall be competent to supervise and control compliance by service providers with the provisions of this law and the methodological rules for its application, to establish contraventions and to apply the sanctions provided for in [Art. 22](#), except where penalties are imposed by other public institutions or authorities with powers to supervise a specific sector or field of activity.*
- (2) *Without prejudice to the provisions of paragraph (1), public authorities within the meaning of [Article 3\(5\)](#), [Article 5](#), [Article 16\(1\)](#) and [\(3\)](#), [Article 23\(2\)](#) of this law and [Articles 4 to 6](#) of [Regulation \(EU\) 2022/2.065](#) shall be understood to mean those public administration authorities or, where applicable, courts of law whose competence in the matter is established by the legal provisions in force, applicable in each case."*

- d. **remove or take down any child pornography, CSAM, enticement, grooming, or sextortion that they identify, become aware of, or are notified about**

Online video-sharing platforms have a legal obligation to establish and use transparent and easy-to-use mechanisms that enable users to report or flag illegal or inappropriate content provided on their platform to the platform provider, as well as systems to explain to users the effects of such reporting and flagging.

The relevant legal provisions in this regard are set out below:

- [Broadcasting Law No. 504/2002](#)

"Art. 42⁸

- (7) *For the purpose of protecting minors, video-sharing platform providers shall take measures to control access to content as follows:*
 - d) *establishing and using transparent and user-friendly mechanisms enabling users of video-sharing platforms to report or flag to the video-sharing platform provider content referred to in [Article 42⁷](#) that is provided on its platform;*
 - e) *setting up and using systems through which video-sharing platform providers explain to users of those platforms the effects of reporting and flagging as referred to in point (d);*

Art. 42¹⁰

- (1) *For the purposes of implementing the measures provided for in [Art. 42⁷](#) and [Art. 42⁸](#) para. (6) - (8), the Council shall encourage the use of co-regulation and self-regulation.*
- (2) *The Council shall establish, by means of decisions, the mechanisms necessary to assess the adequacy of the measures provided for in [Art. 42⁷](#) and [Art. 42⁸](#) para. (6) - (8), implemented by video-sharing platform providers.*

Definition of self-regulation and co-regulation ([Article 42](#)) and ([43](#))



“42. self-regulation - a type of voluntary initiative that allows economic operators, social partners, non-governmental organizations and associations to adopt common guidelines for themselves and among themselves;

43. co-regulation - an initiative that ensures, in its minimum form, a legal link between self-regulation and the national legislator, with the regulatory role being shared between the interested parties and the Government or Council (National Audiovisual Council – our note), with state intervention being permitted in the event of failure to achieve public interest objectives.”

e. review content by human moderators to screen or moderate for child pornography or CSAM

There is no express legal obligation to do so.

f. remove child pornography, CSAM, enticement, grooming, or sextortion from their systems when notified of its presence by a victim, nongovernmental organization, law enforcement, or government agency

There is no difference between the legal obligation to remove illegal or inappropriate content when online platforms are notified by users, as detailed in the response under point (d) above, or notifications received from victims, non-governmental organizations or other entities. However, online video-sharing platforms have a legal obligation to establish and use transparent and easy-to-use mechanisms that enable users to report or flag illegal or inappropriate content provided on their platform to the platform provider, as well as systems to explain to users the effects of such reporting and flagging.

There is an express legal obligation for online platforms of all kinds to remove inappropriate or illegal content, including child pornography, CSAM, grooming, sexual manipulation or sextortion, when orders for removal of such materials are issued by competent authorities or courts.

The relevant legal provisions in this regard are set out below:

- [Broadcasting Law No. 504/2002](#)

“[Art. 42^o](#)

(1) Where the content of a video-sharing platform infringes the provisions of Articles 42⁷ and 42⁸ and no other effective means are available to prohibit the infringement of those provisions and to avoid the risk of serious harm to the collective interests of the public or the legitimate interests of an individual, the National Audiovisual Council shall request:

- a) video-sharing platform providers to remove illegal content or restrict access to it or display a warning to users when accessing such content or disable the user’s account for a period of up to 12 months;*
- b) service providers offering storage space for video-sharing platforms to remove, disable or restrict access to a video-sharing platform;*
- c) registry operators that allocate domain names for video-sharing platforms to remove the domain name of the video-sharing platform.*



- (2) *The Board shall request video-sharing platform providers to take the measures referred to in paragraph (1)(a) only on the basis of a reasoned decision. The decision shall be sufficiently precise and duly reasoned to enable the provider to take an informed decision on the actions to be taken to comply with the decision received. The decision may be challenged before the administrative contentious courts, under the conditions of Administrative Contentious Law No. 554/2004, as amended and supplemented.*
- (3) *The Council shall request storage service providers and registry operators to take the measures provided for in paragraph (1)(b) and (c) on the basis of a reasoned decision or a final court ruling.*
- (4) *The Council may request video-sharing platform providers, in the event of the measure provided for in paragraph (1)(a) being imposed at least twice, to restrict the user's access to the platform in question for an indefinite period. The Council may request the application of this restriction only on the basis of a reasoned decision. The decision must be sufficiently precise and duly substantiated to enable the provider to make an informed decision on the actions to be taken to comply with the decision received. The decision may be appealed before the administrative contentious court, under the conditions of Law No. 554/2004, as amended and supplemented.*
- (5) *In its supervisory and control activities, the Council shall request the National Institute for Research and Development in Informatics - ICI Bucharest, in the case of the register of domains and subdomains in the ".ro" zone, to transmit data or information that may lead to the identification of persons providing an audiovisual media service, a video-sharing platform service, or who upload and generate video material on a sharing platform. The requested data shall be transmitted without delay to the Council, in accordance with the legal provisions on the protection of personal data.*
- (6) *The complete mechanisms for the implementation measures shall be established by the Council. These mechanisms should be easily accessible and user-friendly and allow for the transmission of notifications by electronic means.*
- (7) *The mechanisms referred to in paragraph (6) shall be developed and approved by the Council within 90 days of the entry into force of this law.*
- (8) *The implementation of the Council's requests, in accordance with paragraph (1), shall be carried out expeditiously, but no later than 48 hours."*

- [Law No. 365/2002 on electronic commerce](#)

"[Art. 16](#), paragraphs [\(3\)](#) – [\(6\)](#)

- (3) *Service providers shall be required to temporarily or permanently interrupt the transmission in a communications network or the storage of information provided by a recipient of the service concerned, in particular by removing the information or blocking access to it, access to a communications network or the provision of any other information society service, if such measures have been ordered by the public authority defined in [Article 17\(2\)](#); this public authority may act on its own initiative or following a complaint or notification from an interested party.*
- (4) *The complaint referred to in paragraph (3) may be made by any person who considers himself or herself to have been harmed by the content of the*



information in question. The complaint or notification shall be made in writing, stating the reasons on which it is based, and shall be dated and signed. The complaint may not be lodged if legal proceedings having the same subject matter and involving the same parties have already been brought.

- (5) The decision of the authority shall be reasoned and communicated to the parties concerned within 30 days of the date of receipt of the complaint or notification or, if the authority has acted on its own initiative, within 15 days of the date on which it was issued.*
- (6) An appeal may be lodged against a decision taken in accordance with the provisions of paragraph (3) within 15 days of its notification, under penalty of forfeiture, with the competent administrative court. The application shall be heard as a matter of urgency, with the parties being summoned. The judgment shall be final."*

"Art. 17 – Competent authorities

- (1) The Authority for the Digitization of Romania, hereinafter referred to as the Authority, shall be competent to supervise and control compliance by service providers with the provisions of this law and the methodological rules for its application, to establish contraventions and to apply the sanctions provided for in [Art. 22](#), except where penalties are imposed by other public institutions or authorities with powers to supervise a specific sector or field of activity.*
- (2) Without prejudice to the provisions of paragraph (1), public authorities within the meaning of [Article 3\(5\)](#), [Article 5](#), [Article 16\(1\)](#) and [\(3\)](#), [Article 23\(2\)](#) of this law and [Articles 4 to 6](#) of [Regulation \(EU\) 2022/2.065](#) shall be understood to mean those public administration authorities or, where applicable, courts of law whose competence in the matter is established by the legal provisions in force, applicable in each case."*

- [Law No. 196/2003](#) on the prevention and combating of pornography

"Art. 7 -

- (1) Persons who create pornographic websites are required to password-protect them, and access to them shall be permitted only after payment of a per-minute usage fee set by the website operator and declared to the tax authorities.*
- (2) Persons who create or administer websites must clearly indicate the number of visits to the website in order to be subject to the tax obligations provided by law.*
- (3) The creation and administration of websites of a pedophile, zoophile or necrophiliac nature is prohibited.*

Art. 11

- (1) The National Authority for Administration and Regulation in Communications receives complaints regarding non-compliance with the provisions of [Art. 7](#).*
- (2) Upon receiving a complaint and verifying the content of the website, the National Authority for Administration and Regulation in Communications shall request Internet service providers to block access to the website in question.*
- (3) Failure by Internet service providers to comply with the obligation to block access to websites that do not comply with the provisions of [Article 7](#), within*



48 hours of receiving the request referred to in paragraph (2) from the National Authority for Administration and Regulation in Communications, shall constitute an offense and shall be punishable by a fine between lei 10,000 and lei 50,000.”

