

Judge Cristi Danileț

# THE STUDENT AND THE LAW

PRACTICAL GUIDE OF LEGAL EDUCATION



**VeDem Just**

Asociația Voci pentru Democrație și Justiție

*To my teenage daughters,  
Ana-Maria (17) and Cristina-Gabriela (14)*

**MOTTO:**

***"Education is the most powerful weapon which you can use to change the world."***  
(Nelson Mandela, b.1918 - d.2013, president of South Africa, an opponent of the apartheid)

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## ***Introduction***

Hello! My name is Cristi and I am ... a former high school student. I fondly remember when I was 15-18 years old, a very interesting period of time in my life. Now I am a father of two teenage children. So I know what you're going through at this age.

You are the future adults. You have learned many things about the world and life. About yourselves and about others. You are gradually becoming *independent*. You are guiding yourselves by certain principles and values. You have models or idols you follow. You are finding your own ways in life. There will soon come a time when you leave your parents' house. Thus, you will find your self-identity. You will gain the power to make decisions about yourself, you'll enjoy success and learn from mistakes.

You are at an age when you are experiencing a lot of things: you are listening to a certain kind of music, you are dressing as originally as possible, you often change your hairstyle. You are learning how to dance or play sports, you are surfing the Internet a lot, you are using various jargon, you even have different diets. You have your own friends, extracurricular interests and plans.

All these will shape you as people. People who will have jobs, who will become good citizens and patriots, trustworthy colleagues, people who will make circles of sincere friends and model families. There will be, however, some from your generation who will be part of that category of people who take advantage of others, who cheat at exams, and get illicit money to buy alcohol and drugs, who join strange groups and commit crimes, who will become negativist, vain, selfish and aggressive.

I have been a judge for many years. I specialise in juvenile cases. In the cases I have handled I interacted with both juvenile victims and juvenile offenders. As I am interested in your generation, I started visiting schools and colleges and explaining to young people what they are allowed and not allowed to do, who protects them and how, where to go when they have problems, and how to defend themselves when accused. I have made many friends among the young and keep in touch with them on social networks.

I care about your future and the future of our country. That is why I have written this textbook, so that you find out what rights and obligations you have at this age and especially how you are protected by law and by the state bodies. Perhaps the information in this book will help some of you take the right decision about yourself. And, who knows, some of you may become interested in this area and would like to become my colleagues.

Come on, leave Facebook aside for three hours and enter the universe of rules and laws. We start with the first rule: *You have the right to know your rights!*

**Judge Cristi Danileț, PhD.  
June, 2016**

## I. PRINCIPLES OF DEMOCRACY

### Who and how they lead us



In the past people were led by a king or a ruler. He had the power and freedom to do what he wanted: to issue rules, to try, to execute people. Society evolved, and, in modern times, democracies were restored. Romania is also a democratic state, so now the sovereign is no longer a person, but *the people* itself. It is the people who decide for themselves. However, since the number of citizens is high, they cannot decide by gathering in the public squares like they used to do in the agora of ancient cities. Today, people have representatives who take decisions on their behalf.

**DID YOU KNOW ...?! "Democracy" comes from the Greek words "demos" - people and "kratos" –power.**

If the leaders would have too much power, there is a risk of abuse and use of discretionary power. The solution found was the fragmentation of power. Therefore, three kinds of authority were created to exercise essential powers in a state: an authority to create laws – the Parliament (which in our country has two chambers: the Chamber of Deputies and the Senate), thus exercises *the legislative power*; another authority to implement the laws - the Government and the President, thus exercises *the executive power*; and one authority to enforce laws and punish those who violate them – the Justice, namely the judges, thus exercises *the judicial power*.

These powers are equally important. These powers collaborate institutionally, but one is not allowed to exercise the powers belonging to another. Only respecting this requirement ensures a balance in society. When a power interferes in the area reserved to another power, the Constitutional Court intervenes to correct them. The Court is not, therefore, one of the Powers, but is an autonomous authority.

Informally, it is said other Powers also exist: the press, the administration etc. No matter how one feels personally, the legislation provides only three public powers.

**REMEMBER:** In a democracy *the separation of public powers is an essential principle.*

### THE RULES IN OUR LIVES



Man cannot live alone in the society. He needs family, friends, buddies. He interacts with close ones but also with strangers. The tendency is to be closer to some and avoid others, help some and harm others. Here come the rules, aimed at maintaining the social order and protecting each individual.

There are *rules in the family*: small children are not allowed to engage in activities which involve fire, they must avoid playing with toys which do not belong to them, but to their brothers or sisters, they must eat everything on their plate, they

are not allowed to peek through the keyhole. The elder children are taught that they must make their bed, gather their scattered things, they must not steal an object that does not belong to them. Parents set the rules of access inside and outside the house, the child's access to the computer, the family money, going to youth camps, the sleeping hours.

There are *rules of personal hygiene*: before and after the meal, we wash our hands; in the morning we clean our tongue; both in the mornings and evenings and after each meal we brush our teeth, we replace our toothbrush every three months and we regularly go to the dentist; once a day we wash our entire body with warm water and soap; we wash our hands after shopping, petting animals, using the toilet, playing, blowing our nose, combing our hair or putting on our shoes and after taking out the garbage; the fruit and vegetables that are eaten raw are first washed; the room where we sleep is regularly aired; fingernails and toenails are kept clean.

There are also *rules of postural hygiene*. Some rules regard the correct office sitting posture: check that when sitting on the chair with your hands along your body, the desk is at your elbow height; when you write or type, pull the chair close enough so you can support your forearms on the desk; the elbows should be at an angle of about 90 degrees and your wrists and hands should be straight. Other rules concern the monitor: it should be at the length of an arm from you, yet just in front of you; the top of the monitor is placed a few centimeters above your eye level, so you should look slightly downward when you look at it; if possible, tilt back the monitor a bit. It is very important to take a 10-minute break every hour, during which you should get up from the computer and make a few steps.

There are *rules for the elevator*: more people than the maximum permissible load are not allowed in the elevator, smoking is forbidden, children must be accompanied by adults, in case of an emergency, the alarm button must be activated.

There are *rules in case of fire*: Panic must be avoided, the doors and windows are to be closed if time allows it, the building is quickly evacuated and personal or clothing items are left behind, people in need of immediate help are prioritised, the elevator is not used.

And *rules in case of an earthquake*: the building must not be exited, you must move away from windows and outside walls, drop on your knees and elbows, face down, taking cover under a desk in the classroom, a sturdy table or desk in the office, where appropriate grabbing and holding the leg of the table, of the desk in the office or in the classroom, or standing under a doorway or under a girder.

There are *rules for associations, clubs, fraternities, groups, gangs*. They depend on the organisation's goal and the character of the people involved. Law prohibits the establishment of a group of three or more people with the intent of committing crimes.

There are *moral rules or common sense rules*: rubbish is not thrown in the street, music is not to be listened loudly, neither at home on loudspeakers or in a means of transport through headphones. Sex in public is forbidden.

There are *religious rules*: church is attended regularly, people fast, go to confession, men enter the church before women and stand on the right side of the church, women are not allowed to enter the altar until the day of sanctification.

## **WE ARE FREE IN COMPLIANCE WITH RULES**



Man is free. Knowing this, you tend to do what you want. But another person with whom you interact may also have the same attitude as you. It would not be right if you end up causing them harm, or the other way around. This would lead to conflict, then aggression and finally someone will suffer. However, for everyone's protection, law intervenes. Law establishes what everyone is allowed or is not allowed to do in order to live and become what each and all of us want. So, you are free as long as each and everyone else are free to do what they want. *Your freedom exists until it meets someone else's freedom.* This actually translates in being free means to act according to the rules.

**REMEMBER:** *Being free does not mean doing what you want, but what you are allowed!*

As long as we follow the law, we are safe, so are the others. We must accept that law does not limit, but it describes freedom. And who does not comply with the law risks losing their freedom – doesn't that happen to criminals who are being jailed?!

Exercising freedom implies protecting others. It means respect for each and all individuals with whom we come in contact with. It means valuing them and their property. The individual is viewed as a person, and not as a thing. If we accept this view, we understand why a human being cannot be a master over other human being. The ultimate and only master of all of us is the law, and this is why we speak of *the rule of law* and not *the rule of man*. Slavery and owning another people are not acceptable. If you are someone's relative or spouse, or if you are someone's friend or lover, that means you have feelings for that person, not that you are in control of their life and relationships, or that you can go through their things or mail.

**REMEMBER:** *People cannot be taken. Only things can be taken!*



## LAWS AND THE AUTHORITIES WHICH ADOPT THEM

We use the word 'law' in a generic sense to refer to any normative act.

The most important adopted national normative act is the **Romanian Constitution**. All countries have constitutions which are approved through *referendum* by the population. The constitution shows the type of state we have, which are the fundamental rights and the duties of the citizens, how are representatives chosen, which are the main authorities and public institutions. All the principles contained in the Constitution are then developed in laws issued on various fields.

**DID YOU KNOW?!** ... *The Constitution is the fundamental law of the country. Since 1858 we have had eight constitutions. The current constitution was adopted in 1991 and then revised in 2003.*

*The national symbols are described in the Constitution: (1) **The flag** of Romania is tricolour with colours arranged vertically in the following order from the flagpole: blue, yellow, red. (2) **The National Day** of Romania is the 1st of December. (3) **The national anthem** of Romania is 'Romanian, Awake!', the song belonging to Anton Pann, and the lyrics to Andrei Muresanu.*

Parliament adopts laws. All laws have a name: e.g. The Youth Law no. 360/2006, The National Education Law no. 1/2011. Once adopted by the vote of the majority of the deputies, the laws are promulgated by the President of the state and published in the Romanian Official Gazette. Henceforth, laws become mandatory.

**REMEMBER:** *The Parliament consists of the Senate and the Chamber of Deputies. It has its headquarters in 'The Palace of Parliament' in Bucharest, the former 'House of the People', which is the largest building in the world after the Pentagon, the building of the US Defence Ministry. Senators and Deputies have a mandate for a period of 4 years. They are elected by electoral constituencies by the voting population (Romanian citizens aged 18 or more on the election day). Currently, we have 588 Deputies. Deputies cannot be dismissed by those who elected them.*

There are also normative acts which are adopted locally, specifically only for the inhabitants of a county or a locality. We are referring to the decisions of **the County Council** (e.g. Decision no. 111/2015 of Constanta County Council on the approval of the County Strategy for social care and child protection for 2015-2020) and those of **the Local Council**, respectively (e.g. Decision no.158/2012 of the Local Council of Resita City on the approval for the Regulation on the growth and keeping of domestic animals and poultry in Resita). These decisions are published on the website of these institutions and are enforced by the local administration bodies, such as police, fiscal authorities and so on.

***REMEMBER:** The Local Council, just like the County Council, is made of counsellors elected by the citizens of that locality or county for a four year mandate. These citizens choose the Mayor as well. The Deputy Mayor, as well as the County Council President and Vice President, are elected by his counsellors. Citizens can decide to dissolve the Council or to terminate the Mayor's mandate when dissatisfied with their work.*

**The Government of Romania** also issues normative acts. They are *decisions* (e.g. Government Decision no. 26/2015 on the organisation and functioning of the Ministry of Education and Research), *ordinances* (e.g. Ordinance no. 2/2001 on the legal regime of contraventions) or *emergency ordinances* (e.g. Government Emergency Ordinance no. 195/2002 on the circulation on public roads – the so-called 'highway code'). In the Governmental meetings the normative acts are not voted, but only discussed, after they are deemed to have been adopted by the Prime Minister.

***REMEMBER:** The current Government consists of the Prime Minister and 22 Ministers. Its headquarters is Victoria Palace in Bucharest. 18 of the Ministers lead one Ministry each - there is a Minister for Education, one for Justice, one for Labour, one for Health etc. The Government appoints a prefect in each county to be represented in the territory.*

The head of our state is **the President of Romania**. He is elected for a mandate of 5 years by Romanian citizens entitled to vote, whether they are living or not in our country. He issues decrees. Some decrees are related to laws (e.g. the Decree promulgating the law on the Criminal Code), others to the Government (e.g. the Decree for appointment as minister), and other decrees are related to Justice (e.g. the decrees appointing as judges or prosecutors in Romania).

## COMPLIANCE WITH THE LAW IS MANDATORY



Since their publication, normative acts, developed at national or local level, are mandatory for all addressees. As long as normative acts are passed unanimously or by majority vote, they should be respected by both those who agree and those who do not agree with it; both majority and minority; both those who voted and those who were absent from the vote or were not entitled to vote; those born on the day of the adoption of the act and those

born before or after.



*REMEMBER: The rule of law requires that all citizens are equal before the law. But human equality does not refer to living conditions, salary, fortune, these being the results of everyone's work.*

Thus, the compulsoriness of the laws results from the fact that they correspond to the interests of the majority of citizens (*public or national interest*). But the majority, in turn, cannot take any decision they wish, but only those in areas permitted by law and only after following a strictly regulated procedure, thereby avoiding abuses (*the tyranny of the majority*). For example, the majority of people - but not even the totality of those entitled to vote - cannot decide to violate any law or dismiss any deputy or judge, all this being prohibited by the Constitution.

*DID YOU KNOW?! ... Some normative acts are extremely complex and they are called codes. In Romania there are the Civil Code, the Civil Procedure Code, the Criminal Code, the Criminal Procedure Code, the Tax Code, the Tax Procedure Code, the Customs Code, the Forest Code, the Labour Code, the Air Code and the Highway Code, the Consumption Code, the Insolvency Code.*

When a law is infringed, there are several types of consequences: if harm was caused to a person because their rights that were supposed to be protected by that law were breached, we have a culprit who should be sanctioned and we have a state failure in preventing law breaches. The victim sometimes has their share of blame.