- [Law No. 50/2024](#) on the establishment of measures for the application of [Regulation \(EU\) 2022/2.065](#) of the European Parliament and of the Council of October 19, 2022 on a single market for digital services and amending [Directive 2000/31/EC](#) (Digital Services Regulation), as well as amending and supplementing [Law No. 365/2002](#) on electronic commerce

”Art. 7

- (1) Public authorities or institutions with responsibilities for supervising a specific sector or area of activity shall have the power to issue the orders referred to in [Articles 9](#) or [10](#) of the Regulation, with the provisions of [Articles 8](#) and [9](#) of this Law applying accordingly.*
- (2) The orders referred to in [Articles 9](#) and [10](#) of the Regulation may also be issued by the judicial authorities in the course of their actions, activities or proceedings carried out in accordance with their legal powers.*

Art. 8

- (1) The order to act against illegal content issued by the relevant authority with competence in the sector or field covered by that order in accordance with the provisions of the national legal framework in force shall at least meet the conditions laid down in [Article 9\(2\)](#) of the Regulation.*
- (2) The order issued under the conditions of paragraph (1) shall be transmitted by electronic means to the contact point designated by the intermediary service provider concerned by the order in accordance with the provisions of [Article 11](#) of the Regulation.*
- (3) The monitoring of the implementation of the order to remove illegal content shall be carried out by the issuing authority.*
- (4) Following the issuance of the order referred to in paragraph (1), the issuing authority or, where applicable, the authority specified in the order shall, within 10 working days of receiving the last information from the intermediary service provider, forward a copy thereof to ANCOM, subject to the provisions of [Article 9\(3\)](#) of the Regulation.*

Art. 9

- (1) The order to provide certain information issued by the relevant authority with competence in the sector or field covered by that order in accordance with the provisions of the national regulatory framework in force shall meet at least the conditions laid down in [Article 10\(2\)](#) of the Regulation.*
- (2) The order issued under the conditions of paragraph (1) shall be transmitted by electronic means to the contact point designated by the intermediary service provider concerned by the order in accordance with*

Article 11 of the Regulation.

- (3) The monitoring of the implementation of the order to provide specific information shall be carried out by the issuing authority.*



(4) After issuing the order referred to in paragraph (1), the issuing authority or, where applicable, the authority specified in the order shall, within 10 working days of receiving the last information from the intermediary service provider, send a copy thereof to ANCOM, the provisions of Article 10(3) of the Regulation being applicable.

Art. 10

Orders issued pursuant to the provisions of [Articles 8 and 9](#) may be challenged in administrative contentious proceedings before the Bucharest Court of Appeal under the conditions of Administrative Contentious [Law No. 554/2004](#), as amended and supplemented.

Art. 11

The intermediary service provider in Romania that has received an order pursuant to [Article 7\(2\)](#) shall inform ANCOM, no later than 10 days from the date of receipt, of the manner in which the order issued by the judicial authorities has been implemented.”

- g. use any specific technology to detect, remove, block, or take down any child pornography, CSAM, enticement, grooming, or sextortion, including:
- i. “Hashing technology” (<https://www.thorn.org/blog/hashing-detect-child-sex-abuse-imagery/>). Many Online Platforms hash and tag images and videos of child pornography or CSAM and then use hashing technology to scan content on their systems to detect the distribution of child pornography or CSAM online so it can be removed.
 - ii. Artificial intelligence or machine learning tools to detect the presence of child pornography, CSAM, enticement, grooming, or sextortion.

There is no express legal obligation for online platforms to use specific technologies, artificial intelligence or machine learning tools that enable them to detect, remove or block any material related to child pornography, CSAM, grooming, sexual manipulation or sextortion.

- h. if the applicable laws or regulations require some, but not all, Online Platforms to perform any of the above activities, describe how the differing requirements apply. For example, are differences based on the number of online users, types of services offered, etc.?

Not applicable.

3. Are Online Platforms legally required or recommended to implement any method to verify the age of a user before allowing access to an online platform?

There is a legal obligation applicable to online video-sharing platforms (i.e. not all categories of online platforms) to establish and use systems that allow for the verification of the age of users of video-sharing platforms with regard to content that may adversely affect the physical, mental or moral development of minors. However, the law does not specify what these systems should be, leaving it up to the platforms to decide.

The relevant legal provisions in this regard are set out below:

- [Broadcasting Law No. 504/2002](#)

“Art. 42⁸

(7) For the purpose of protecting minors, video-sharing platform providers shall take measures to control access to content as follows:

h) providing parental control systems under the control of end users with regard to content that may adversely affect the physical, mental or moral development of minors;”

4. Are Online Platforms legally required or recommended to implement any method to obtain parental consent before a child uses the services of such Online Platforms?

There is no such express legal obligation.

Indirectly, through [Regulation No. 2016/679](#) of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing [Directive 95/46/EC](#), directly applicable in Romania, online platforms are required to obtain parental consent prior to the use of online platform services by a minor in cases where they process the personal data of minors under the age of 16 on the basis of their consent.

However, online platforms usually process personal data on another legal basis (e.g., “necessary for the performance of the contract”), thereby avoiding the requirement to obtain consent from an adult for minors under the age of 16.

In Romanian domestic law, there is a legal obligation for online video-sharing platforms (i.e. not for all types of online platforms) to provide parental control systems under the control of end users with regard to content that may affect the physical, mental or moral development of minors.

The relevant legal provisions in this regard are set out below:

- [Broadcasting Law No. 504/2002](#)

Art. 42⁸

(7) For the purpose of protecting minors, video-sharing platform providers shall take measures to control access to content as follows:

h) providing parental control systems under the control of end users with regard to content that may adversely affect the physical, mental or moral development of minors;

5. Are there legal remedies for children who have been victimized by online child sexual exploitation? This may include children who are victimized by the distribution of child pornography or CSAM imagery in which they are depicted, or children victimized by enticement, grooming or sextortion. If such legal remedies exist, do they include:

Yes – there are legal remedies for children who have been victims of online child sexual exploitation.



a. The ability to stop the publication of the pornography or CSAM imagery by the Online Platform?

According to [Law No. 196/2003](#) on the prevention and combating of pornography, websites containing child pornography are prohibited, and reporting the existence of such a website to the competent authority leads, following verification and confirmation of the report, to the internet service provider being required to block access to the website within maximum 48 hours. Failure by the internet provider to comply with this obligation constitutes an offense and is punishable by a fine between lei 10,000 and lei 50,000.

In addition, anyone can report illegal content on video-sharing platforms to the National Audiovisual Council, which may request:

- platforms to remove illegal content;
- providers of storage space for video-sharing platforms to remove, disable or restrict access to a video-sharing platform; and/or
- registry operators that allocate domain names for video-sharing platforms to remove the domain name of the video-sharing platform.

Measures regarding orders that may be issued by the relevant authorities within their areas of competence to require action against illegal content are also provided for in [Law No. 50/2024](#) on the establishment of measures for the application of [Regulation \(EU\) 2022/2.065](#) of the European Parliament and of the Council of October 19, 2022 on a single market for digital services and amending [Directive 2000/31/EC](#) (Digital Services Regulation), as well as amending and supplementing [Law No. 365/2002](#) on electronic commerce.

According to [Regulation \(EU\) 2022/2065](#), which is also directly applicable in Romania, very large online platforms are required to implement effective procedures for detecting, removing and reporting illegal content, including child pornography, once they are notified or aware of its existence.

Non-governmental organizations registered as trusted flaggers can report illegal content to online platforms, which are required to treat reports from trusted flaggers as a priority. The relevant legal provisions in this regard were previously set out in point 2(f).

b. An obligation on the part of the Online Platform to take active steps to remove the pornography or other imagery from their servers?

This legal obligation to provide users with easy mechanisms for reporting illegal content and to inform them of the effects of their reports exists for online video-sharing platforms, according to the [Broadcasting Law No. 504/2002](#).

For other categories of platforms, this obligation may be assumed through internal regulations or codes of ethics to which they adhere.

[EU Regulation 2022/2065](#) (Digital Services Act), directly applicable in EU member states, including Romania, from February 17, 2024, requires risk assessments and the implementation of proactive risk reduction measures, including those related to minors online (e.g., algorithm adjustments, default privacy settings, child-friendly reporting), but does not establish a general obligation for automated scanning for all platforms or all types of content.

The relevant legal provisions in this regard have been set out above in point 2(a).

c. An ability to get an injunction or other court order against the Online Platform to stop them from publishing the pornography or imagery?

It is possible to obtain a court order requiring the online platform(s) on which the pornographic material is published to remove it or block access to it through an urgent procedure called injunction (*RO: "ordonanță președințială"*) (a civil court decision issued in a special and expedited court procedure, in which the judge orders urgent and temporary measures that do not prejudice the merits of the case and that take effect either within the period specified in the decision or until a court decision on the merits of the case is issued, following the ordinary court proceedings).

A court decision ordering similar measures to be taken by the online platform(s) may also be obtained following ordinary court proceedings before the court, but the duration of the proceedings will be longer.

In criminal proceedings, during the trial the court may also order a return to the situation prior to the crimes, which could mean removing pornographic material from online platforms.

However, the restoration of the previous situation as a procedural measure is provisional and may become final by the judgment settling the criminal case and the civil action in the criminal proceedings or not, depending on the solution adopted by the court.

The relevant legal provisions in this regard are set out below:

- [Civil Code](#)

- ["Art. 252 – Protection of human personality](#)

- *Every natural person has the right to the protection of the intrinsic values of human beings, such as life, health, physical and mental integrity, dignity, privacy, freedom of conscience, scientific, artistic, literary or technical creation.*

- [Art. 253 – Means of defense](#)

- (1) *A natural person whose non-patrimonial rights have been violated or threatened may at any time request the court:*

- a) *to prohibit the commission of the unlawful act if it is imminent;*

- b) *the cessation of the violation and a prohibition for the future, if it is still ongoing;*

- c) *a declaration of the unlawful nature of the act committed if the disturbance it caused continues to exist.*

- (2) *By way of derogation from the provisions of paragraph (1), in the event of a violation of non-property rights through the exercise of the right to freedom of expression, the court may only order the measures provided for in paragraph (1)(b) and (c).*

- (3) *At the same time, the person who has suffered a violation of such rights may request the court to order the perpetrator to take any measures deemed necessary by the court to restore the right affected, such as:*



- a) *ordering the perpetrator, at his own expense, to publish the conviction;*
 - b) *any other measures necessary to stop the unlawful act or to repair the damage caused.*
- (4) *The injured party may also claim compensation or, where appropriate, financial compensation for the damage, even non-pecuniary, caused to them, if the injury is attributable to the perpetrator of the harmful act. In such cases, the right to bring an action shall be subject to a limitation period.*

Art. 1.349 – Tort liability

- (1) *Everyone has a duty to observe the rules of conduct imposed by law or local custom and not to infringe, by their actions or omissions, the rights or legitimate interests of others.*
- (2) *Anyone who, having the capacity to discern, violates this duty is liable for all damages caused and is obliged to repair them in full.*
- (3) *In cases specifically provided for by law, a person is obliged to repair the damage caused by the act of another, by things or animals under his custody, as well as by the ruin of a building.*
- (4) *Liability for damage caused by defective products shall be determined by special law.*

Art. 1.357 – Conditions of liability

- (1) *Anyone who causes damage to another through an unlawful act committed with intent shall be obliged to repair it.*
- (2) *The perpetrator of the damage shall be liable for the slightest fault.”*

- Code of Civil Procedure

“Art. 997 – Conditions of admissibility

- (1) *The court, establishing that there is an apparent right in favor of the claimant, may order provisional measures in urgent cases, to preserve a right that would be prejudiced by delay, to prevent imminent and irreparable damage, and to remove obstacles that would arise during enforcement.*
- (2) *The injunction is provisional and enforceable. If the decision does not contain any mention of its duration and the factual circumstances taken into account have not changed, the measures ordered shall remain in force until the dispute on the merits has been settled.*
- (3) *At the request of the claimant, the court may decide that enforcement shall take place without a summons or without the expiry of a time limit.*
- (4) *The injunction may be issued even when the case on the merits is pending.*
- (5) *No measures that would resolve the dispute on the merits or measures whose enforcement would make it impossible to restore the situation may be ordered by way of an injunction.*

Art. 998 – Competent court

The application for an injunction shall be lodged with the court competent to rule in the first instance on the merits of the case.

Art. 999 – Settlement proceeding



- (1) *In order for the application to be heard, the parties shall be summoned in accordance with the rules on summons in urgent proceedings, and the defendant shall be served with a copy of the application and the accompanying documents. A statement of defense is not mandatory.*
- (2) *The injunction may be issued without the parties being summoned. In cases of particular urgency, the injunction may be issued on the same day, with the court ruling on the measure requested on the basis of the application and the documents submitted, without the parties' conclusions.*
- (3) *The judgment shall be given as a matter of urgency and priority, and evidence whose administration requires a long time shall not be admissible. The provisions on the investigation of the case shall not apply.*
- (4) *The ruling may be postponed for a maximum of 24 hours, and the grounds for the injunction shall be given within maximum 48 hours of the ruling.*

Art. 1.000 - Appeal

- (1) *Unless otherwise provided by special laws, the injunction shall be subject only to appeal within 5 days of its pronouncement, if the parties were summoned, and from the date of communication, if they were not summoned.*
- (2) *The court of appeal may suspend enforcement until the appeal is heard, but only upon payment of a bail, the amount of which shall be determined by the court.*
- (3) *The appeal shall be heard urgently and as a matter of priority, with the parties being summoned. The provisions of Art. 999(4) shall apply.*
- (4) *In all cases where the court of first instance has jurisdiction, the remedy is an appeal, the provisions of paragraphs (1) to (3) applying accordingly.*
- (5) *An appeal may be lodged against the enforcement of the injunction."*

- Code of criminal procedure

"Art. 256 – Restoration of the previous situation

During the trial, the court may take measures to restore the situation that existed prior to the commission of the crime, when the change in that situation resulted from the commission of the crime and restoration is possible.

Art. 404 – Content of the operative part (of the criminal judgment – our note)

- (4) *The operative part shall also include, where applicable, the court's decisions on:*
 - a) *the deduction of the duration of the preventive measure involving deprivation of liberty and medical detention, indicating the part of the sentence served in this manner;*
 - b) *preventive measures;*
 - c) *precautionary measures;*
 - d) *safety measures;*
 - e) *legal costs;*
 - f) *restitution of property;*
 - g) *restoration of the previous situation;*
 - h) *bail;*
 - i) *resolution of any other issues relating to the fair settlement of the case."*



d. A protective order or other court order that prohibits the person who posts the pornography or imagery from doing so in the future on the same or other Online Platform?

In Romania, any act of online harassment, online messages inciting hatred, online stalking, online threats, non-consensual publication of intimate information and graphic content, illegal access to private communications and data, and any other form of abusive use of information and communication technology with the aim of humiliating, frightening, harassing, silencing the victim is considered an act of violence and, consequently, according to the provisions of [Law No. 26/2024](#) on protection orders and [Law No. 217/2003](#) on preventing and combating domestic violence, the victim can get a temporary protection order (issued immediately by the police officers dealing with the case of violence, for a period of 5 days) or a protection order issued by the court for a maximum period of 12 months.

However, the measures that may be ordered by the protection order do not expressly mention the obligation for the aggressor not to post other images or material containing child pornography on the same or another online platform.