**EXERCISE 1:** A car is approaching a crosswalk that you are ready to cross. There are two rules to be complied with simultaneously: the driver must slow down to the limit of avoiding any danger, and you must make sure you make the crossing safely. If only one would comply with the rules, an accident could result, couldn't it?

**EXERCISE 2:** You walk your dog near a children's play-park where the dog makes a mess. You have just violated two rules: one that forbids you to walk your dog there and another one that says dog excrements must be picked up by its owner, who should bring a bag and a scoop for this purpose. Let's think about the consequences of violating these rules. You will say that if there is a policeman nearby, you receive a fine, if not, you got away. What you forget is the fact that after you leave, a parent may arrive with a baby playing in the sand where your dog had just made a mess. Small children put in their mouth everything they catch and soon the baby will become ill.

It is easier to prevent a breach of the law than to deal with its aftermath. Therefore, we all need to know the law and make the effort to comply with it.

*Remember: The law is issued to be complied with. And this applies also when no one sees us.*

## Attitude towards breaching laws



offence.

The law must be respected by all of us. If we are caught infringing it, you must know that the excuse 'I did not know that it was not allowed' is not a valid defence in the face of law enforcement. The best attitude is to recognise the perpetration: in this case the legal procedure will end sooner rather than later leading to a milder punishment or even acquittal. Lying to the law enforcement authorities will not be in any way beneficial. Contacting the local law enforcement officials' witnesses to persuade them to lie in your favour is even worse, amounting to an

***Remember:** No one can use ignorance of the law as an excuse.*

But what should we do if we see people who do not comply with the law?! Presumably you hold a high school Baccalaureate diploma and are taking a university entry exam or going to a job interview. One of the participants is cheating, thus answering more questions correctly than you and is declared the winner. You have complied with the rules, he hasn't. However, he got the place for which you have competed fairly. You feel wronged, don't you? Wouldn't it have been better to let the organisers know when you saw that the competitor was cheating?!

I think you thus realise how important it is that not only you, but also those around you, comply with the rules. If everyone did this, your rights would be protected and the best ones, not the superficial ones, would win a competition. Therefore, it is better **to take a stand**; who is at fault must assume his/her responsibility and may eventually pay for it. If you turn a blind eye to that person, he/she will be encouraged to break the law again, knowing that nothing will happen to him or her. Others realising this will be tempted to imitate that person, and you, who choose to comply with the law, shall be regarded by such individuals as a ... strange person.

Consequently, when you are the victim of an illegality - for example, someone steals from you, hits you, does not repay a loan etc. - you should know that you have the law by your side, which protects you. There are specialised state authorities which are paid to establish whether any law was breached and to make the one who is guilty rectify the damage done and, in certain instances, be punished.

***EXERCISE 3:** You may happen to be neither the victim nor the perpetrator of an illegality, but a witness. So, say you're assaulted in a public place by a stranger. A young man passes by and sees that you need help. He has three options at his disposal: (1) he carries on hurrying up pleased that it did not happen to him; (2) intervenes in the conflict with the risk of being himself assaulted; (3) notifies the local law enforcement. You would like the young man adopt option ... no. (1), would you?!*

You must know that if you witness an offence, the law is not forcing you to call the police, except in certain serious offences which result in the death of a person. Yet, why should a witness react when an illegality is committed against another person? The answer is: because he/she cares. If we want to live in a clean country, walk safely on the street and enjoy our possessions, then we all need to respect these values and ask that those who don't respect them be held accountable. We must show **solidarity** with those who respect the law, irrespective that some will approve and others will ridicule us. We must not be afraid to react against illegalities; on the contrary, we must show **integrity**, i.e. we must not compromise with our principles, according to which we want to live.

***CRIMINAL OFFENCE:** If anyone becomes aware of an act that led to the death of a person and does not notify the authorities, then he is at risk of imprisonment himself. Only if murder is committed by a family member, he is not obliged to report it.*

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\* \*

**In short:**

***In a democracy, the people itself takes decisions, through representatives.***

***Democracy means: rule of law (the supremacy of law), human rights, separation of powers.***

***Justice is not the third power in a state, but one of the three powers.***

***The law is issued to be complied with also in the absence of an observer. If you obey the law, you are gaining freedom.***

## II. THE CHILD, THE YOUNG AND THE RIGHTS



### WHO IS A “CHILD”

Everyone under the age of 18 is called a child. He is an adult in the making, fully developing, so he needs guidance, care and assistance. For society, children are very important as they represent the future generations. Adolescence is between 14 and 18 years and is symbolising the transitioning period from childhood to adulthood, maturity. Therefore, adolescents are a category of people treated by adults with even more attention.

**STATISTICS:** *In Romania there are 4.3 million children, out of which 1 million are teenagers.*



### THE EMERGENCE OF CHILD'S RIGHTS

In the past, it was said that children were *not yet human beings*. They were poorly cared for and were considered the property of adults: in some families the breastfeeding of babies was nannies' responsibility and not the mother's; children were not properly fed; after they grew out of infancy, some of them were used as slaves, others as apprentices; they were used for hard works and not paid; they had no identification papers. During the world wars, children were killed, raped, kidnapped or relocated to other states losing ties with their families and forgetting the history of their homeland. Some were used for medical experiments or simply burned during the Nazi Holocaust, others were imprisoned in special camps in the Soviet Gulag where they were bullied and abused. Today, some children are used by extremist groups to commit terrorist acts: to wear explosives, detonate bombs, kill prisoners.

The idea of children's rights emerged in the eighteenth century. Immediately after the Second World War, on 10<sup>th</sup> December 1948, the Universal Declaration of Human Rights was adopted by the United Nations' General Assembly and signed by Romania. However, the most important international document dealing specifically with children, ***the Convention on the Rights of the Child***, was only later adopted by the United Nations General Assembly on 20 November 1989. Once an international convention had been approved by a state, it becomes law for that particular state, meaning that all 193 countries which did sign the Convention are obliged to comply with it, including Romania.

**PRINCIPLES:** *There are four basic principles established by the UN Convention on the Rights of the Child: (1) the child's protection against all forms of discrimination; (2) the best interests of the child must be primary concern; (3) the child's right to life and development; (4) respect for the views of the child regarding any situation or procedure affecting the child.*



## LAW AND RIGHTS

The word 'drept' in Romanian has two meanings. On the one hand it means 'law' and it involves a set of norms of conduct, also implying rules which people must respect in a society. If they infringe them, they can be punished. These rules are contained in the laws. The fundamental law of any country is the Constitution. Other laws are concerning different areas: *the Civil Law, Family Law, Criminal Law* etc.

On the other hand, 'drept' in Romanian means 'right'. The rights of an individual imply making demands of another person. For example, the child has *the right* to education, *the right* to rest, *the right* to start working from a certain age etc.

**REMEMBER:** *The first human right protected by the Constitution is the right to dignity.*

A right usually corresponds to a duty. It belongs to more people or just to one person. I shall give you two examples:

**EXAMPLE 1:** *If I am a homeowner, everyone else is obliged to respect my ownership rights and is forbidden to enter the house without my permission. If someone breached my right, then that person violated a rule under criminal law, committing the offence of trespassing. If I, the victim, within three months make a complaint to the police or the prosecutor, then that person can be punished, even with imprisonment.*

**EXAMPLE 2:** *I lend a friend an amount of money and we both agree a deadline by which he should repay the loan. However, when it reaches maturity (i.e. the deadline for repayments) my friend refuses to return the money. He violated a rule under civil law which obliges him to pay back the loan therefore I have two choices: either going to a mediator and resolving the conflict amicably or taking him to court, within three years, to force him return my money.*



## THE CHILD'S RIGHTS AND THE ENFORCEMENT AUTHORITIES

Children cannot have all adults' rights. But, just like an adult, the child has five categories of rights:

- **Civil rights:** the right to life; non-discrimination; name; identity; knowing their parents; protection of privacy; not being subjected to torture or other cruel, inhuman or degrading treatment or punishment;
- **Political rights:** freedom of expression, association and participation to peaceful assembly, thought, conscience and religion, access to information and media. The child does not have the right to vote and to

be elected in governmental bodies, apart from the ones in schools.

- **Economic rights:** the right to work, to protection against exploitation;
- **Social rights:** the right to education, health, social security and development;
- **Cultural rights:** the right to recreation, play, participation in cultural and artistic activities.

Internationally, these rights are contained in the **United Nations Convention on the Rights of the Child**, which I mentioned earlier. The institution that supervises their compliance is *the Human Rights Committee*, consisting of 10 international experts, to whom the states regularly submit their reports.

In Romania there is a special law governing the compliance, promotion and the guaranteeing of children's rights: **Law no. 272/2004 on the protection and promotion of children's rights.** Several authorities deal with the law enforcement, each having their own responsibilities:

- *The National Authority for Child Protection and Adoption*, established at the domestic level and in the subordination of the Ministry of Labour, which monitors the compliance with the Convention and the Law;
- *The General Directorates for Social Assistance and Child Protection*, established at the municipalities'/districts' level and also in Bucharest: supervise the compliance with the legislation on the protection and promotion of children's rights, among municipalities as well as in the capital-city;
- *Social care public services*, established at urban level, supervise the compliance with the legislation on the protection and promotion of children's rights, among cities and towns; visit children at home; supervise the measures to prevent and combat the consumption of alcohol, drugs, domestic violence, delinquent behaviour;
- *Child Advocate*: is a delegated body belonging to People's Advocate Ombudsman (Avocatul Poporului) and receives petitions concerning the rights and freedoms of children and ensures that public administration institutions comply with them;
- *The courts*, found in all cities and most towns in Romania which settle cases regarding children.

**REMEMBER:** *Decisions are made by the state institutions taking into account the best interest of the child, namely what is best for the child, not just what is enough or acceptable for him.*

### WHO IS "YOUNG"



The citizens between 14 and 35 years' old are considered to be *young*. In our country, public authorities and institutions are obliged, under **Youth Law no. 350/2006**, to support the socio-professional integration of young people by any necessary means. There are even a *National Youth Authority* and *County Youth Directorates*. City Halls and County Councils are obliged to sustain and consult with youth organisations in the given region and to fund youth activities.

The state provides tax incentives to those who hire young people, free counselling on career guidance and family planning, free medical assistance in educational institutions. Those over 18 years old benefit from State support to start a business, free introductory courses in management, grants discounts on assessments and taxes if they set up commercial companies, support for the construction and purchase of housing.

**HOLIDAYS:** 2<sup>nd</sup> May – Youth Day; 12<sup>th</sup> August–International Youth Day; 20<sup>th</sup> November– International Children's Rights Day; 9<sup>th</sup> December – International Human Rights Day

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### **In short:**

**Up to 18 years old, you are a child; between 14 and 35 years old, you are young.  
The decisions regarding the child are taken by the parents and public institutions based  
on the child's best interest.**



### III. THE CHILD AND THE RIGHT TO LIFE

#### BIRTH



The baby is conceived *naturally* after an intercourse between his parents. *Cloning* a human being is forbidden.

Health problems sometimes may require a medical intervention such as *in vitro* fertilisation - this is a process of artificial fertilisation of a woman's egg by a spermatozoid (belonging to the woman's partner or a third donor) in a laboratory, where the embryo is formed, and then transferred into the

woman's womb. However, there is no difference between the child created in vitro and the naturally procreated one.

Currently, in vitro fertilisation may use a surrogate mother. However, she will give birth to a child who belongs to another person.

#### DEATH



One thing is inevitable: death. Sooner or later, the ones close to us will pass away: our grandparents, parents, teachers, friends and neighbours. This is a normal and natural set of events.

The right to life is the most important right that a human being has. Taking one's life is the most serious offence.

**CRIMINAL OFFENCE:** *Murder is severely punished: if an adult intentionally kills a person, then he will be sentenced to spend between 10 and 20 years in prison; if the author is a minor, he will be locked up in a detention centre for a period between 5 and 15 years.*

Unfortunately, in our country, there are cases of children being killed by adults. Sometimes, children are themselves murderers.

**CASELAW:** *In 2005, an 8 year old girl from a large city in Moldova was invited to her brother's best friend's flat. Failing to rape her, he killed her, wrapped her in a blanket and disposed of her body in a bin. Her close ones searched for her for two months, the killer himself participating and pretending not to know anything. After they found the body, her father, overcome with grief, committed suicide. The killer, aged 17 at the time of the offence, was eventually revealed and sentenced to 20 years in prison. He was released sooner, in 2014, for good behaviour.*

The right to life is highly protected, so no one in any European country can be convicted to the death penalty (capital punishment), no matter how serious the offence was. Romania used to have the death penalty as a sentence, but it was abolished when it became a democracy in the aftermath of the 1989 Revolution.

*Euthanasia* (ending a person's life to relieve suffering) is not permitted in our country: a doctor or a relative of a sick person is not allowed to kill him/her, even if on request and even if he/she is suffering from an incurable disease which causes extreme suffering.

*Suicide* (intentionally ending your own life) is an act committed by some people out of desperation. You should know that nothing justifies such an act and that everyone can be helped and anything can be forgiven. If you have such thoughts, it is important not to behave impulsively and remember that there are things worth fighting for. It is advisable to talk with the parents, teachers or the school psychologist/counsellor or call anonymously the specially designated numbers.

**PREVENTING SUICIDE HELPLINE:** 0.800.801.200 free phone number, available nationally from landlines and mobile networks between 7:00 p.m. and 7:00 a.m. It is operated by the Romanian Alliance for Suicide Prevention's volunteers.

For Bucharest area there is a hotline for prevention of suicide attempts – 116 123 operated non-stop by the General Directorate of Social Assistance in Bucharest in collaboration with the Psychiatric Hospital "Prof. Dr. Alexander Obregia" and the Suicidology Association.

When you meet a person who is going through such a situation or who has such thoughts, you should try helping them save themselves, under no circumstances you should help them carry on with their intentions.

**CRIMINAL OFFENCE:** The act of persuading a person to commit suicide or helping by purchasing pills, substances or weapons is punishable by imprisonment.

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**In short:**

***The right to life is the most important natural human right.  
Death penalty has been abolished in Europe, contrary to some states in USA or Middle East.***

#### IV. THE CHILD AND HIS/HER IDENTITY

There are two categories of personhood: *natural persons* who are identified by the name, domicile (the address of the permanent home) or residence (where the secondary home is) and citizenship, and *legal persons*, who are characterised by name, headquarters and nationality (i.e. local authorities, public institutions, and companies).



##### THE CHILD'S NAME

When a child is born in Romania, **a birth certificate** is issued by the Civil Status Register. The child, until reaching 14 years of age, will use this document for identification purposes and claiming him/her rights (receipt of statutory allowance, enrolment to kindergarten, then to school).

**The surname** of the child is the one that the parents have, which can belong to one parent or be a combination of both parents' surnames. It can be changed by marriage and then, possibly, after divorce.

**The forename of the child** is chosen by the parents. In the Romanian tradition the child occasionally receives two forenames, one usually being of a Religious Saint celebrated on the same day or closely to the child's birthday.

**FUNNY NAMES:** Although authorities are obliged to refuse the registration of ridiculous or indecent names, in the Romanian Statistical Yearbook there are included names such as Drunkard, Dumb, Madman, Sloppy, Expertise, Justice, Police, Faculty, Pharmacy, Traffic Lights, Minister or President. Also frequent names are Turkey Hen, Pussy, Butt, Buttocks, Balls, Deadman, Piss, Ass, Black Ox, Old Ox, Dick, Regulated, Nipple, Hen Excrements, Lucky Strike, Garbage, Dirt, Dirty, Bucket, Bowl, Dead Ox, Blow Job or Black Bones. Some Romanians have as forenames Paracetamol, Double Glazing, Empress, Romanian Doughnut, Television, Superman. Finally, some choose to name their children after soap operas or to give them names popular in the countries where they work: Giovanni, Celeste, Juan Carlos, Kassandra, Alejandra.

People who have ridiculous or indecent surnames and/or forenames, foreign or misspelled names, may have them changed by the Public Community Service for Population Registration.

The surname and the forename are on the birth certificate issued by the Register, along with **the personal identification number** (abbreviated "CNP"), which is a unique number that the person will keep for life.

**The STRUCTURE of the C.N.P.** is made of 13 digits as follows: the first digit represents the gender (1 for men, 2 for women for those born before 1999, and respectively 5 and 6 for those born afterwards); the next two digits represent the year of birth, followed by another two digits corresponding to the month of birth and another two digits corresponding to the day of birth; the next two digits are the county code; the following three digits represent the order number, and finally, the last digit is the check digit.



## THE IDENTITY CARD

The Identity Card (*abbreviated "ID"*) is issued for the first time at the age of 14. Within 15 days from the anniversary of 14 years, the Identity Card must be requested from the Public Community Service for population registration. This document proves the identity and the domicile of the holder.

**REMEMBER:** If your ID card is stolen, you must inform the police of the district where the offence took place within 24 hours. If you lose it, you also must notify the registration office for Public Community Service for Population where you have the domicile, within 24 hours. If you find an ID card, you must take it or have it sent to the nearest police station or the nearest Public Community Service for Population Registration within 48 hours.

The Identity Card is valid for a duration of:

- 4 years for people aged 14-18;
- 7 years for people aged 18-25;
- 10 years for people over 25;
- indefinitely for people over 55.

**CIVIL PENALTY:** Refusal to give information in order to determine your identity, to present your Identity Card or to report to the police station when lawfully required or invited by the Prosecution or Public Order Authorities which are in the line of duty, is punishable with a fine between 100 and 500 RON.

**CRIMINAL OFFENCE:** Giving your Identity Card to a person so that he/she can unlawfully use it - for example to open a bank account or buy an electronic product, is punishable by imprisonment.



## THE CHILD'S CITIZENSHIP

Through registration, the child acquires *the Romanian citizenship* when at least one parent is Romanian, whether the child was born in Romania or abroad.

The state protects its citizens, both at home and abroad, therefore the citizens owe it faithfulness and to defend it in any circumstances. *Patriotism* is a noble feeling of love for the country you belong to and for its inhabitants. In the event of a war, a state of military mobilisation and during a state of besiegement, the military service becomes mandatory and the sacrifice of life the supreme proof of patriotism.

**TERMINOLOGY:** *PATRIOTISM* is a profound love for the country, ultimately reaching possible sacrifice. *EXTREME NATIONALISM* means hatred of those who are not of the same nation (e.g. the Nazis hated the Roma and the Jews).

Citizenship should not be confused with *nationality*. The former concept indicates belonging to a state, the latter to a nation, meaning ethnicity - hence in your lifetime you may have more citizenships but you are always going to have only one nationality. On the Romanian territory there are Romanian citizens of different nationalities: Hungarian, German, Jewish, Russian, etc.

There are people who do not have any citizenship, so they do not belong to a country - they are called *stateless*. A stateless person has rights and obligations under the domestic law of the state where he has his/her domicile (permanent home) or residence (temporary home). Noticeably, a citizen has rights and obligations also under the domestic law of the state which citizenship he/she has.

Romania is an EU Member State. As European citizens, we have specific rights: the right to vote and to be elected in the European Parliament, freedom of movement and residence in another European country, the right to work in another European country, the right to petition the European Parliament and to make complaints to the European Mediator.



## ELECTIONS FOR PUBLIC OFFICE AND DIGNITARIES' POSITIONS

Some positions are occupied by taking exams - for example judicial appointments like judges or legal advisers of governmental bodies, or appointments as teachers or doctors.

Other placements are occupied by *election*, where the training and qualification of the candidates as less important, and their credibility and people's perception of their trustworthiness, vital. Once citizens turn 18 years of age, they can participate in electing representatives in the highest positions. Such right is a great gain for democracy and demands

highly responsible citizens.

**DID YOU KNOW ?!...** *The right to elect for public office is gained once you turned 18, if turned by the election day inclusively.*

**DID YOU KNOW ?! ...** *For appointments as counsellors, mayors and deputies, the citizens have the right to be elected if they turned 23 by the election day, inclusively. Those aged 33 or more may be elected senators and those at least 35 years old can run for President of Romania. There are no academic or qualification requirements.*

Generally, candidates for such positions rely on the support of a political party. Any citizen 18 years of age or over can be a member of a political party, but only one exclusively. From the 37 political parties currently existing in Romania, some have representatives in the Parliament (parliamentary parties), others do not (non-parliamentary parties).

Some parties promote a *right-wing* ideology arguing for individual rights with regard to collectivist views, private-public partnership and the free market; Far-right wing is represented by fascism and legionarism, and such political parties are prohibited in our country. Other political parties promote a *left-wing* ideology, focusing on encouraging the state tending to the citizens, campaigning for equality between citizens and the trading unions; the far-left wing is represented by communism; the Communist Party has ruled our country since the aftermath of Second World War until December 1989 and, after the Revolution, the Romanian rule of law did not approve its reinstatement.

For the electoral process to properly perform, those involved must be correctly informed and accordingly, to accurately update others. This is done during the election campaign.

**CRIMINAL OFFENCE:** *If you vote without having the right, if you vote instead of another person or if you vote multiple times, you risk imprisonment.*

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**In short:**

**A person is identified by name, domicile and citizenship.  
Exercising the right to vote and the right to be elected are essential to the functioning of  
the democracy.**



## V. THE CHILD AND THE FAMILY HE/SHE BELONGS TO



### THE RIGHT TO KNOW THE PARENTS

The traditional family is consisting of two parents. There are also *single parent* families composed of one parent and the children – possible reasons being that the parent has never been married or is divorced or the spouse passed away or the child has been adopted by a single person.\_

*REMEMBER: Romania does not recognise and does not allow civil-unions and marriages between same-sex partners, like in the US and some European countries.*

Most of the times, the parents are also "biological" parents. If the parents are married, the law *presumes* that the child's father is the mother's husband. If another person is registered as father in the child's documents, then his paternity can be challenged. The child himself can challenge the paternity at any time. If the biological father is known yet he refuses to admit paternity for the child, then a Court of Law can be asked to establish the paternity. Thus, no parent can avoid the responsibility to financially support the children.

Parents can be "foster parents", such as those who adopt children or are substitute parents or offer maternal assistance. They have the same responsibilities as the biological parents. The surrogate mother is not considered a biological parent.

When the child was adopted, to protect the new family relationships, the law allows the child to know and meet the biological parents only after reaching the age of 18.



### THE RIGHT TO BE BROUGHT UP BY BOTH PARENTS

The time of slavery disappeared long ago. People cannot be masters of others. Human rights guarantee that no person can be the property of others. Obviously, children are not goods, but they are human beings gifted with qualities and rights. In no way are they the property of their parents.

In the past, the child was considered the property of his father. Afterwards, the mother began to be favoured in everything related to the upbringing of the child. It is now forbidden to make any distinction between parents on the grounds of gender: both have equal rights and duties in relation to their child and this rule applies whether the parents are married or not, divorced or separated in fact.

For the full and harmonious development of his/her personality, the child should grow up in a balanced family environment, in an atmosphere of happiness, love and understanding. Parents are required by law to handle the growth, education and care of the child. For this, they must supervise the child; cooperate with the child; respect his/her private life and dignity; inform the

child of what may affect him/her; take into consideration the child's opinion. The way they fulfil these obligations can be checked at any time by the Public Social Assistance Service.

**REMEMBER:** Parents have **equal** rights and duties regarding their child, whether living together or not, without making any distinction between children on grounds of gender.

The child cannot be separated from his/her parents against their will. This is possible only when parents are separated and the child's residence is held to be only at one of them (by mutual agreement or, in its absence, by ruling of the court) or if the parents hurt the child (which is determined only by the court).



### PARENT ABROAD

Parents may decide to live abroad, usually for work and for an extended period. The children left home often feel neglected. They have the right to maintain personal relations and have regular direct contacts with the absent parent. If both parents want to leave to work abroad, then they must notify the Public Social Assistance Service 40 days before, and the Court must determine to whom guardianship of the child should be given.

**STATS:** Over 80,000 children in Romania have one or both parents working abroad, according to official data. It is believed that the real number is at least twice as high.

**HELP LINE:** Children whose parents are abroad and need advice can call the phone number **0800.070.040** free in Romania, where they can receive free information and counselling, Monday to Friday, between the hours 9.30 -17.30.



### SEPARATED PARENTS AND DIVORCED PARENTS

Parents sometimes *split up* and choose to live separately. Those who are married put an end to their marriage through divorce. You must know that the relationship and tensions between parents must not affect the relationship between the child and each parent. They hold the status of parenthood until death or until the termination of parental rights, if applicable.

**REMEMBER:** Divorce takes place only between spouses, not between parents and child.

Therefore, the bonds between parents and the child will continue to exist even if the parents are no longer together, as is often in the child's best interest to maintain a close and loving relationship with both parents.

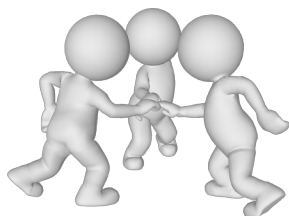
During divorce, parents usually establish **a parenting plan**, meaning they agree where the child will live (at one parent's home or at both, taking turns), on *the maintenance obligation* they both have towards the child, on planning future *personal relations with the child* (through mutual visits, meetings in public places, accommodation overnight, during weekends and/or holidays,

by phone or Internet etc). When they disagree, parents can turn to a mediator in attempt to reach an agreement, otherwise all these aspects are to be decided by the court of law.

**CRIMINAL OFFENCE:** *If a parent has been ordered by a Court of Law to pay alimony and does not do it for three months, he/she committed a criminal offence called family abandonment. To start a criminal investigation, a complaint needs to be made by the custodial parent (if the child is under 14 years of age) or by the minor living with the custodial parent (if the child is aged between 14 and 18). During the criminal procedure this complaint could be withdrawn and the procedure will stop.*

The non-custodial parent is entitled to keep in touch with the child, regardless of them living separately, and the custodial parent has the obligation to facilitate this connection. Unfortunately, in some families the child is taught by the custodial parent to distance him/herself from the other parent - researchers have established that the child may be affected by parental alienation syndrome if he/she lives in a hostile environment: the child will become estranged from the other parent, gradually turning into a negativistic, frustrated, even violent person, driven by feelings of helplessness or of hatred and revenge.

**CRIMINAL OFFENCE:** *If the custodial parent repeatedly obstructs the other parent in having **personal relations** with the minor, he or she has committed a criminal offence. Similarly, it is the same if the non-custodial parent **kept** the child without the consent of the custodial parent with whom the child lives.*



## KINSHIP

Some people are very close, so they are part of a "family". They owe each other support and, in situation of death, have the right to inherit provided that the deceased did not leave the properties to strangers in his/her will. In case of the death of a parent,  $\frac{1}{4}$  of his wealth remains to the surviving spouse and the remaining  $\frac{3}{4}$  is divided equally between the

children.

The blood tie between two people is called *kinship*. Children who are adopted lose all connections with the natural parents and become *relatives* of the new parents (civil kinship).

**REMEMBER:** *There are blood ties between relatives. Two people who got married are not relatives, but spouses. The relatives of one spouse to the other spouse will not be kin, but **affine**.*

The connection between people is measured in *degrees*, representing the number of births occurring between the two individuals: thus, children are first-degree relatives of their parents; second-degree relatives of their grandparents (between grandfather and father, one birth occurred, between parent and child, a second birth occurred) and third-degree relatives of their uncles. Brothers amongst them are second-degree relatives and cousins are fourth-degree relatives.