The measures that may be ordered by the court in the protection order are as follows:

- a) temporary removal of the perpetrator from the shared home;
- b) reintegration of the victim and, where appropriate, their family members into the shared home;
- c) requiring the abuser to keep a minimum distance from the victim, their family members or the protected person's home, workplace or school;
- d) prohibiting the aggressor from traveling to certain localities or areas that the protected person frequents or visits regularly;
- e) requiring the aggressor to wear an electronic monitoring device at all times;
- f) prohibition of any contact, including by telephone, correspondence or any other means, with the victim;
- g) obligation of the aggressor to surrender to the police any weapons, essential components and ammunition in their possession, the documents in which they are registered, as well as the authorization(s) to purchase weapons issued in their name.

The measure prohibiting any contact, including by telephone, correspondence or any other means, with the victim may also include a prohibition on posting pornographic material in the future, for the duration of the protection order, if it is considered that there is an imminent risk of violence or harassment.

As part of the preventive measures that may be ordered in criminal proceedings, where there is evidence or reasonable grounds to suspect that a person has committed a crime and if necessary to ensure the proper conduct of the criminal proceedings, to prevent the suspect or defendant from absconding from criminal proceedings or trial or from committing another crime, the preventive measure of judicial control may be imposed on the defendant by imposing certain obligations on them, including that of not carrying out the activity in the exercise of which they committed the crime.

Following a criminal conviction, the court may impose an additional penalty on the person who posted pornographic material on online platforms, prohibiting them from exercising certain rights, including the right to carry out the activity they used to commit the crime. or



the right to communicate with the victim or members of their family or other persons determined by the court, or to approach them.

The relevant legal provisions in this regard are set out below:

- [Law No. 26/2024](#) on protection orders

"Art. 1 – Definitions

(1) *For the purposes of this law, acts of violence shall mean:*

- a) threatening a person with the commission of a crime or an unlawful act against them or another person, if it is likely to cause them to fear;*
- e) any act of online harassment, online messages inciting hatred, online stalking, online threats, non-consensual publication of intimate information and graphic content, illegal access to private communications and data, and any other form of abusive use of information and communication technology with the aim of humiliating, intimidating or silencing the victim;*

Art. 2

(1) *The temporary protection order shall be issued immediately, at the written request of the victim of the acts of violence or, where applicable, of their guardian or other legal representative, by the police officers who, in the exercise of their duties, become aware of the commission of an act of violence, and the assessment of the facts indicates that there is an imminent risk of another act of violence being committed against the victim, which endangers their life, physical integrity or freedom.*

Art. 5

(1) *The temporary protection order shall order, for a period of 5 days, one or more protective measures capable of contributing to the reduction of the imminent risk identified, from among the following obligations or prohibitions:*

- a) the temporary evacuation of the aggressor from the shared home;*
- b) reintegration of the victim and, where appropriate, of their family members into the shared home;*
- c) obligation of the aggressor to keep a minimum distance from the victim, their family members or the residence, workplace or educational institution of the protected person;*
- d) requiring the aggressor to wear an electronic monitoring device at all times;*
- e) prohibiting any contact, including by telephone, correspondence or any other means, with the victim;*
- f) requiring the aggressor to surrender to the police any weapons, essential components, and ammunition in their possession, as well as any documents in which they are registered and any authorization(s) to purchase weapons issued in their name.*

Art. 12

(1) *A person whose life, physical or mental integrity or freedom is endangered by acts of violence committed by another person may request the court to issue a*



protection order, for the purpose of removing the danger, ordering, on a provisional basis, one or more of the following measures - obligations or prohibitions:

- a) temporary removal of the aggressor from the shared home;*
- b) reintegration of the victim and, where appropriate, of their family members into the shared home;*
- c) requiring the aggressor to maintain a minimum distance from the victim, their family members, or the residence, workplace or educational institution of the protected person;*
- d) prohibiting the aggressor from traveling to certain localities or areas that the protected person frequents or visits regularly;*
- e) requiring the aggressor to wear an electronic monitoring device at all times;*
- f) prohibition of any contact, including by telephone, correspondence or any other means, with the victim;*
- g) obligation of the aggressor to surrender to the police any weapons, essential components, and ammunition in their possession, the documents in which they are registered, as well as the authorization(s) to purchase weapons issued in their name.*

(3) In addition to any of the measures ordered under paragraph (1), the court may also order the aggressor to undergo psychological counseling, psychotherapy, and may recommend voluntary hospitalization or, where appropriate, may request involuntary hospitalization, under the conditions of the Law No. 487/2002 on mental health and the protection of persons with mental disorders, republished, with subsequent amendments and additions. If the aggressor is a user of psychoactive substances, the court may order, with his or her consent, his or her integration into a program of assistance for drug users, in accordance with Article 22 of Law No. 143/2000 on the prevention and combating of illicit drug trafficking and use, republished, with subsequent amendments and additions.”

- [Law No. 217/2003](#) on the prevention and combating of domestic violence

Art. 3

For the purposes of this law, domestic violence means any intentional act or omission of physical, sexual, psychological, economic, social, spiritual or cyber violence that occurs in the family or domestic environment or between spouses or former spouses, as well as between current or former partners, regardless of whether the aggressor lives or has lived with the victim.

Art. 4

(1) Domestic violence manifests itself in the following forms:

- h) cyber violence - online harassment, online messages inciting gender-based hatred, online stalking, online threats, non-consensual publication of intimate information and graphic content, illegal access to and interception of private communications and data, and any other form of abusive use of information and communication technology through computers, smartphones or other similar devices that use telecommunications or can connect to the internet and can transmit and*



use social media or email platforms, with the aim of shaming, humiliating, frightening, threatening or silencing the victim."

Art. 5

(1) *For the purposes of this law, family member means:*

- a) *ascendants and descendants, brothers and sisters, their spouses and children, as well as persons who have become relatives by adoption, in accordance with the law;*
- b) *the spouse and/or former spouse; brothers, parents and children from other relationships of the spouse or former spouse;*
- c) *persons who have established relationships similar to those between spouses or between parents and children, current or former partners, regardless of whether they lived with the aggressor, the ascendants and descendants of the partner, as well as their brothers and sisters;*
- d) *the guardian or other person who exercises de facto or de jure rights over the child;*
- e) *the legal representative or other person caring for a person with a mental illness, intellectual disability, or physical disability, except for those who perform these duties in the exercise of their professional duties.*

(2) *For the purposes of this law, victim means a natural person who is subjected to one or more forms of violence referred to in Article 4, including children who witness such forms of violence.*

Art. 28

(1) *A temporary protection order shall be issued by police officers who, in the exercise of their duties, find that there is an imminent risk that the life, physical integrity or freedom of a person is endangered by an act of domestic violence, in order to reduce this risk.*

Art. 31

(1) *The temporary protection order shall provide, for a period of 5 days, one or more protective measures capable of contributing to the reduction of the imminent risk found, from among the following obligations or prohibitions:*

- a) *temporary evacuation of the aggressor from the shared home, regardless of whether he or she is the owner;*
- b) *reintegration of the victim and, where appropriate, the children into the shared home;*
- c) *requiring the aggressor to maintain a determined minimum distance from the victim, from members of the victim's family, as defined in Article 5, or from the residence, workplace or educational institution of the protected person;*
- d) *obliging the aggressor to wear an electronic monitoring device at all times;*
- e) *obliging the aggressor to surrender any weapons in their possession to the police.*



Art. 38

(1) A person whose life, physical or mental integrity or freedom is endangered by an act of violence committed by a family member may request the court to issue a protection order, for the purpose of removing the danger, ordering, on a provisional basis, one or more of the following measures - obligations or prohibitions:

- a) temporary removal of the aggressor from the family home, regardless of whether he or she is the owner;*
- b) reintegration of the victim and, where appropriate, the children into the family home;*
- c) limiting the aggressor's right of use to only part of the shared home when it can be divided so that the aggressor does not come into contact with the victim;*
- d) putting up/placing the victim, with their consent, and, if needed, their kids, in a support center like the ones mentioned in Article 19;*
- e) requiring the aggressor to maintain a minimum distance from the victim, from members of the victim's family, as defined in Article 5, or from the residence, workplace or educational institution of the protected person;*
- f) prohibiting the aggressor from traveling to certain localities or areas that the protected person frequents or visits regularly;*
- g) obliging the aggressor to wear an electronic monitoring device at all times;*
- h) prohibition of any contact, including by telephone, correspondence or any other means, with the victim;*
- i) obligation of the aggressor to surrender any weapons in their possession to the police;*
- j) custody of minor children or determination of their place of residence.*
- k) prohibiting the aggressor from receiving state child support and authorizing its collection by the parent/person to whom the child has been entrusted for upbringing and education or with whom the child has been established as residing. The prohibition shall be communicated immediately to the county agency for payments and social inspection or to that of the municipality of Bucharest, as appropriate. The allowance shall be collected by the parent/person benefiting from the protection measure for the duration of the protection order and for as long as the child is entrusted to him/her or in the event that the child's residence is established with him/her.*