Brothers who have the same mother, but different fathers, are *uterine siblings*; those who share a father but different mothers are *consanguine siblings* -informally they are called *half-siblings*.

**DID YOU KNOW?! ...** *The family tree is a diagram showing the relationship between people in several generations and various families. The person of reference with the most known data is placed at the bottom of the tree; the branches above are representing children and other descendants, the persons with the same degree of kinship, are positioned from left to right, according to age.*



## RESPECTING THE RELATIVES AND THE MEMORY OF THE DECEASED

The child is the son/daughter of the parents until their death. He owes them respect – according to our moral guidance and the legal framework. Thus, if a child beats his parents or throws them out of the house, he can no longer expect financial support from. Parents may even decide to **disinherit** the child. In case of serious violence or attempt to kill the parent, the law provides that the minor becomes unworthy to inherit him.

The law also stipulates that the dead and their memory must be respected. You must not mock the body or the ashes of a deceased, nor vandalise crosses and tombs, because it constitutes an act of sacrilege and is a criminal offence!



## THE EXTENDED FAMILY

Children are cherished and come to have emotional ties with other relatives than their parents: grandparents, siblings, uncles etc. Therefore, the law provides that the child has the right to know their relatives and to have personal relations and direct contact with them. Parents cannot prevent this unless the court has decided so because of a possible danger of the minor.

To have such a personal relationship means to meet, visit, correspond, be hosted, send and exchange information and photos. Maintaining relationships with the extended family, including in the event of separation or divorce of parents, contributes to the harmonious development of the child.



## PUNISHMENTS

Most parents care deeply for their children, they are supporting them during hardship, they help and love them. They generally speak gently but they also have a firm stance. Accordingly, children feel safe and find good friends in their parents. They know they will be forgiven when in the wrong and that they will find support in their decisions. Respect, warmth and trust are mutual.

Sadly, there are also some families where children are bullied, insulted, threatened, hit, brutally punished. In such households you can hear sayings like: *"I made you, I'll kill you!"*, *"Where a parent slaps, it grows"* or *"Beating comes from Heaven!"* These attitudes are evidence of an outdated mentality.

**CHILD ABUSE:** Any person who has a duty of care for a child, is required to adhere to a standard of reasonable care while performing any acts that could foreseeably endanger the life of the child, his physical and mental health, his spiritual, moral and social development, his physical safety.

There are five types of abuse: physical, emotional, psychological, sexual and economic.

Today it is accepted that a child is a person and that has the right to the same respect as an individual. Therefore, physical punishments or any other humiliating or degrading treatment cannot be applied, nor can he/she be deprived of rights meant to protect his/her physical or mental health. It is understandable for parents to sometimes take disciplinary measures when raising a child, yet such measures cannot affect the child's dignity.

Grabbing, threatening, screaming at the child, especially in public, create terror and/or are perceived as humiliating. Physical and humiliating punishments of a child have as immediate effect hurting that child. In the medium term, the affection between the child and the parent is broken, and in the long run, the expected development of the child will be disturbed, transforming the child into an anxious, secluded person, or even aggressive and abusing of others, perhaps even of his own parents or children.

***CHILD HELPLINE:** Any violation of children's rights and any form of abuse can be reported at the telephone no. 116.111. Here, the Child Helpline Association informs you about your rights, advises you about the reported issue, and guides you, if necessary, to the competent authorities.*

When child abuse is reported through any method, the General Directorate of Social Assistance and Child Protection promptly investigates. If the child is in imminent danger it may decide to remove the child from the household and place him/her as a matter of urgency with another family, person or specialised service, measure that will then be validated or invalidated by a judge – currently, 57,000 children are removed from their parents following abused or neglected; only in 2015 there were more than 10,000 abused children. If suitable, proceedings for the termination of parental rights will begin.

When a child is abused or if his/her life or health are in danger, the police open a criminal case, irrespective of how they came to knowledge of the maltreatment.

***CRIMINAL OFFENCE:** Parents or other people having a duty of care towards the child, who endanger by gross misconduct or negligence the physical, intellectual or moral development of the minor, commit the offence of **maltreatment** of a minor, which is punishable by imprisonment.*

### Domestic violence



Some families are extremely serious cases: children are punched, beaten with belts or stepped on, locked in the basement, chained to bed, burned with cigarettes, raped or even killed. All these facts are extremely serious and constitute criminal offences, i.e. the one charged with such offences can be sent to prison. When the victim of an assault is a family member (child, parent, grandparent, spouse or partner), the offence is considered to be more serious and the penalty applicable will increase by a quarter.

If you are the victim of such a crime, it is necessary to speak as soon as possible with someone close to you who can advise you: a relative, a neighbour, a teacher. The childcare services or even the police must be notified as quickly as possible. If you are in serious danger, you can be

welcomed in a centre for sheltering victims of domestic violence.

**REMEMBER:** *In case of domestic violence, anyone can call the police. Police officers may intervene ex officio, even in the absence of the victim's complaint. During the trial, if the victim believes that the assault will not happen again, then he/she can reconcile with the aggressor considering they are family, but only if the victim wishes it. Victims can always call 0800.500.333 for free.*

When there is a credible threat to the life, physical or psychological integrity or liberty of a person victim of an act of violence by a family member, the court may be requested to issue a **protective order** (also known as a *restraining order*). Protection shall be granted for a maximum of six months and it may consist of the aggressor's evacuation from the house, prohibiting him to come into contact with the victim, or to approach the victim, children or/and relatives within a certain distance.

### PROTECTING CHILDREN WITHOUT FAMILY



When the child is temporarily or permanently deprived of his family (parents are deceased, unknown, lost parental rights, were sentenced with the prohibition of parental rights, were placed under interdiction, declared missing or dead), when the child is abused or neglected by the parents themselves, or when the child is found or abandoned in hospitals, then the protective measure applicable is known as *placement*. This means that the child will be placed in the temporary care of a person / family, a foster care assistant or a residential service.

Some children are *adopted*. Adoption is usually preferred by parents who cannot biologically have children. In this case, the biological parents consent to the adoption and the child will then acquire kinship with his new family, the old one ceasing permanently. The adoptive parents can be Romanian or foreigners living abroad. If a parent who already has a child marries another person, the latter has the opportunity to adopt the child, and thus both spouses are registered as the child's parents.

### ABDUCTION AND ABANDONMENT



The child may travel abroad alone or with his parents. If a parent leaves the country with the child without having the right to do so and without the consent of the other parent, the offence is called *international child abduction* and the Ministry of Justice will be alerted to make the arrangements for the return of the child.

If the child disappears from home, the parents or the person who had the duty to supervise him must notify the police within 24 hours. The Police will immediately begin a wide investigation after putting in place the specific procedure - the "child abduction alert" system. In Romania, there are annually 3,000 complaints reporting missing children. However, 95% of cases are voluntary departures. Currently (January

**MISSING CHILDREN HELPLINE:** *In all European countries, the disappearances of children are reported at the general number 116.000.*



2016) there are 24 missing children listed on the designated area on the Romanian Police website, children who have not yet been found.

The child has the right to grow up with his parents. And parents must take care of him/her. When they push away the child or when they remove themselves from the child's life, they can be held responsible.

**CRIMINAL OFFENCES:** *If the parents leave or abandon a child and as a result, the child suffers physical or psychological harm, then the parents committed the offence of **family abandonment**. The sequestration, hiding, or kidnapping of a child, irrespective of the person committing it, is another serious criminal offence called **deprivation of freedom**.*

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**In short:**

**Regardless of their marital status, parents have equal rights and have duties towards the child.**

**Punishments producing the child physical or psychological distress are prohibited.**

## Chapter VII. CHILD AND HEALTH



### HEALTHCARE SERVICES

The child has the right to enjoy the highest possible standard of health and benefit from healthcare and rehabilitation services.

Adults can benefit from access to public hospitals and clinics if they pay a monthly subscription (through the health card), yet children have this right free of charge. To benefit from such gratuities, they need to be registered with a General Practitioner (GP) known in Romania as "Family Doctor". Some healthcare services are provided even within the schools and high schools, in outpatient settings or in medical units.

You can count on the doctor. The patient is protected by confidentiality rights therefore the medical staff cannot disclose information about his/her condition, diagnosis or treatment. The patient must be treated respectfully, cannot be recorded or photographed while in the medical unit.

**CORRUPTION:** *When a doctor claims money or goods in order to perform a medical act, he/she commits the offence of **taking bribes** whether or not it materialises. When a patient promises or offers money or goods to the doctor, either before or after the completion of the medical act, he commits the offence of **giving bribes**. Both parties have committed an offence subject to an imprisonment sentence.*

Information about prescription drugs can be found on the Internet. There are people who sell medication over the Internet. Be cautious! Mind that only a doctor can give you a diagnosis and only a chemist can sell you pharmaceutical drugs.

**REMEMBER:** 16-year-old children no longer need parental consent regarding sexual or reproductive medical decisions.

Children cannot be organ or tissue donors. A child can only donate stem cells if the recipient is a relative of maximum fourth degree. However, the Chair of the Court Bench requires the child's formal consent if he/she is over 10 years old, otherwise, the parents' consent. Retrieving organs, tissues and/or cells from deceased minor is allowed only with the written consent of a family member or a relative of legal age.

In many situations, the school psychologist or even a private one can be helpful. Do not mistake a psychologist for a psychiatrist. The former provides advice and emotional support, the latter is a medical professional who makes diagnoses and prescribes mostly medication as treatment.



## ALCOHOL

Half of the adolescents have consumed alcohol at least once. Some drink to show off, others to be seen as bold enough to commit unethical or illegal acts, others just for pleasure. Some believe that by doing so they get to feel mature, others just want to have fun.

You need to acknowledge that the law prohibits serving alcohol to minors.

The effects of alcohol consumption are negative: the brain is affected, the learning process and the school performance decline, the development of the young is imperiled. It decreases the prudence specific to the age and predisposes the adolescent to an inappropriate sexual life that can generate unwanted pregnancies or contracting sexually transmitted disease. Alcohol addiction is one of the most dangerous addictions (creating *alcoholics*). You need to know that there are special institutions for rehabilitation and specific treatment.

One of the main causes of adolescents' deaths is traffic accidents related to alcohol consumption or substances known as psychoactive drugs. If you have consumed anything like that, under no circumstances should you ride a scooter or drive a car! You risk committing a traffic accident, destroying the vehicle, hurting yourself or harming or even killing someone. In Romania the police often do roadside checks: when the result of the alcohol breath test is positive, you will be fined on the spot; when the value is above 0.4 mg/l of pure alcohol in the exhaled air, you will be taken to the clinic for harvesting biological samples and if found to have alcohol of over 0.8 g/l of pure alcohol in the blood, then you have committed a criminal offence punishable by imprisonment between 1 and 5 years or by fines.

**REMEMBER:** In Romania the legal limit of alcohol content in blood while driving is ... 0‰.

Obviously, if you do not have a driving license but drive on a public road, you commit a criminal offence. It does not matter that you drove a few meters until you were stopped by the police or that you had to solve something of urgency. If the car has been entrusted to you by an adult who knew that you did not have a driving licence or that you had been drinking alcohol, he/she will also be punished with imprisonment.

## TOBACCO



It was found that most adults who smoke, started this vice during adolescence; that a quarter of teenagers are regular or occasional smokers. Curiosity or friendships persuade some to start smoking. Then they become addicted. The excuse "Yes, but my grandfather smoked all his life and lived up to 80 years" is useless: today people do less sport,

consume products that contain food additives known as E numbers and are more stressed. If alcohol and tobacco are added on top of this, we have the perfect ingredients for a premature death. And in our country four Romanians die every hour because of both active and passive smoking.

***DID YOU KNOW?!...:** The nargileh often uses also tobacco, but with fruit flavour. An hour of nargileh smoking is equivalent to smoking 200 cigarettes.*

You had better not instigate others to follow your habits. Be careful not to smoke in school or around it because you can receive disciplinary sanctions. In our country a law was recently passed, banning smoking in enclosed public places and carrying a fine of between 100 and 500 lei. In children's playgrounds even the use of the electronic cigarette is prohibited. You should also know that smoking during pregnancy could lead to giving birth to a child with malformations.

Yet one more thing: the law prohibits selling or distributing free tobacco products to minors.



### **PILLS, SYNTHETIC DRUGS, DRUGS**

You should know that *pills* are expected to cure and are prescribed by doctors. You are at the age when you should not stuff yourselves with vitamins and supplements to gain muscles or pills to lose weight: sport and proper nutrition are sufficient until the last stage of growth and development is completed. Be careful: some substances such as diazepam or morphine are sold only with prescription and may be used only for therapeutic purposes. The possession of such substances can lead to being fined.

*Synthetic drugs* are a type of drug consisting of a mixture of herbs and chemical substances. Their consumption leads to immediate effects: dizziness, hallucinations, nausea, fainting. Medical intervention might be of help only if immediate. The law prohibits not only selling synthetic drugs, but also advertising them.

Unfortunately, *drugs* are consumed by 5% of the Romanian teenagers. There are several kinds of drugs: marijuana, hashish, cocaine, heroin, opium, crack, ecstasy, LSD, amphetamine etc. They are procured in a variety of forms: pills, powder which is snorted, cigarettes or injections, from dealers who first sell them cheap or even give them away for free, then they increase the price as the consumer becomes addicted.

***CRIMINAL OFFENCE:** In Romania, consuming any type of drug is prohibited, doing so is a criminal offence. Also, the cultivation, storage and sale of drugs are criminal offences.*

The effects of drugs are diverse: some cause drunkenness, joy or hallucinations; some generate hemiparesis; others generate heart or pulmonary disease, even paranoia; some cause coma and, administered in certain doses, lead to death. The effects of drugs can pass after a few hours, or in a few days. Should you decide to use drugs, you have reached the point of no return. Addiction does not go away by itself, it requires specialised treatment. Seek guidance as soon as possible from parents, teachers, doctors, counsellors.

***HELPLINE:** If you want advice and support regarding fighting drugs use, call the telephone number 0.8008.700.700 with confidence. Experts from the National Antidrug Agency will speak with you.*

## ENVIRONMENT AND NUTRITION



The right to health includes the entitlement of living in a healthy environment as well as the right to adequate nutrition. Various diseases, from cancer to obesity and heart disease, are already found in children.

Romania has all types of landscapes: we have a sea and mountains, hills and plains. We have streams, lakes and rivers. We have the second largest delta in Europe. Nature was generous with us and we must protect it. Nature guarantees us our health, resources or places of relaxation.

Exploiting rationally wood and water, converting waste into reusable materials, recycling household waste (separating all rubbish into non-recyclable waste and glass, paper, plastic) are signs of being civilised. Dropping chewing gum or any litter, spitting in the street, at sporting events or in the park, dropping wrappers out of a car window, or cigarette butts on the pavement is not only punished with a fine, but it is a clear indication of behaviour problems.

**DISEASES IN CHILDREN:** Every year over 1,400 children are born with defective hearts, less than half receive treatment; if they receive surgery, nine out of ten children survive. There are hundreds of cases of people, including children, identified with the Lyme disease caused by tick bites. One in 10,000 babies is found to have a form of cancer; only 80% are treatable. A quarter of children are prone to developmental disorders, attention deficits or autism (30,000 are autistic children). 2,500 children have diabetes and are insulin dependent. 2,000 children are diagnosed with juvenile idiopathic arthritis, an incurable disease.

To have a healthy lifestyle it is necessary to exercise at least 30 minutes a day (we should not overlook qigong or tai chi exercises), to reduce sugar and salt as much as possible from our diets, quit eating sweets and consume more fruits, vegetables and cereals, and drink at least two litres of plain water daily. Ignoring hygiene and nutrition requirements, not vaccinating on time or having certain diseases running in the family, are grounds favouring diseases' occurrences. Researchers also found that negative thoughts, pessimistic attitude or destructive emotions cause harm, and eventually will affect the body physically. Learn to detach from everything that could produce physical and psychological harm to you.

## CONSUMERS' PROTECTION



After you purchase a product, it is possible that within 2 years from delivery, you realise that it is not in **conformity** with the one you intended to buy. Then you need to inform the seller within 2 months from noticing that it is not matching the product you wanted and you have the following options: you take it back and to have it repaired or replaced (which cannot take more than 15 days maximum and is free of charge); if that is not possible, you can claim a discount or a full refund if you decide to return the good. If replacement is not available, you have to receive a full refund.

Every product has a medium life-expectancy and a seller warranty. If during this time the product becomes **faulty** despite having used it properly and not exceeding normal usage, full repair or replacement is offered to you. Therefore, in practice, electronic and electrical products have a warranty between 6 months and 3 years, and if during this time the products became faulty, the producer's authorised services will have them repaired free of charge.

If you buy the above products using the Internet, the transaction must be confirmed by e-mail or by the account generated by the provider's website. The products must be delivered within 30 days or within the timeframe given by the seller. You can also inform the supplier within 14 days that you **changed your mind** without giving a reason, and within the next 14 days, just have the products returned and get a refund.

If you buy a food product and you notice later that it is **expired**, you can immediately request to have it replaced or claim a refund.

**CRIMINAL OFFENCE:** *Those who contaminate water, counterfeit drinks or food are punished with imprisonment. Similarly, the same punishment is applied to those who sell expired products provided they are harmful to human health.*

If these rights are breached or you find any irregularities in relation to products or services on the market, you can notify the County Commission for Consumers' Protection, which can fine the supplier and even close them down.

**CONSUMER'S HELPLINE:** *is a telephone line with regular tariffs where consumers can call to get information on how they can make complaints about products and services they acquired. InfoCons: 021.9551.*

It is possible to experience problems with products bought from one of the EU member states. If in the warranty certificate it is noted that the **warranty is European**, then the consumer can claim it in any of these states, including Romania. If the warranty certificate is not stating so, then you can claim the warranty only in the state from where you bought the product. All needed information can be found at European Consumer Centre Romania: [www.eccromania.ro](http://www.eccromania.ro).

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**In short:**

***Alcohol and tobacco are harmful to health. It is prohibited to sell them to minors.  
In Romania, it is forbidden to consume any type of synthetic drugs and drugs.  
Proper nutrition and environmental protection are essential for health.***

## Chapter VII. THE CHILD AND HIS/HER INTIMATE AND FAMILY LIFE



### SEX AND CONTRACEPTION

It is recommended that young people should have sexual relations only when they are fully developed physically and mentally. These intimate relations must happen with the consent of the partners and within the law. If one of the partners is too young, then the other will be liable to punishment whether or not a minor.

**SEXUAL INTERCOURSE WITH A MINOR:** *Having consensual sexual relations with a minor of less than 15 years of age, is a criminal offence. If the minor is under 13, the offence is worse.*

Even if children give their consent, it is prohibited to adults to have sexual intercourse with minors who are their relatives (sons, grandchildren, great-grandchildren and siblings) or whom they look after, guard, protect, educate or towards whom they have a duty of care (doctors, teachers, sport trainers, priests, carers, guards, etc.)

**CASELAW:** *In 2011, a high school Physical Education teacher (PE) in Bucharest was arrested on charges that he repeatedly maintained sexual relations with a student in the eleventh grade. After a criminal trial that lasted two years, the teacher was finally sentenced to 3 years' probation, ordered to undertake psychological counseling and was banned from teaching.*

Nowadays, contraception subject is no longer taboo. There are modern methods of preventing pregnancy, each having advantages and disadvantages, benefits and risks: abstinence, birth control pills, contraceptive coil, diaphragm, condom, injections, withdrawal, etc. The family physician, gynecologist or family planning specialists can provide advice to young people for choosing the best contraception method.

**PLATFORM FOR EDUCATION:** *You can find information on preventing unwanted pregnancies, sexually transmitted diseases and even harmful sexual practices between partners on sexulvsbarza ("Sex vs. Stork"). This is the first video platform for sexual education in Romania and is available at [www.sexulvsbarza.ro](http://www.sexulvsbarza.ro).*



## SEXUALLY TRANSMITTED DISEASES

Unprotected sex can lead not only to undesirable pregnancies but also to several infections (venereal infections or STDs - sexually transmitted diseases). Intercourse with multiple partners and/or without using a condom presents a major risk for getting *syphilis* (affecting vital organs and ultimately leading to death), *gonorrhea* (leading to the inflammation of the testicles), *chlamydia* (leading to female infertility), *HPV virus* (leading to cervical cancer which is fatal if undetected on time). A great risk is getting infected with HIV, which, in a few years after the infection, leads to the onset of AIDS and then, inevitably, to death - in Romania there are about 10,000 people living with AIDS; nearly 1,000 new AIDS cases are detected annually. Infection can occur through any unprotected regular, anal and even oral intercourse.

Some infections are asymptomatic, others are manifested through discharge, rashes, itching, burning and pain. One of the partners may not have any symptoms, but still have the infection. If you notice anything alike, you must see a family doctor, a dermato-venereologist or a gynecologist; you must tell your partner to take a medical examination. Embarrassment should not prevent you from going to the doctor's.

**CASELAW:** *In 2014 a young man in a southern city, aged 24, died. He was suffering from AIDS, as a result of a hospital contamination when he was 3 years old. Because of medical confidentiality, this was revealed only during autopsy. After this, his former partners ran tests and at least two were diagnosed HIV positive. In turn, they had had other partners. In total, more than 40 people ran HIV tests. In the same year in a seaside town, a gay young man was found to have deliberately infected several dozen high school senior students after learning that he was carrying HIV. He is currently on trial.*

**CRIMINAL OFFENCE:** *The deliberate transmission of STDs or AIDS by any means is punishable by imprisonment.*

## SEXUAL ASSAULT AND SEXUAL CORRUPTION OF MINORS





Intimate relations can take place only with the consent of both partners. Touching, obscene gestures or sexual activities with an unwilling partner are prohibited. If such behaviour creates humiliation only, the victim may be compensated by a judge. If the following conditions are met, then the victim may also make a criminal complaint. Sex in public is banned.

**CRIMINAL OFFENCE:** *It is a criminal offence to force or tie or drug a victim in order to **sexually assault** her/him. The offence is even more serious if the author is the victim's relative, teacher or doctor or if the victim is less than 16 years of age or was used for pornography or the perpetrator engaged several authors.*

Sexual abuse causes fear and mistrust. Ashamed, the victim themselves comes to deny what has happened. In some cases, the victim is left with deep psychological trauma. There are situations that ended with the suicide of the victim. In some places and regions in Romania, sexual assaults are seen as normal, as the right of the fittest in the family or of the one with the most authority in the community - this way of thinking is deeply flawed. You should know that sexual assaults are not permitted even in the family: one spouse by the other spouse, child by a parent, parent by a child.

The minor under the age of 13 must be particularly protected. In order not to disturb their development, some aspects of the private life must still be kept away from them.

**CRIMINAL OFFENCE:** *Inappropriate intimate behaviour towards minors under 13, constitute the offence known as **sexual corruption** which has a higher punishment. This includes sexually assaulting them, forcing them to do the same to others, having sexual intercourse in front of them, handing them pornography.*

*Adults who pursue minors on the telephone or Internet, with the intention to meet and have them participate or witness sexual activities or sexual assaults, commit the offence known as **recruiting minors for sexual purposes**.*



## **RAPE**

**Rape** can be both a physical and psychological weapon. It spreads fear and humiliates both the victims, and their families. The victim is stigmatised, whilst the abuser is sometimes seen as a hero among the friends. While the victims develop repugnance for the opposite sex, it can also have the opposite effect, meaning the victims no longer care for their body and end up engaging in prostitution. Most often, the abuser is someone violent, mentally ill or who committed such acts before.

**RAPE:** *It is punishable by imprisonment any sexual (oral or anal) intercourse, any vaginal or anal penetration, provided it was done by constraint. **Attention:** it is similarly serious if penetration was conducted with any body part or object!*

In recent years, there were an increasing number of girls and boys raped by close ones: friends, acquaintances, lovers. Many offenders try to apply what they see in pornographic movies. In 80% of cases, the victim knows the abuser. There have been cases of parents raping their own children (especially parents who use alcohol and drugs), even leaving some girls pregnant.

Normally, sexual assault is committed by boys / men against girls or other boys. There are very few cases when women raped men. Also, there are situations when girls, as an act of revenge, orchestrate to have their girlfriends raped, leading to being convicted of conspiracy to rape.



**CASELAW:** In November 2014 in a village in eastern Romania, seven men aged between 18 and 27 years kidnapped and raped a 18-year-old girl on a field for several hours, until leaving her unconscious. They were initially detained by the police and placed in arrest for several months by a judge. Afterwards, they were put on house arrest and eventually put on a curfew during the trial. The trial ended one year later and the sentences given by judges were: 10 years in jail for the one who baited the girl by offering to give her a lift and, instead, took her to the field, where he called the other perpetrators; 8 years of imprisonment for the next three offenders and 6 years in prison for the last three, who had pleaded guilty.

Prudence regarding certain people or frequented places may avoid a rape happening. If, however, such offence happens, the victim must not have any sympathy or compassion for the aggressor. You must understand that the victim is not guilty for being raped! It does not matter if they are a relative or simply an acquaintance, the aggressor must be tried. Rape is considered such a serious offence that it is punished even if it occurs between spouses or partners.

**REMEMBER:** NO means NO!

The victim of a rape crime must notify the police immediately and then quickly go to the doctor's to get a forensic medical certificate. This certificate will prove or disprove the rape and it will be used as evidence for the trial. The victim must not be ashamed of what happened. Nor should fear the aggressor, as the law enforcement will most likely catch and arrest the perpetrator.

**QUALIFIED HELP:** If you were a victim of physical or sexual assault, you can get in touch with a lawyer, free of charge, through the Pro Bono Network for Human Rights managed by ACTEDO Association: <http://probono.actedo.org>. Also, victims of sexual violence can receive free psychological counselling, including online help, offered by ALEG Association at <http://aleg-romania.eu/consiliere> and at 0753,893,531 Helpline.

## STATUTE OF LIMITATIONS



Usually, if a certain time has passed after an offence being committed and the law enforcement agencies were not notified or could not finish the investigation, the perpetrator cannot be tried anymore. This period (limitation period) differs with each criminal offence. But in the case of sexual assault, you need to know that it is calculated from the date when the victim reaches the age of 18, so the victim can make a complaint after this age too.



## BIRTH AND ABORTION

The decision to have a child involves the greatest responsibility. The woman must be physically and mentally prepared to give birth and bring up the child, and be supported by the child's father and, possibly, by the grandparents.

**STATISTICS:** 10% of Romanian women who give birth are minors. In the European Union, we are first in the number of girls under 15 who become mothers. Usually, these mothers have no income or a life partner to help them raise the child. They leave school and sometimes lose the support of their own families.

We need to stress the importance of early childhood in the evolution of the individual, especially the first three years during which the fundamental structures of psychological development are established. Being the first educators of their children, parents need relevant information in various fields such as health, nutrition, growth and emotional and intellectual development of the child, the child's socialisation.

Normally, the birth takes place under suitable conditions, i.e. in hospitals and/or in the presence of authorised medical personnel.

**CRIMINAL OFFENCE:** *Physical harm done to the child during birth by the mother or by any person other than the doctor, who followed the procedures, is punishable. Similarly, if the mother kills the new-born immediately after birth, even if she is in a state of mental disorder, it is a criminal offence.*

An unwanted pregnancy or certain medical conditions may require abortion. Romania guarantees safe and legal access to abortion.