- Code of Criminal Procedure

"Art. 215 – Content of judicial control

(1) While under judicial control, the defendant must comply with the following obligations:

- a) to appear before the criminal investigation body, the preliminary chamber judge or the court whenever summoned;*
- b) immediately inform the judicial authority that ordered the measure or before which the case is pending of any change of residence;*



- investigation, the preliminary chamber judge during the preliminary chamber proceedings or the court during the trial.*
- (7) If, during the period of judicial control, the defendant breaches their obligations in bad faith or there is reasonable suspicion that the defendant has intentionally committed a new crime for which criminal proceedings have been instituted against them, the judge of rights and freedoms, the preliminary chamber judge or the court, at the request of the prosecutor or on its own initiative, may order the replacement of this measure with house arrest or preventive detention, under the conditions provided by law.*
- (8) During the criminal investigation, the prosecutor may order, ex officio or at the reasoned request of the defendant, by order, the imposition of new obligations on the defendant or the replacement or termination of those initially imposed, if there are serious grounds justifying this, after hearing the defendant. The defendant may lodge a complaint against the prosecutor's order with the judge of rights and freedoms of the court which would have jurisdiction to hear the case on its merits, the provisions of Article 213 applying accordingly.*
- (8') The provisions of paragraph (8) shall also apply where the measure was taken by the judge for rights and freedoms.*
- (9) The provisions of paragraph (8), first sentence, shall apply mutatis mutandis in preliminary chamber proceedings or during the trial, when the preliminary chamber judge or the court of first instance so orders, by means of a decision, at the reasoned request of the prosecutor or the defendant or of its own motion, after hearing the defendant. The decision may be challenged under the conditions laid down in Articles 205 and 206, which shall apply mutatis mutandis.*

- Criminal Code

Art. 66 - Content of the additional penalty of prohibition from exercising certain rights

- (1) The additional penalty of prohibition from exercising certain rights consists of the prohibition from exercising one or more of the following rights:*
- a) the right to be elected to public authorities or to any other public office;*
 - b) the right to hold a position involving the exercise of state authority;*
 - c) the right of a foreigner to be present on the territory of Romania;*
 - d) the right to vote;*
 - e) parental rights;*
 - f) the right to be a guardian or curator;*
 - g) the right to hold office, to exercise a profession or trade or to carry out the activity which was used to commit the crime;*
 - h) the right to possess, carry and use any category of weapons;*
 - i) the right to drive certain categories of vehicles determined by the court;*
 - j) the right to leave the territory of Romania;*
 - k) the right to hold a management position within a legal entity governed by public law;*
 - l) the right to be in certain localities established by the court;*
 - m) the right to be in certain places or at certain sporting or cultural events or other public gatherings, as determined by the court;*



- n) *the right to communicate with the victim or members of their family, with the persons with whom they committed the crime or with other persons, as determined by the court, or to approach them;*
- o) *the right to approach the victim's home, workplace, school or other places where the victim carries out social activities, under the conditions established by the court."*

e. the ability to seek financial damages or any sort of monetary recovery from an offender who has shared the child's image or video, either in a civil or a criminal proceeding?

A claim may be commenced for financial compensation from a person who has posted images or videos of minors, in the form of material damages, when the actions of that person have resulted in consequences that required financial expenses to be incurred in order to remove/mitigate them (e.g., the cost of psychological counseling for the minor, the costs incurred in taking steps to remove the images, etc.) and/or moral damages, representing financial compensation for the psychological and moral suffering experienced by the child victim and their relatives.

If the minor who was the victim of the publication of the incriminating images or materials suffered bodily injury or damage to their health, the court may award the injured party provisional compensation to cover urgent needs.

The claim for monetary compensation may be made either in civil proceedings or in criminal proceedings.

The relevant legal provisions in this regard are set out below:

- [Civil Code](#)

Art. 1.357 - Conditions of liability

- (1) *Anyone who causes damage to another through an unlawful act committed with intent shall be obliged to repair it.*
- (2) *The perpetrator of the damage shall be liable for the slightest fault."*

Art. 1.381 – Subject matter of compensation

- (1) *Any damage gives rise to a right to compensation.*
- (2) *The right to compensation arises on the day the damage is caused, even if this right cannot be exercised immediately.*
- (3) *All legal provisions concerning the enforcement, transfer, conversion, and extinguishment of obligations shall apply to the right to compensation from the date of its creation.*

Art. 1.385 – Extent of compensation

- (1) *Damage shall be compensated in full, unless otherwise provided by law.*
- (2) *Compensation may also be awarded for future damage if its occurrence is certain.*
- (3) *Compensation shall include the loss suffered by the injured party, the gain which they would normally have made and of which they have been deprived,*



as well as the expenses they have incurred in order to avoid or limit the damage.

- (4) If the unlawful act also resulted in the loss of an opportunity to obtain an advantage or to avoid damage, the compensation shall be proportional to the probability of obtaining the advantage or, as the case may be, of avoiding the damage, taking into account the circumstances and the specific situation of the victim.*

Art. 1.386 – Forms of compensation

- (1) Compensation for damage shall be made in kind, by restoring the previous situation, and, if this is not possible or if the victim is not interested in compensation in kind, by paying compensation, determined by agreement between the parties or, failing that, by a court decision.*
- (2) Unless otherwise provided by law, the date of the damage shall be taken into account when determining the compensation.*
- (3) If the damage is of a continuing nature, compensation shall be awarded in the form of periodic payments.*
- (4) In the case of future damage, compensation, regardless of the form in which it was awarded, may be increased, reduced or abolished if, after it was determined, the damage increased, decreased or ceased.*

Art. 1.387 – Bodily injury or damage to health

- (1) In the event of bodily injury or damage to the health of a person, compensation shall include, under the conditions of [Articles 1.388](#) and [1.389](#), as applicable, the equivalent of the earnings from work which the injured party has been deprived of or is prevented from earning as a consequence of the loss or reduction of their working capacity. In addition, compensation shall cover medical expenses and, where appropriate, expenses resulting from the increased living needs of the injured party, as well as any other material damage.*
- (2) Compensation for loss of earnings shall be awarded, taking into account the increased living needs of the injured party, in the form of periodic payments. At the request of the victim, the court may award compensation, for valid reasons, in the form of a lump sum.*
- (3) In all cases, the court may award the injured party provisional compensation to cover urgent needs.”*

- Code of Criminal Procedure

“Art. 19 – Subject matter and exercise of civil action

- (1) Civil action brought in criminal proceedings has as its object the tort civil liability of persons liable under civil law for the damage caused by the commission of the act which is the subject of the criminal proceedings.*
- (2) Civil action shall be brought by the injured party or their successors, who shall bring a civil claim against the defendant and, where applicable, the party liable under civil law.*
- (3) Where the injured party lacks legal capacity or has limited legal capacity, the civil action shall be brought on their behalf by their legal representative or, where applicable, by the prosecutor, under the conditions laid down in [Article](#)*



- 20(1) and (2), and shall have as its purpose, depending on the interests of the person on whose behalf it is brought, the imposition of tort civil liability.*
- (4) The civil action shall be settled in the criminal proceedings, provided that this does not exceed the reasonable duration of the proceedings.*
- (5) Compensation for material and moral damage shall be made in accordance with the provisions of civil law.*