**STATISTICS:** *Romania has the highest abortion rate in Europe: 48 abortions per 100 births, i.e. more than twice the EU average.*

From the point of view of religion, it is considered that, because the embryo would gain life during pregnancy, it is already a human being, so abortion is being associated with the act of killing. However, the mother has authority over her own body and the law guarantees her right to decide whether to have children or not. It must be also taken into consideration that abortion can have serious consequences in young woman's health: for example, there is a risk of not being able to have children naturally.

**CRIMINAL OFFENCE:** *Abortion must be carried out only in authorised hospitals, performed by personnel specialised in obstetrics and gynaecology and only if the pregnancy is under 14 weeks. Breaching these rules is punished with the imprisonment of the person who conducted the abortion.*



## COHABITATION AND MARRIAGE

Two people may decide to have a family life just like spouses, living together and sharing the household - informally, they are called *concubines*. The law does not impose any restrictions and does not grant any rights to such unions.

**REMEMBER:** *To protect the child, the law establishes that there is no difference between a child born in a cohabitation relationship and a child born in a marriage.*

In Romania, only a man and a woman can get married. The celebration takes place at the City Hall before a civil status officer and in the presence of two witnesses. After, the officer will hand the **marriage certificate** to the newly married.

On the same occasion, spouses must choose the **matrimonial regime**, i.e. to determine what happens to the assets they acquire during the marriage. There are three such possibilities: if the spouses choose the *community property regime*, this means that all goods belong to both; if they choose the *separation of property regime*, then the property acquired by each spouse

remains his/her own; if they choose the *conventional community regime*, they will determine each time which property remains their own and which will be communally shared.

Marriages between people of *the same sex* cannot be officiated in Romania and those done abroad are not recognised by us. Marriage to a person already married to another person is ***bigamy*** and it constitutes a criminal offence.

Only those who have turned **18 years of age** can get married and only if they mutually agree. For some particular situations, and if there is a medical approval, the child aged 16 can get married, providing both parents' permission was granted; after the celebration of the marriage, he/she will gain all of the adults' rights and will no longer be considered "a child".

Relatives are not allowed to marry or to have intimate relations between themselves! It has been scientifically demonstrated that relations between close relatives lead to children with major physical or mental illnesses - "of the same blood" (consanguineous). Therefore, relatives up to the fourth degree (i.e. cousins) are forbidden to marry each other. Intimate relationships between straight line relatives and between brothers and sisters constitute the crime of *incest* which is a criminal offence.

In some communities, children are forced into marriage; the girl is kidnapped, bought. Or both children are under the age prescribed by law. Such marriages are not legal.

In accordance with the religious tradition, after the civil ceremony, some spouses go to church have the *religious ceremony*. Regulations of the church prohibit performing the wedding without the bride and groom having the marriage civil certificate. Legally, the religious ceremony is not mandatory, the civil marriage is sufficient.

When the future spouses commit to get married, this is called *engagement*. In some rural communities, the engagement is religiously celebrated in the church, distinctly from marriage.

**MENTAL DISORDERS** related to sex life: *pedophilia* - sexual attraction to children; *gerontophilia* – to elderly; *zoophilia* – to animals; *pygmalionism* - to an object (statue); *necrophilia* - to corpses; *exhibitionism* - excitation produced by exposing genitals in public; *fetishism* – by handling female garments; *transvestism* - by wearing clothes of the opposite sex; *voyeurism* - by contemplating sexual scenes; *sadism* - by torturing the partner; *masochism* - by self-infliction of pain and suffering or by the partner; *frotteurism* - rubbing oneself against strangers in public places.

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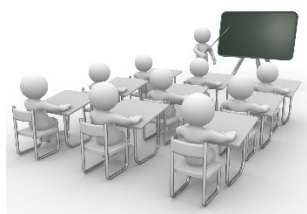
**In short:**

**Intimate relationships cannot take place without the consent of both partners. Intimate relations between minors and adults who are their relatives, teachers, doctors, carers, guardians are prohibited.**

**Sexual assaults are punished. Rape is punishable by imprisonment.**

**Unprotected sex can lead to unwanted pregnancy and transmission of infections.  
The child up to 13 years old receives increased legal protection regarding intimacy.**

## Chapter VIII. THE CHILD AND THE SCHOOL



### EDUCATION

Given their lack of physical and mental maturity, children need special safeguards and care. A child must be fully prepared to live on his/her own in society and to be raised in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

Grownups make efforts in this respect: at home (parents), at school (teachers), in the society (various projects and programmes).

In Romania, 3.2 million children study in over 20,000 kindergartens and schools. In high-schools and vocational schools there are over 850,000 students.

**HOLIDAY:** *October 5 - World Teachers' Day*

Compulsory education has a duration of 10 years: primary school, secondary school and the first two years of the upper secondary education. It is free of charge for any child. Parents are required by law to enroll their child in school. They will decide the school type and ensure class attendance. The child who has turned 14 has the right to request changing the type of education and training, but this has to be accepted by the court.

**CRIMINAL OFFENCE:** *The parent withdrawing the child from school or preventing him/her from attending compulsory education is punished.*



## PUNISHMENTS

In the past, children who were considered bad at school were forced to sit on their knees on broken nutshells, were spanked with a rod or they had to stand in the corner of the class with their hands up. Nowadays, any corporal punishment is prohibited according to the schools' training guidelines. The child must be treated with respect by the teachers and by the school staff.

The teacher who is aggressive with the students may be disciplined by the school board. If the child was physically abused, then he/she can notify the police and make a complaint for the offence of assault.

**CASELAW:** *In October 2015, in a high school in the centre of the country, the Computer Science teacher had a nervous breakdown. She yelled at a student, then hit him several times with a book and kicked him out of the classroom. The disciplinary commission of the school sanctioned the teacher with a salary cut by 10% over 3 months.*

Consecutively, if the student hits a teacher or another student, he risks a punishment for breaching the school regulations, receiving a negative conduct mark or even being expelled from school. If the victim files a complaint with the police, investigations could lead to even a criminal conviction. For having insulted a teacher, even on Facebook, the student together with the parents can be forced to pay a sum of money as moral damages.



## VIOLENCE IN SCHOOLS

Acts of violence in schools and high schools are unacceptable. The school regulations have classified violence in different types and special procedures were allocated for each category, which teachers must follow: when intervening, when calling the police, the principal, the committee for violence and/or the parents involved.

**REMEMBER:** *School is a place for education, not for altercation.*

Violent behaviour must be prevented both inside the school (meaning the whole school area, classrooms, teachers' zones, corridors, sports' field, annexes, schoolyard, etc.) and in the vicinity of schools (i.e. the surrounding area outside the schoolyard, such as roadways, footpaths to school, green zones around the school, other public spaces in the school's vicinity thereof).

## ACTS OF VIOLENCE - CLASSIFICATION:

- 1. Offences against the person**
  1. Breaching the secrecy of correspondence (accessing someone's computer, mobile phone, etc without consent)
  2. Discrimination and incitement to discrimination;
  3. Repeated serious insults;
  4. Repeated threats;
  5. Blackmail;
  6. Deception;
  7. Instigation to violence;
  8. Light physical violence, without weapons (common assault/battery);
  9. Leaving someone in need without help or assistance, knowingly or by omission;
  10. Sexual acts (rape, sexual intercourse with a minor, sexual perversion, sexual corruption, seduction, sexual harassment);
  11. Serious physical violence, without weapons (serious bodily harm);
  12. Physical violence with cold weapons;
  13. Physical violence with firearms;
  14. Murder or attempted murder;
- 2. Attacks against school' security**
  1. Bringing outsiders within the school;
  2. Hoax alarms;
  3. Arson and attempted arson;
  4. Bringing and possession of cold weapons in school;
  5. Bringing and possession of firearms in school;
- 3. Offences against property**
  1. Theft by finding;
  2. Theft and attempted theft;
  3. Robbery;
  4. Criminal damage;
  5. Criminal damage of school' property;
- 4. Other acts of violence or breaches of security within school**
  1. Consumption of alcohol;
  - 2.



## BULLYING

In English, the word "bully" means *thug*, *hooligan*. By *bullying* we refer to acts done to intimidate, even terrorise a person. The victim becomes subject to verbal, psychological and even physical abuse, being maliciously targeted, teased or mocked (e.g. addressing words like "fat boy/fat girl " or "bitch", "fickle", being gossiped or nicknamed - "doughnut", "brat", "redneck", or excluded from the circle of friends, talked about as if he/she is not present, or even nudged or pushed. Usually, the abuser wants to show off, be popular, so deliberately targets the same person repeating the behaviour described above. The victim will become fearful, sad and will self-isolate if he/she does not know how to react: refuse to become intimidated, contact the teacher or a parent, or even file a complaint with the police.

Lately, violent conduct also occurs via telephone or internet, sending malicious messages to the victim or other people targeting the victim, or posting disturbing pictures on the Internet or loading them on specially created websites - *cyberbullying*. Albeit being only virtual words, unfortunately, the consequences are still real. The best approach is to not respond to such messages, report the site and block the people involved, including call-blocking them. You can also ask a judge to order the removal of the pictures and / or compensation for damages - provided the author is a minor, the money are to be paid by the parents, obviously.



## THE RIGHTS AND OBLIGATIONS OF STUDENTS

The rights and obligations of the students are found in *Education Law* and in the *School Regulations*.

Let's mention some of the **students' rights**:

- right to the protection of one's image and dignity;
- right to receive scholarships and 50% discount for public means of transport, road, water and underground transportation, on urban and

national level, including the rail transportation;

- right to an objective and fair assessment: if the student received an unjust grade, he/she has the right to ask the teacher for a explanation provided that the exam was oral and the principal to grand a revaluation of the written paper by a committee of two teachers from another class - the appeal is accepted only if the difference between the given grade and the expected grade is of at least one point;
- right to attend the Religious Education classes, by filling an application form (if the student is minor the form is filled by the parents, if the student is over 18, by him/herself);
- right to join scientific, cultural, artistic, sports or civic associations and unions; right to associate with others, but after school; right to edit and distribute your own school magazines/ publications.

Let's mention some of the **students' obligations**:

- go regularly to school and stay within the school during the school day;
- behave civilised and dress accordingly, both within the school and outside; not offend or discriminate other students and teachers; not provoke, instigate and participate in acts of violence within the school area or outside;
- not destroy school documents or school's property;
- not consume or sell within the school area or outside, prohibited drugs, psychoactive substances, alcohol, cigarettes, nor participate in gambling;
- not to bring to school weapons, lighters, pepper sprays, pornographic materials;
- not to use mobile phones during school lectures, classes, exams or competitions;
- not to record school or teachers' activities.



**REMINDER:** *Students may be sanctioned for bad behaviour both in and outside schools.*

Sanctions that can be imposed to students if they do not respect their obligations are:

- a. telling off;
- b. warning;
- c. written reprimand and being given a negative conduct mark;
- d. Suspending temporarily or permanently, withdrawing merit scholarship /high school money/ vocational scholarship and accordingly a negative conduct mark;
- e. School suspension for a period of 3-5 days and accordingly a negative conduct mark;
- f. disciplinary transfer to a parallel class in the same school or to another school unit and accordingly a negative conduct mark;
- g. expulsion notice and a negative conduct mark (the sanction does not apply to students in compulsory education);
- h. expulsion with right to re-enroll (in the same scholar unit or other the) or without the right to re-enroll (for a given period, in any scholar unit).

Any sanctions given to a student can be appealed by the parents or by the student if above the legal age, within 5 days to the School's Administration Council (in case of expulsion from all scholar units, the appeal is to the National Ministry of Education) followed by legal proceedings in a Court of Law. The judge will decide if the sanction was applied fairly, being able to cancel the sanction all together or replace it with a lesser one.

**CAUTION:** *A student dissatisfied with a grade given by the teacher will not be able to have it challenged in court.*

## UNAUTHORISED ABSENCES



The form tutor is to inform in writing the parents or legal guardians when the student exceeded ten unauthorised absences.

For upper secondary or post high school education, having absented more than 40 hours or 30% of the total classes in one subject, yearly, the sanction applied is expulsion with right to re-enroll in the following year in the same scholar unit and at the same school level.

Students who have unauthorised absences of more than 20 hours or 15% of the classes of one subject, are sanctioned with an expulsion notice.

For secondary school level, every ten or 10% of the total classes for one module of unauthorised absences will be sanctioned with a negative conduct mark.

**REMEMBER:** *Students who previously had the conduct average mark below 9.00 (9 points out of a 10 required) may not be admitted in military, religious and educational schools.*

## INTEGRITY IN EDUCATION



Complying with the laws and rules is the duty of each student, which assures a proper environment within schools, where students can focus on gathering information and knowledge in respect of building their future. Sometimes students are tempted to seek achieving undeserved grades. Such behaviour is generally encouraged by older students, by the parents or even by the teachers themselves.

There are several ways to achieve unlawful grades. Some students cheat on their written tests by copying from textbooks, cheat sheets or by using modern technology or by even sending



someone else in their place to take the exam. Those caught can be excluded from the exam and have a negative conduct mark.

Others use the partner-cheating method, like whispering the answer to a colleague. Both caught doing so can be penalised. Some other students falsify their grades in the school report (which is the only record of the grades) or forger annulments of their absences or use false medical certificate to justify absences, to even using false diplomas when enrolling to University or applying for a job. All these acts are a criminal offence known as forgery of official documents. Some choose to take tutoring lessons from the same teachers so the exams will include questions that have been already discussed during the private tutoring. This is not fair to the other students, who are in disadvantage and, more, is ethically wrong for the teachers to receive money for tutoring that discloses questions from the exam.