Art. 20 – *Bringing a civil action*

- (1) One may bring a civil action until the commencement of the judicial investigation. The judicial authorities shall inform the injured party of this right.*
- (2) The civil action shall be brought in writing or orally, indicating the nature and extent of the claims, the grounds on which they are based, and the evidence supporting them.*
- (3) If the civil action is brought orally, the judicial authorities shall record this in a report or, where appropriate, in the decision.*
- (4) In the event of failure to comply with any of the conditions set out in paragraphs (1) and (2), the injured party or their successors may no longer join the criminal proceedings as a civil party, but may bring an action before the civil court.*
- (5) Until the end of the judicial investigation, the civil party may:*
- a) correct material errors in the application to join the proceedings as a civil party;*
 - b) increase or reduce the extent of the claims;*
 - c) request compensation for material damage by means of monetary compensation if compensation in kind is no longer possible.*
- (6) If a large number of persons who do not have conflicting interests have joined the proceedings as civil parties, they may appoint a person to represent their interests in the criminal proceedings. If the civil parties have not appointed a common representative, the prosecutor or the court may, for the proper conduct of the criminal proceedings, appoint a lawyer ex officio to represent their interests by order or by a reasoned decision. The decision or order shall be communicated to the civil parties, who must inform the prosecutor or the court if they refuse to be represented by the court-appointed lawyer. All procedural documents communicated to the representative or of which the representative has taken note shall be presumed to be known to the persons represented.*
- (7) If the right to compensation for damage has been transferred by agreement to another person, that person may not bring a civil action in the criminal proceedings. If the transfer of this right takes place after the civil action has been brought, the civil action may be severed.*
- (8) Civil actions seeking civil liability of the defendant and the civilly liable party, brought before the criminal court or the civil court, shall be exempt from stamp duty."*

- f. the ability to seek any other forms of victim compensation/recovery/services provided for under the law and/or by a government-funded source?**

There are legal provisions to protect and assist victims of human trafficking in [Law No. 678/2001](#) on preventing and combating human trafficking, which also apply to minors who



are victims of human trafficking in the form of forced prostitution, pornographic acts for the purpose of producing and distributing pornographic material or other forms of sexual exploitation.

There are no other express legal provisions of this nature concerning minors who become victims of sexual abuse other than those falling within the scope of the crime of trafficking in persons/minors.

The state may grant financial compensation to victims of crimes, including victims of sexual abuse of minors.

The relevant legal provisions in this regard are set out below:

- [Law No. 678/2001](#) on preventing and combating human trafficking

“Art. 26.

- (1) Victims of human trafficking crimes shall be granted special physical, legal, and social protection and assistance.*
- (2) The private life and identity of victims of human trafficking shall be protected.*
- (3) Victims of human trafficking shall have the right to physical, psychological, and social recovery.*
- (4) Minor victims of human trafficking shall be provided with special protection and assistance in accordance with their age.*
- (5) Women victims of human trafficking, as well as those at high risk of becoming victims of such crimes, shall be provided with specific protection and social assistance.*

Art. 27

- (1) The Ministry of Internal Affairs shall ensure the physical protection of victims of human trafficking, under the conditions of Art. 113 of the Criminal Procedure Code.*
- (2) The National Agency against Trafficking in Persons, in cooperation with the institutions concerned, as well as with non-governmental organizations, international organizations and representatives of civil society engaged in the protection and assistance of victims of human trafficking, shall provide them with the psychological support and assistance necessary for their social integration.*
- (3) The National Agency against Trafficking in Persons shall monitor the assistance provided to victims of human trafficking and facilitate their participation in criminal investigations and trials, carrying out activities designed to facilitate the administration of justice.*

Art. 27¹

Medical assistance for victims of human trafficking shall be provided in accordance with the normative acts regulating social health insurance.

Art. 27²

- (1) In order to improve access to assistance and protection services for victims of human trafficking, institutions and non-governmental organizations with*



responsibilities in this area shall cooperate in the implementation of the National Mechanism for the Identification and Referral of Victims of Human Trafficking.

- (2) The mechanism provided for in paragraph (1) shall be approved by joint order of the Minister of Administration and Internal Affairs, the Minister of Education, Research, Youth and Sports, the Minister of Health, the Minister of Labor, Family and Social Protection, the Minister of Foreign Affairs, the Prosecutor General of the High Court of Cassation and Justice, and the Minister of Justice and shall establish the procedures for identifying victims of trafficking in human beings and the procedure for referring them to protection and assistance service providers.*
- (3) The monitoring of the functioning of the National Mechanism for the Identification and Referral of Victims of Human Trafficking shall be ensured by the National Agency against Trafficking in Persons.*

Art. 28

- (1) Romanian citizens who are victims of human trafficking and are in other countries shall be provided, upon request, with assistance by the diplomatic missions and consular offices of Romania in those countries.*
- (2) The Ministry of Foreign Affairs shall ensure the transport of Romanian citizens who are victims of human trafficking for the purpose of their repatriation.*

Art. 29

The Ministry of Foreign Affairs, through Romania's diplomatic missions and consular offices, shall issue, where necessary, for the purpose of repatriation, identity documents to Romanian citizens who have been victims of human trafficking, within a reasonable time and without undue delay.

Art. 30

- (1) The Ministry of Foreign Affairs shall ensure that information on the rights of victims of human trafficking, in accordance with Romanian legislation and the legislation of the country of residence, is disseminated to those concerned through Romania's diplomatic missions and consular offices abroad.*
- (2) Romania's diplomatic missions and consular offices abroad shall ensure that foreign judicial authorities are informed of the relevant Romanian regulations.*
- (3) Romania's diplomatic missions and consular offices abroad shall publish, through their own electronic means, information on the national legislation and that of the foreign state in this field, as well as the contact details of the National Agency against Trafficking in Persons and its regional centers.*
- (4) The heads of Romania's diplomatic missions and consular offices abroad shall designate a diplomat from among their staff to be responsible for applying the methodology for the repatriation of Romanian citizens who are victims of human trafficking, within the meaning of this law.*
- (5) The methodology for the repatriation of Romanian citizens who are victims of human trafficking shall be elaborated by the Ministry of Foreign Affairs together with the Ministry of the Interior and the Ministry of Justice within 60 days of the adoption of this law.*



Art. 31

The Ministry of the Interior shall ensure, through its specialized structures, at all border crossing points of Romania, specially trained personnel for the identification and reception of victims, with a view to referring them to specialized institutions.

Art. 31'

Victims of human trafficking shall be entitled to identity documents issued in accordance with the provisions of Government Emergency Ordinance No. 97/2005 on the registration, domicile, residence and identity documents of Romanian citizens, as republished, with subsequent amendments and additions.

Art. 32

- (1) Victims of human trafficking may, upon request, be temporarily accommodated in centers for the assistance and protection of victims of human trafficking, hereinafter referred to as centers, or in protected housing for victims of human trafficking, established by this law, hereinafter referred to as protected housing.*
- (2) The centers shall operate under the authority of the county councils of Arad, Botoșani, Galați, Giurgiu, Iași, Ilfov, Mehedinți, Satu Mare and Timiș.*
- (3) Protected housing is a social facility, without legal personality, developed to provide victims of human trafficking with family-type accommodation in a protected system and assistance, with a view to their social reintegration.*
- (4) Protected housing is organized and operated under the authority of the general directorates for social assistance and child protection.*
- (5) The duration of accommodation in centers or protected housing is determined by a decision of the county council for a maximum of 90 days.*
- (6) The duration of accommodation in centers or protected housing may be extended by decision of the county council, at the request of the judicial authorities, for a maximum of 6 months or, where appropriate, until the end of the criminal proceedings.*
- (7) The centers and protected housing shall be equipped and furnished in such a way as to provide decent accommodation and personal hygiene, food, psychological and medical assistance.*
- (8) Assistance services for adult victims of human trafficking shall be set up within the general directorates for social assistance and child protection.*
- (9) The financing of current and capital expenditures for the centers referred to in paragraph (2), as well as for the protected housing referred to in paragraph (4) shall be provided from the local budgets of the counties in whose administrative-territorial area they operate.*
- (10) The costs related to the accommodation, assistance, and protection of victims of human trafficking, as well as their transportation between the administrative-territorial units where they were identified and those where the center or protected housing where they are to be accommodated/assisted is located shall be covered by the local budget of the county in whose administrative-territorial area the center or protected housing operates.*
- (11) Depending on the evolution of human trafficking in Romania, the General Council of Bucharest or county councils, other than those referred to in*



paragraph (2), may establish centers under the conditions set out in paragraphs (7), (9), and (10).

Art. 33

- (1) Victims of human trafficking who are temporarily accommodated shall be provided with information and counseling by social workers from the local council in whose territorial jurisdiction the centers operate, in order to benefit from the facilities provided by law to socially marginalized persons.*
- (2) Contributions to social insurance systems for victims of human trafficking shall be paid by local public administration authorities from local budgets, from the amounts received for this purpose from the state budget.*
- (3) The amounts necessary for the payment of contributions to social insurance systems for victims of human trafficking by local public administration authorities shall be allocated annually, in full, through the state budget law from certain revenues of the state budget, by being included separately in the budget of the Ministry of Labor, Family and Social Protection.*
- (4) The procedure for transferring the amounts referred to in paragraph (3) to local budgets, as well as the payment of social security contributions for victims of human trafficking to the National Health Insurance House shall be approved by Government decision.*

Art. 34

- (1) The rules of organization and operation of the centers and protected housing, as well as their organizational structure shall be approved by the county council or, where applicable, by the General Council of Bucharest, in consultation with the National Agency against Trafficking in Persons.*
- (2) The staff employed in the centers shall be remunerated in accordance with the legislation on the remuneration of staff in budgetary units.*
- (3) «repealed»*

Art. 35.

- (1) County employment agencies shall organize, free of charge and in accordance with the law, special short-term vocational training programs for victims in accommodation.*
- (2) The agencies referred to in paragraph (1) shall also provide, free of charge and as a matter of priority, counseling and job placement services to victims of human trafficking with a view to finding them employment.*
- (3) Persons at high risk of being trafficked and victims of human trafficking who have the right to work in Romania shall be entitled to free priority access to the services provided by county employment agencies or the Bucharest municipal employment agency, in accordance with the legal provisions on the unemployment insurance system and the promotion of employment.*

Art. 36

Victims of human trafficking who are Romanian citizens may be granted social housing, as a matter of priority, by the local councils of their place of residence.



Art. 37

Romania shall facilitate the return of foreign citizens who are victims of human trafficking to their country of origin without any unjustified delay and shall ensure their safe transport to the Romanian border, unless otherwise provided for in bilateral agreements.

Art. 38. - 19/07/2005

- (1) Foreign nationals who are victims of human trafficking may be accommodated in centers specially equipped in accordance with [Government Emergency Ordinance No. 194/2002](#) and [Law No. 122/2006](#) on asylum in Romania, on the regime of foreigners in Romania, as republished, with subsequent amendments, without the need to take them into public custody. For this purpose, the administration of the centers shall set up special areas, separate from those intended for the accommodation of foreigners taken into public custody.*
- (2) Foreigners who are victims of human trafficking and applicants for a form of protection in Romania may be accommodated in centers specially equipped in accordance with [Law No. 122/2006](#) on asylum in Romania, as amended and supplemented.*
- (3) The accommodation of persons referred to in paragraph (1) shall be approved by the Director General of the Romanian Immigration Office, at the written request of the competent authorities.*
- (4) «repealed»*

Art. 38¹

The provisions relating to Romanian citizens who are victims of trafficking in human beings shall also apply to victims of trafficking in human beings who are nationals of a Member State of the European Union or of the European Economic Area.

Art. 39

Where foreign nationals who are victims of trafficking in human beings do not possess any identity documents or these have been lost, stolen or destroyed, the Ministry of Administration and the Interior may request the embassies accredited in Romania to issue a new passport or travel document, as appropriate, for them, except in the case of asylum seekers or beneficiaries of protection in Romania.

Art. 39¹

- (1) Foreigners for whom there are serious reasons to believe that they are victims of human trafficking shall be granted a recovery and reflection period of up to 90 days in order to recover, escape the influence of the perpetrators, and make an informed decision on cooperation with the competent authorities, during which time they shall be granted, by the Romanian Immigration Office, at the request of the prosecutor or the court, tolerance to remain on the territory of Romania. During the recovery and reflection period, foreigners shall enjoy the rights provided for in [Article 38](#).*
- (2) During or upon expiry of the reflection period, foreign victims of human trafficking may be granted, upon request, a temporary residence permit under the conditions laid down in [Government Emergency Ordinance No. 194/2002](#), as republished, with subsequent amendments and additions.*



- (3) *The reflection period shall cease in any of the following cases:*
- a) *it is established that the victims of human trafficking have, on their own initiative, re-established contact with the offenders;*
 - b) *there is a danger to public order and national security;*
 - c) *the status of victim has been invoked unjustifiably.*

Art. 39²

- (1) *Romanian citizens for whom there are serious reasons to believe that they are victims of human trafficking shall be granted a recovery and reflection period of up to 90 days, either to allow them to recover, to avoid the influence of traffickers or to make an informed decision on cooperation with the competent authorities.*
- (2) *During the recovery and reflection period, Romanian citizens shall be provided with psychological counseling, medical and social assistance, medication and food, as well as accommodation, upon request, in centers or protected housing, and shall be informed of the applicable judicial and administrative procedures.*
- (3) *The reflection period shall cease in any of the following cases:*
- a) *it is established that the victims of human trafficking have, on their own initiative, re-established contact with the offenders;*
 - b) *there is a danger to public order and national security;*
 - c) *the status of victim has been invoked unjustifiably.*

Art. 40

In the event that a transport company brings victims of trafficking to Romania, knowing the illegal nature of such trafficking, the transport company shall be obliged to provide accommodation and maintenance for them for the period determined by the Ministry of the Interior and to bear the cost of their transport to the Romanian border, in accordance with the law.

Art. 41

Foreign minors accompanying victims of human trafficking or who are themselves victims shall be subject, as appropriate, to the provisions relating to the status of foreigners in Romania.

Art. 42

Associations and foundations that can prove that they carry out social assistance programs for victims of human trafficking, such as accommodation, food, mental, psychological and legal counseling, and medical assistance, may receive subsidies from the state budget or, where appropriate, from local budgets, in accordance with the law.

Art. 43

Victims of human trafficking crimes shall have the right to receive, in a language they understand, information on the applicable judicial and administrative procedures.



Art. 44

- (1) *The persons referred to in [Art. 43](#) shall be provided with mandatory legal assistance in order to be able to exercise their rights in the criminal proceedings provided for by law, at all stages of the criminal proceedings, and to support their civil claims and demands against the persons who have committed the crimes provided for in this law, in which they are involved.*
- (2) *The provisions of [Chapter IV](#) of [Law No. 211/2004](#) on certain measures to ensure the protection of victims of crime, as amended and supplemented, relating to free legal assistance for victims of crime shall apply mutatis mutandis to victims of human trafficking."*

- [Law No. 211/2004](#) on certain measures to ensure the protection of victims of crime

"Art. 14

- (1) *Free legal assistance shall be provided to the following categories of victims:*
 - a) *persons who have been the subject of an attempted murder and aggravated murder, as provided for in [Articles 188](#) and [189](#) of the [Criminal Code](#), bodily harm, as provided for in [Article 194](#) of the [Criminal Code](#), an intentional crime resulting in bodily harm to the victim, a crime of ill-treatment of a minor, as provided for in [Article 197](#) of the [Criminal Code](#), a crime of domestic violence, as provided for in [Article 199](#) of the [Criminal Code](#), a crime of unlawful deprivation of liberty, as provided for in [Article 205](#) of the [Criminal Code](#), a crime of slavery, human trafficking, trafficking in minors and subjection to forced or compulsory labor, as provided for in [Articles 209-212](#) of the [Criminal Code](#), rape, rape of a minor, sexual assault, sexual assault of a minor, incitement or facilitation of sexual acts or acts of a sexual nature between minors, sexual corruption of minors, solicitation of minors for sexual purposes and sexual harassment as provided for in [Articles 218-223](#) of the [Criminal Code](#), a crime of torture as provided for in [Article 282](#) of the [Criminal Code](#), a crime of child pornography as provided for in [Article 374](#) of the [Criminal Code](#);*
 - b) *family members of persons who have died as a consequence of the crimes of murder, aggravated murder, as provided for in [Articles 188](#) and [189](#) of the [Criminal Code](#), as well as intentional crimes that resulted in the death of the person.*
- (2) *Free legal assistance shall be provided to the victims referred to in paragraph (1) if the crime was committed on the territory of Romania or, if the crime was committed outside the territory of Romania if the victim is a Romanian citizen or a foreigner legally residing in Romania and the criminal proceedings are taking place in Romania.*

Art. 18

- (1) *Free legal assistance shall be provided to each victim throughout the proceedings and during the enforcement of the judgment on the civil damages awarded to them, up to an amount equivalent to five times the minimum gross basic salary in the country, as established for the year in which the victim submitted the request for free legal assistance.*



- (2) If the complexity of the case has increased as a consequence of circumstances that were not foreseeable at the time of the initial application for free legal assistance or if more than one year has elapsed since the date on which free legal assistance was granted, and the criminal proceedings have not been concluded, the victim may submit a new application for free legal assistance, without the cumulative amounts obtained exceeding twice the limit provided for in paragraph (1).*
- (3) The funds necessary for the provision of free legal assistance shall be provided from the state budget, through the budget of the Ministry of Justice.*
- (4) The model applications for free legal assistance and for the amount necessary to enforce the court decision awarding civil damages to the victim of the crime shall be approved by order of the Minister of Justice, with the approval of the Superior Council of Magistracy.*

Art. 19

The provisions of [Articles 14-18](#) shall apply mutatis mutandis to the granting of the amount necessary for the enforcement of the court decision awarding civil damages to the victim of the crime.