Interestingly, different methods to cheat are used not only by children, but also by young people or adults who continued their studies. Accordingly, university students need to write a *thesis* to complete their degree, those who are doing postgraduate studies or a master degree need to write a *dissertation*, and those undergoing doctorate studies need to write a *doctorate thesis*. These theses need to have a bibliography, references and have a certain degree of originality. Unfortunately, many such theses were found to have been plagiarised, meaning that were created by copying text or ideas from other authors, without quoting them.

***DID YOU KNOW?!...** Plagiarism is a form of theft - intellectual theft. The person who committed the plagiarism can be convicted of a criminal offence. Furthermore, plagiarism is a serious breach of academic ethics and leads to the withdrawal of the degree (e.g. Bachelor, Master or PhD).*

The worse method used to receive a different grade is by corrupting the teacher. The student doesn't study at all or insufficiently, but by offering certain benefits to the teacher, the student ensures his/her success.

***CORRUPTION:** When a teacher asks for money, products or other benefits, including sexual ones, to secure a certain grade for a child, the teacher is committing an the offence called **taking bribe**, regardless what he/she received or demanded. When a student or a parent promises or offers any benefits to a teacher, regardless if it is done before or after the exam, the student or the parent has committed the offence called **giving bribe**.*

As long the teacher receives money from the State, he/she is not allowed to increase his income by this means, nor to receive money from students that are being taught by him/her.

***CASELAW:** In 2008, the worst and the biggest scandal regarding the baccalaureate emerged. Somewhere in north of the country, the principal of a high school was arrested for collecting money from students; in return she promised that she will intervene with the exams' Supervising Committee. She then asked other teachers to get the answers to the test questions and she shared the solutions amongst the students. The trial ended in 2014: the Court of Appeal decided to sentence 142 people for giving and taking bribe, among which 43 were teachers and the rest were students. Two of the teachers received a jail sentence, the rest a suspended jail one. All people involved have now a criminal record, some of the teachers were fired, and some allowed to continue their activity. The students, if they will manage to get their Baccalaureate Diplomas eventually, will never be able to get jobs in the police forces, justice system, military field, Special Forces even after rehabilitation and gaining a clean criminal record again. In the aftermath of the 2008 scandal, all places where the baccalaureate exam is held need to have CCTV.*



## DISABILITIES

Some schools have students with certain physical or mental deficiencies: some wear glasses or are blind; others have a speech defect or are mute; some need a wheelchair or they miss an arm; others are left-handed; some have diabetes, others have Down syndrome.

Part of these children were born this way, others became like this after an accident. Some of the disabilities are visible, others are not. These children should not be

made fun of or mocked, nor victimised: maybe some experienced a tragedy; maybe others are still suffering daily.

Every child is special. Yet some have also special needs, so they have the right to receive special care. Some of these children can even have a carer during the school classes. They all need to be perceived as normal children and helped to integrate into the society and develop their personality.

You need to take into consideration that the way you verbally approach them could help them or hurt them. Using words like „4 eyes“ or „retard“ is absolutely inappropriate. Some people have some conditions, limiting them temporarily or permanently in doing certain things. Both the colleagues and the society need not transform them into disabilities, meaning social barriers which will lead to isolation of the child: it is enough that the child has a medical problem, we don't need to create also a social problem.



## NON-DISCRIMINATION

Children from disadvantaged homes or those who have parents criminal offenders, or those who physical disabilities should not be targeted and made fun of, nor should they be isolated from the rest of the children. Laws do not accept discriminating children, not by the teachers (regarding admission to school, enrolling, evaluation, marking), nor by other children. This means that they cannot be positively or negatively discriminated, differentiated or excluded on reasons of race, nationality, ethnicity, religion, background, social status, beliefs, age, gender or sexual orientation.

**TERMINOLOGY:** *CHAUVINISM means the belief that one nation is superior to another (for example, the Germans believed during the WW2 that they are a superior race, descending from the Arians). Xenophobia means fear of foreigners. ISLAMOPHOBIA is the prejudice or fear of Muslims or Islam. RASISM represents the belief that people are unequal based on their skin colour (for example, the apartheid in South Africa and Ku Klux Klan in the US) ANTISEMITISM is a hostile attitude towards Jewish. HOMOPHOBIA represents hostile and derogatory behaviour people of the same sex orientation. SEXISM means the belief that one sex is superior to another, namely that males are superior to women.*

All children have equal opportunities. However, this does not mean that they are equally treated, but that they need to be treated in accordance with their needs, since they all have their own physical and mental abilities.

**DID YOU KNOW?! ...:** *When a child is discriminated, he/she can recover the rights which were infringed by addressing a specially designated institution: National Council for Combating Discrimination, which has as main objective preventing, sanctioning and eliminating all form of discrimination. Also, for obtaining an order for damages, he/she can address a court of law.*



## MINORITIES

There are several types of minorities: national, ethnic, religious, linguistic, sexual and so on. Their rights are recognised by the law and protected by different non-governmental organisations (NGOs).

In Romania, there are 19 national minorities which have strong communities: Albanians, Armenians, Bulgarians, Croats, Greeks, Jews, Germans, Italians, Hungarians, Poles, Roma, Lippovans, Serbians, Slovaks and Czechs, Tatars, Turks, Ukrainians, Macedonians, Ruthenians. Among us also live Gypsies and Chinese. All these people are residing on our country and some of them are citizens of another country.

The rights of the sexual orientation minorities are advocated and protected by the *LGBT movement*: lesbian, gay, bisexual, and transgender people. Since 2005 a Festival called

Bucharest Pride takes place in Bucharest, hosting the Diversity Parade, and another festival takes place in Cluj-Napoca. The rainbow flag is the symbol this community.



## INSTITUTIONALISED CHILDREN

Institutionalised children have specific needs. This is why they benefit from *specific rights*: right that the decision to be put in a placement institution, as well as the procedures, arrangements and conditions, to respect the principles of the Convention; right to an identity, to equal opportunities and respect for their ethnic, religious, cultural, social and linguistic origin; right to carry on living with brothers and sisters and to maintain constant contact with their families and other persons important to them; right to quality medical treatment; right to all types of educational activities and professional development that other children have; right to be prepared to become active and responsible citizens, by using games, sport and cultural activities and by being given increasing responsibilities; right to participate to decisions which are involving their own future and to be informed regarding their rights and rules of the institutions where they live by using methods appropriated to their age; right to respect their human dignity and their physical integrity, specifically right to live in human conditions, non-degrading, right to have access to a non violent education and protection against corporal punishments or any other forms of abuse; right to a private life, including access to trusted persons and institutions designated to offer confidential counselling regarding their rights; right to express their fundamental rights in a court of law which is identifiable, impartial and independent.

## CHILDREN WHO ARE REFUGEES



Sometimes, our country hosts children who, along with their parents, were forced to leave their own country for fears to not be persecuted namely for reasons of race or religion, or who run because of wars. Until asylum is granted, those children along with their families are held in what we call administrative custody. It is imperative, given that these children were involved in any scholar activities before, to not be discriminated in any way.

***DID YOU KNOW?! ... There are differences between a refugee and an immigrant. Refugees are people who run from persecution or armed conflict; they go to other states and ask for protection and to stay there until the danger in their country has passed. Immigrants are people who choose to go in another countries for better conditions or to reunite with family.***

## THE RIGHT TO EXTRACURRICULAR ACTIVITIES



Children have the right to holiday, to participate in recreational, artistic and cultural activities. Parks, playgrounds, theatres, cinemas, museums are recommended. Special attention needs to be paid because in these places adults behaving suspiciously can come to watch and photograph the children, to start inappropriate conversation with them or to even kidnap them. Call the police immediately if you believe that someone is in danger.

There are children who practice contact sports, like boxing or wrestling, or martial arts. Minor injuries during competitions or training are acceptable, as they normally are coming with practicing such sports. Yet, when the injuries are provoked intentionally, the author of the crime needs to take responsibility.

Outside training or competition places, the techniques learned cannot be used except in cases of self-defence. It is self-defence if you protect yourself or another person by causing an injury to the attacker. The law permits this, but imposes some conditions in order to accept a self-

defence claim: the danger to be imminent, the action was serious and the defence is proportionate to the danger (reasonable force). Accordingly, if someone is slapped and protects him/herself using a knife, this is not self-defence.

Self-defence and revenge are two different things. If a colleague curses you and you return it the same, or if a colleague hit you yesterday and you returned the physical abuse today, you are not protected by law, and you both have committed criminal offences. Furthermore, the judge could punish you more harshly because instead of calling the designated institutions, you took it in your own hands and applied the „an eye for an eye” rule.

**REMEMBER:** *No one can make his/her own justice. Revenge is not self-defence.*

\*  
\* \*

**In short:**

***Compulsory education is 10 years.***

***Teacher-pupil, pupil-teacher and pupil-pupil violence are prohibited.***

***Bullying is unacceptable.***

***Plagiarism and corruption are punishable by imprisonment.***

***Self-defence gets you out, whereas revenge doesn't.***

## Chapter IX. CHILD, TRAFFIC AND TRAVEL



### THE ROAD CODE

The child has the right to travel. Depending on the means of transport used, there are few rules that need to be respected to secure road safety. Some rules teach how to use correctly the means of transport, some other rules are interdictions that can bring sanctions if not respected.

Public road traffic is regulated by the law known as the „Road Code”. In the “Road Code”, many rules are enumerated: some are referring to the pedestrians, others to driving vehicles. Those engaged in traffic need to orderly respect the following: a) signals, indications and provisions of the traffic police officers; b) special light and acoustic warning signals of the police, fire-fighters, gendarmerie, ambulance, special services, prosecutors; c) temporary signs that alter the normal road rules; d) light and acoustic signals; e) road signs; f) road markings; g) traffic rules.

All these rules are made for our own protection, but also for the protection of other people engaged in traffic. Breaching these rules is sanctioned in accordance with their severity, by fines given by a traffic police officer or by a criminal sentence given by a judge.

**CIVIL PENALTY:** *Starting with the age of 14, the minors can receive penalties: warnings or civil penalties which are half of what would be given to an adult. Starting with the age of 16, children can also receive community work sentences.*



## PEDESTRIAN TRAFFIC

Pedestrians need to use the pavement. If there is no pavement, then they need to use the left side of the road, using the far edge of the road. Street crossing is done only using designated areas; if there are traffic lights, road crossing is done only when they show the green colour, not flashing green and not red, and even when no car is on the street; if there are no traffic lights, road crossing is done only at the corner of the street, after checking that there is no danger. Roads cannot be crossed in front or behind a vehicle which has stopped in a public transport stop area. Pedestrians are not allowed to cross the railway tracks when the barriers are down or when the light or acoustic signal is prohibiting it.

Also, pedestrians are not allowed to walk on designated bicycles lanes, which are signaled accordingly. Pedestrians who are walking on the road at night need to wear fluorescent-reflective accessories or a source of light visible from both directions. They are not allowed to walk on motorways.

**REMEMBER:** When you are skating or you use different other transport means (scooter, hoverboard or Segway) you need to follow the same rules as for pedestrians. The same is applicable for the persons using a wheelchair or the ones using vehicles that are designed to be hand pushed or pulled.

## BICYCLE TRAFFIC



Starting with the age of 14, you can use your bicycle in public, but only in the specially designated lane. If such a lane does not exist, then you can travel on the side of the road following the same direction, but only if this can be done safely. When you ride on the public roads, it is recommended to use a special helmet. If you ride in groups, you need to stay in line. You are required to keep both your feet on the pedals and at least one hand on the handlebar. At night you cannot be stationary on public roads.

It is prohibited to ride your bicycle in pedestrian designated areas or if you are under the influence of alcohol or other substances. You are not allowed skitching, meaning hitching a ride by holding onto a moving vehicle while riding a bicycle, or to transport another person if the bicycle is not equipped accordingly. If you need to cross a street using the pedestrian crossing, you cannot do it whilst riding the bicycle. At night you need to use reflective-fluorescent accessories. It is prohibited to ride the bicycle on one wheel.



## MOTOR-SCOOTER AND ATV TRAFFIC

To drive a motor scooter or an ATV on a public road, you need to have a driving licence. Such a driving licence can be obtained starting with the age of 16.



The motor-scooter is a moped, meaning a vehicle with two or three wheels, with a maximum speed of 25 to 45 km/h, equipped with an ignition engine of cylinder capacity not exceeding 50cc, or a fuel injection engine or, sometime, an electrical engine of no more than 4kW power, and having a weight of no more than 350kg. The light quadricycle is similar to the light moped.

A moped needs to be registered with the Council, where you can also procure the registration numbers. A moped can be used on the bicycle lane, but not on motorways. Both the persons driving and their companion need to wear a helmet. The low beam lights need to be used when driving it. On national roads you can travel with a speed of maximum 45km/h.

The maximum speed when driving an ATV on public roads is 50 km/h, on motorways is 90km/h, 80km/h on express roads or on national roads (E), and on other type of roads is 70 km/h.

### CAR TRAFFIC



You can drive a vehicle on the public roads only after passing an examination held by the police and if you obtained a valid driving licence. For motor-cars and motorcycles you can apply for a driving licence starting with the age of 18.

The maximum speed allowed on public roads is 50km/h. On motorways the maximum speed is 130km/h, on European roads is 100km/h and on other types of roads it is 90 km/h.

Children who are less than 135 cm tall can be transported in a car only if using a special device to restrain them in the seat. If they are taller than that, children must wear the seat belt. Children aged more than 3 years and having a height not exceeding 150 cm can be transported in cars without special devices to be restrained, only if sited in the back seats. A passenger sited in the front seat cannot hold an animal during transportation. All passengers need to wear seat belts at all times.