Art. 21

- 1) Financial compensation shall be granted, upon request, under the conditions set out in this chapter, to the following categories of victims:*
 - a) persons who have been the subject of an attempted murder and aggravated murder, as provided for in [Articles 188 and 189](#) of the Criminal Code, bodily harm, as provided for in [Article 194](#) of the Criminal Code, an intentional crime resulting in bodily harm to the victim, a crime of ill-treatment of a minor, as provided for in [Article 197](#) of the Criminal Code, a crime of domestic violence, as provided for in [Article 199](#) of the Criminal Code, a crime of unlawful deprivation of liberty, as provided for in [Article 205](#) of the Criminal Code, a crime of slavery, human trafficking, trafficking in minors and subjection to forced or compulsory labor, as provided for in [Articles 209-212](#) of the Criminal Code, rape, rape of a minor, sexual assault, sexual assault of a minor, incitement or facilitation of sexual acts or acts of a sexual nature between minors, sexual corruption of minors, solicitation of minors for sexual purposes and sexual harassment as provided for in [Articles 218-223](#) of the Criminal Code, a crime of torture as provided for in [Article 282](#) of the Criminal Code, a crime of child pornography as provided for in [Article 374](#) of the Criminal Code;*
 - b) family members of persons who have died as a consequence of the committing of the crimes set forth by letter a).*
- (2) Financial compensation shall be granted to the victims referred to in paragraph (1) if the crime was committed on the territory of Romania and the victim is:*
 - a) a Romanian citizen;*
 - b) a foreign citizen or stateless person legally residing in Romania;*
 - c) a citizen of a Member State of the European Union, legally present on the territory of Romania at the time of the commission of the crime; or*



- d) *a foreign citizen or stateless person residing on the territory of a Member State of the European Union, legally present on the territory of Romania at the time of the commission of the crime.*
- (2) *In the case of victims who do not fall into the categories of persons referred to in paragraphs (1) and (2), financial compensation shall be granted on the basis of international conventions to which Romania is a party.*

Art. 22

- (1) *Financial compensation shall not be granted if:*
 - a) *it is established that the act does not exist or is not provided for by criminal law or that the act was committed in self-defense against the victim's attack under the conditions of [Article 44](#) of the Criminal Code;*
 - b) *the victim is finally convicted of participating in an organized criminal group;*
 - c) *the victim is convicted of one of the crimes provided for in Art. 21 para. (1);*
 - d) *the court finds in favor of the perpetrator the mitigating circumstance of exceeding the limits of legitimate defense against the victim's attack, provided for in Article 73(a) of the Criminal Code, or the mitigating circumstance of provocation provided for in Article 73(b) of the Criminal Code.*
- (2) *The victim who has received financial compensation or an advance on financial compensation shall be required to repay the amounts if one of the cases provided for in paragraph (1) is established.*

Art. 27

- (1) *Financial compensation shall be awarded to the victim for the following categories of damage suffered by him or her as a consequence of the commission of the crime:*
 - a) *in the case of victims referred to in Art. 21(1)(a):*
 - 1. *hospitalization costs and other categories of medical expenses incurred by the victim for the restoration of their physical or mental health affected as a consequence of the criminal act committed against them, including the cost of medical investigations, tests and consultations;*
 - 2. *material damage resulting from the destruction, damage, or rendering unusable of the victim's property or from its deprivation through the commission of the crime;*
 - 3. *the gains which the victim is deprived of as a consequence of the commission of the crime;*
 - 4. *moral damages;*
 - b) *in the case of victims referred to in Article 21(1)(b):*
 - 1. *funeral expenses;*
 - 2. *maintenance which the victim is deprived of as a consequence of the crime;*
 - 3. *the expenses referred to in point (a)(1) incurred by the deceased or by his or her family members prior to the death of the person as a consequence of the crimes referred to in Article 21(1);*
 - 4. *moral damages.*



- (2) *The sums of money paid by the perpetrator as civil damages and the compensation obtained by the victim from an insurance company for the damage caused by the crime shall be deducted from the amount of financial compensation awarded by the state to the victim.*

Art. 30

- (1) *The victim may request the Commission for the Granting of Financial Compensation to Victims of Crimes (composed of two judges from the court) an advance on the financial compensation, up to an amount equivalent to 10 times the minimum gross basic salary in the country established for the year in which the victim requested the advance.*
- (2) *The advance payment may be requested in the application for financial compensation or in a separate application, which may be submitted at any time after the referral to the criminal investigation authorities and no later than 30 days from the date of submission of the application for compensation. The provisions of Article 29 shall apply mutatis mutandis where the advance payment is requested by means of a separate application, which shall also indicate the stage of the judicial proceedings.*
- (3) *The advance payment from the financial compensation shall be granted to the victims referred to in Article 21(1) if the crime was committed on Romanian territory or, if the crime was committed outside Romanian territory, if the victim is a Romanian citizen or a foreigner legally residing in Romania and the criminal proceedings are taking place in Romania.*
- (4) *The victim's request for an advance payment from the financial compensation shall be settled within 30 days of the date of the request by two judges from the Commission for the Granting of Financial Compensation to Victims of Crimes.*
- (5) *If the civil action is dismissed, the victim shall be required to repay the advance payment of financial compensation.*
- (6) *A victim who has received an advance payment of financial compensation shall be required to repay it if he or she has not submitted an application for financial compensation within the time limits provided for in [Articles 24, 25, or 26](#), as applicable.*
- (7) *If the perpetrator has not been brought to trial within two years of the date of registration of the case or, after referral to court, the case has not been resolved within one year, the victim may request a new advance payment from the financial compensation. The total amount granted may not exceed the equivalent of 20 times the minimum gross basic salary in the country established for the year in which the victim made the last request for an advance payment of financial compensation.*

Art. 33

- (1) *The funds necessary for the payment of financial compensation or advance payments thereof to victims of crime shall be provided from the state budget, through the budget of the Ministry of Justice.*
- (2) *The payment of financial compensation or an advance thereof to victims of crime shall be ensured by the financial departments of the courts within 15 days of the date on which the decision granting financial compensation or an advance thereof becomes final.*



- (3) The state, through the Ministry of Justice, shall be subrogated to the rights of the victim who has received financial compensation or an advance payment thereof for the recovery of the amounts paid to the victim.*
- (4) In cases where the victim of the crime has been granted an advance payment of financial compensation or free legal assistance, the taking of precautionary measures shall be mandatory. If the request for free legal assistance in the enforcement proceedings or the request for the amount necessary to enforce the court decision awarding civil damages to the victim of the crime or the request for financial compensation has been granted, the state, through the Ministry of Justice, shall take immediate measures to recover these amounts from the perpetrator.*
- (5) The model applications for the granting of financial compensation and advance payments thereof to victims of crime shall be approved by order of the Minister of Justice, with the approval of the Superior Council of Magistracy."*

- g. notification to a victim when an offender is arrested for distributing child pornography or CSAM in which the child is depicted?**

No such obligation exists.

- 6. "Safety by Design" is defined as tools or processes that are built into an Online Platform to protect children by making it easier for the relevant Online Platform to detect or prevent the distribution of child pornography or CSAM.**

- a. Are Online Platforms legally required to incorporate "Safety by Design" into their systems?**

There is no such legal obligation for online platforms.

- i. If so, must these steps be taken before the launch of an Online Platform?**
- ii. If so, if an Online Platform has already been in public use, when must they have incorporated "Safety by Design" measures?**
- iii. For each of 6(a)(i) or (ii) above, please describe the legal requirement or recommendation.**

- b. Please include information about the parameters for monitoring, management, and enforcement of any legal or regulatory requirements for the Online Platform's incorporation of "Safety by Design"?**