**REMEMBER:** *If you have witnessed a traffic accident with victims, you are obliged by law to call the police by dialling 112. You are not allowed to contaminate the crime scene by changing or erasing evidence of the accident. If you are part of the accident, you are not allowed to leave because you then would commit a criminal offence.*

### TRAVELLING BY TAXI



You should only grab cabs that belong to companies known to you and avoid drivers who look suspicious. When you are travelling alone by cab, the recommended seating place, especially if you are a woman, is on the right side in the back seats. The passenger on the right side of the driver, front seated, needs to wear the seat belt regardless of how long the journey is.

The client-driver relationship needs to be a fair one: the cab driver cannot refuse you based on the journey being too short, and is not allowed to take alternative routes which are longer only to charge you more money. On the other hand, the client is not allowed to leave the vehicle without paying the fare. Do not forget to ask for a receipt when you are paying –this is how you

contribute to avoiding fraud, and do get the details of the cab and driver, in case you have forgotten something in the car, or you want to make a complaint. If the driver refuses to give you the receipt, you have no obligation to pay and you can make a complaint against the driver with the company he/she works for.



### TRAVELLING BY METRO

In Bucharest, this type of underground public transportation permits very rapid transfer. The tickets are bought from the designated offices found in every station. After the train reaches the station, the passengers who are going out have priority. The ones who have prams or wheelchairs need to use the first door following the direction of the train movement.

It is prohibited for a passenger to get off or to board the train after the warning for closing the doors was given. During the journey, it is prohibited for a passenger to lean against the access doors. It is not recommended for passengers to stand between the train's carriages. It is strictly prohibited to activate the emergency alarm without a good reason. In situations where passengers notice an abandoned or a suspicious object, they are required to inform the Metrorex personnel or any security or police officer, to put some distance between themselves and the object and to not touch it. It is not allowed to take pictures in the metro.



### TRAVELLING BY TRAIN

During the train journeys, the passengers are obliged to have a valid ticket. Children under 10 have a discount and also can students, if they have a valid student card.

On the train, smoking is strictly forbidden. Also, strictly prohibited are the following: getting on or off the train after the train started moving, leaning against access doors, standing between the train carriages and also unlocking and opening the doors whilst the train is moving. When the train stops, the passengers getting off have priority. Some trains have automatic doors, which will be opened by pushing the designated button.

The luggage is to be kept in the special designated areas, not in the hallway. The passenger is entitled to a hand luggage space above his/her seat or an equivalent space in the luggage area. During the journey, passengers are not allowed to force the opening windows' systems, to access the electrical panels or to activate the emergency break. All litter needs to be put in garbage bins. It is absolutely prohibited to throw any object through the window or the carriage door. The water from the train's toilets is not drinkable.

To transport disabled people, you can use the free special assistance for getting on and off the train and on board of the train, and also in stations and trains providing such options exist. However, you need to ask for this service 48 hours in advance of the date of the journey by using the standard form found printed in all train stations or found online on [www.cfrcalatori.ro](http://www.cfrcalatori.ro).

Getting on the train with folding bicycles is allowed, but those are to be kept only in the special luggage area, found above the passenger seat or in the hallway, if this is not disturbing the other passengers. The regular bicycles are allowed only if the train has a special designated area for bicycles.

Activating the emergency alarm without a good reason is totally banned and can be sanctioned with a civil penalty. It is not allowed to destroy or damage equipment found in the carriages. It is prohibited to beg or to gamble on a train.



**TELVERDE:** CFR passenger's line is: **0.800.88.44.44**. By calling this number, passengers can ask for information regarding certain special problems they experienced during the journey by train. **INFORMATION** regarding train schedules or prices can be obtained from the following site: [www.cfrcalatori.ro](http://www.cfrcalatori.ro), or from the rail offices found in the train stations, or from travelling agencies.



## TRAVELLING BY BUS, TROLLEYBUS, TRAM

Every local council is establishing their own travelling rules regarding public transportation, and the sanctions applied in cases of a breach, which can be found on the web page of the transport company.

Conventionally, in Romania, the passengers are getting on the vehicle using the back door and they get off using the middle or front door. Passengers getting off have priority.

Make sure that immediately after getting on the vehicle you validate your ticket or travelling card, or that your monthly pass covers that line. The ticket office being closed at the time you were travelling or forgetting your monthly pass at home are not valid excuses. Your travelling card or monthly pass is not transferrable to other people. You can travel having a one journey ticket or a validated travelling card, only up to the end of the line, and for return too, and in some places you can only travel for a certain period of time after validating the ticket. In some cities, children under 5 or 7 years of age can travel for free. Students in other cities have discounts, or even gratuity. There are also transport companies that offer the option of buying a one journey ticket or a monthly one by text message.

**TRAVEL CARDS BY TEXT:** In Bucharest, if you send a text message to 7456, available on Orange, Vodafone, Cosmote and RDS&RCS, you can buy a daily travelling card for urban lines.

Do not forget to be polite: you need to offer your seat to people with health problems, pregnant women or women with children, to the elderly. We also need to refrain from nasty comments, from raising our voice when we talk with others, try not to speak on the phone or answer only if is urgent and in a lower tone, avoid listening to music on headphones too loud.

Generally, animals are prohibited on the vehicles, excepting dogs on a leash and small animals that can be held, however, this needs be confirmed with the transport company. You cannot ask the driver to open the doors between stops or at the traffic lights. You are not allowed to travel sitting on the stairs, to smoke or to drink alcohol.

In situations when ticket inspectors are checking the tickets, you have the right to ask for their credentials. You are not allowed to insult them or hit them. It is your obligation to show the travelling ticket/card, monthly pass and the Identification Card if asked.

**REMEMBER:** The ticket inspectors do not have the right to keep you on board of the vehicle, to force you out of it, or to take you to their office against your will, or to body search you. They have the right to only take your details as provided on the Identification Card, and if you refuse to give your details, they can call the police which has the authority to get your details. The ticket inspector cannot withhold your ID.

If you are found not to have a valid ticket, you are going to be requested to pay a fine on the spot, which will also grant you the right to finish the journey. If you do not pay this, you are going to get off of the vehicle and a civil penalty will be given to you which will be mailed to your address. It is not recommended to give fake details to the ticket inspector since he/she will easily figure this out; if you use someone else's monthly or travelling card, remember that this amounts to a criminal offence. Do not pay for the penalty before receiving a formal notice of the penalty, otherwise it is considered bribery. If you make the payment within 48 hours, you can pay only half of the penalty. If the penalty was unlawful, you can appeal it in a court of law no later than 15 days from its date, even if you had already paid it, and if you win the trial it will be refunded to you.

**ABUSE:** *If you are insulted, threatened or hit by the ticket inspector, then he/she committed the criminal offence named **abusive behaviour** and a complaint can be sent to the prosecutor. Any other type of abuse can be reported in writing to the transport administration body.*

*If you are the offender against the ticket inspector during his/her working hours, and retaliate, the offence is known as obstructing an enforcement officer and you can get a criminal sentence.*

## TRAVELLING BY PLANE



The plane ticket is reserved online or through a travelling agency. The ticket needs to be paid at the time of the booking or in the given time frame, otherwise the reservation will be cancelled. Take into consideration that booking a plane ticket in advance can give you a better price.

You can have a checked-in luggage (maximum weight is 20 kg for Europe and 32 kg for the US and Canada) and a hand luggage that can be carried on the plane. The hand luggage cannot contain liquids in containers bigger than 100ml, and same rule applies for lotions, perfumes and sprays.

**REMEMBER:** *Regardless where you travel and how you travel, avoid carrying luggage which does not belong to you or if you do not know what it contains. Sometime, criminals take advantage of our naivety to use us for carrying certain packages, bags and so on, which can contain illegal products like drugs, guns or counterfeit money.*

Before the flight, you need to register at the airport office belonging to the airline company from which you bought the ticket (check-in), and to do so you need to come in due time: one hour before departure for internal flights, two hours for external flights. Then, you need to pass through the security checks (you are checked for prohibited objects – objects that can be used as weapons, liquids, drugs, lighters), and, when flying internationally, you need to also present your passports (verification of proper paperwork to leave the country and enter the country of destination, verification to not be a wanted person are done) and then, if applicable, customs checks (you need to declare sums exceeding 10k euros or goods that are taxable). Boarding the flight is done only by using the gate indicated on the electronic screen. If you are late, they will call for you using the tannoy. If after several calls you do not board the plane, then you will miss the flight.



## TRAVELLING ABROAD

The child can travel aboard with his/her parents or alone for studying or for competition reasons. To do this, he/she needs a individual *passport*. The passport is obtained from the Public Community Service for Issuing Passports and Records: for minors below 14 years of age, the application is made by both parents and for those above 14 years of age, the

application is made by the child with the consent of both parents. For the child to leave the country, both parents' approval is needed, or if only one parent is accompanying the child, then a notary statement is needed from the other parent. All people travelling abroad need to have medical insurance; if you are an employee and travel between EU countries or in the EEA (European Economic Area) or Switzerland, then the European Health Card will suffice.

After turning 18 years old, Romanians can travel in the EU and Moldova using only the Identity Card. For the rest of the countries you need a passport or even a visa which can be procured from the given country's Consulate in Romania. These information and also information regarding possible dangers whilst being in the country of destination, plus additional warnings for tourists, can be found on the Foreign Affairs Ministry's website at [www.mae.ro](http://www.mae.ro).



## TRAVELLING TO EU COUNTRIES

As European Citizen, you have the right to travel to UE countries for tourism, work or studying at a college or university. Instead of medical insurance you can have the **European Health Insurance card**.

When you buy a bus ticket, you cannot be overcharged based on your nationality or based on place of acquisition of the ticket.

In the situation of *cancellation* or *delays*, you always have the right to receive information in due time, in respect of the waiting periods. If the journey is a long distance one (over 250 km) and gets cancelled or exceeds a delay of 2 hours, you have the right to choose one of two options: to get a full refund and if need be, to get free transportation to the departure point – for example, if the delay or cancellation interferes with the purpose of your journey, to receive transportation to the final destination in similar conditions, in the shortest time possible and without additional costs. If the option to choose is not offered in due time, you can make a complaint and ask for compensation towards the costs plus a 50% refund from the ticket value.

If the journey on long distances (over 250 km) exceeds 3 hours, and the departure is cancelled or delayed with more than 90 minutes, you have the right to receive free snacks and drinks – depending on the delay or waiting times; you have the right to accommodation, if need be, for maximum 2 nights, at no more than 80 euros per night tariff. The transportation company is not under legal obligation to offer you accommodation if the delay has natural causes like extreme weather or natural disasters.

You have the right to receive compensation if you are injured in a bus accident on a long distance journey (over 250 km). In situations of death, compensation can be claimed by the dependent family. Also the transportation company needs to compensate you if they lost your luggage or if other personal belongings are damaged or lost in a road accident, during long distance journeys.

If you consider that your rights were not respected, you can make a complaint with the transportation company within 3 months from the incident. The company has one month to acknowledge the complaint and 3 months to give you a final response.

**In short:**

***You can ride a bicycle on the public road from the age of 14; a scooter and ATV from the age of 16, and drive a car from the age of 18 and only if you have a driving licence.***

***When you get on the bike or when you are driving, the alcohol level needs to be zero.***

***When you travel by a means of transport, you must have a valid ticket or a travel pass.***

## CHAPTER X. THE CHILD, HIS DOCUMENTS AND BELONGINGS

### THE BANK ACCOUNT



As you grow up, you receive, save and spend money. Normally, you hold money with you or you keep it in the house. But you can also keep the money, securely, in a bank account with a bank.

If you are 14 years of age, the bank account needs to be opened by your parents. If you are between 14 years and 18 years of age, you need to go with one of your parents to a bank and jointly sign a contract.

However, you are the owner of the account and your parents will have authority over the account. After reaching the age of 14, you have the right to manage your own finances.

A few days after opening a bank account you are going to receive a card with which you can make different transactions: withdraw cash from an ATM, pay when you buy something, check the account balance. For the money you keep with the bank, you are going to receive a certain interest. You can top up your account by paying in money at your bank (if you are 14 years you cannot deposit money alone) or the parents can transfer it in from their bank accounts. There are banks which do not charge for administrating bank accounts belonging to children.

### STATE ALLOWANCE FOR CHILDREN



Until you reach the age of 18, you will receive a monthly state allowance amounting to 84 lei. After that, you will receive the allowance only if attending a high school or a vocational school. The law does not give a state allowance to those students who repeat a school year, except on grounds of health reasons.

The allowance is paid to one of the parents until the child reaches the age of 14, and after this age, if the parents agree, payment can be made directly to the child.

If their parents work abroad, children are entitled to receive child benefits in the respective state, amounting to the laws in the given country.



### CHILD SUPPORT

When parents separate, normally, the child lives with one of them. Of course, the child keeps in touch with the other parent who still has the responsibility to contribute to his/her upbringing and education. For the time that the child does not live with one of the parent, he/she needs to contribute with goods (food, clothes, school supplies etc.) or by paying a sum of money called maintenance support. The maintenance support is no more than a quarter of the income for one child, one third for two children and half for three or more children.

The maintenance support belongs to the child. For children of no more than 14 years old, the parent who has the custody has the right to claim maintenance support from the other parent.

and to decide how to spend it. For children above 14 years of age, the maintenance support is claimed by the child assisted by the parent who has the custody. For children above 18 years old, the law provides that they can claim maintenance support from both parents only if they continued their studies and they are not older than 26. In such situations, the child can claim alone the maintenance support and can decide how to spend it.

Even if one of the parents lives abroad, he/she still needs to pay child support. For more information and clarification you need to contact the Ministry of Justice in Romania in respect of the applicability of Hague Convention 2007 regarding child support abroad.

If the legal guardian of a child dies, then the child becomes the responsibility of the heirs.

If the parents are the ones in need of support, and provided the child had become an adult and can afford it, the law provides that the one given the support is the child.

## THE SUCCESSOR PENSION



If the child was dependent on a deceased parent or guardian who was retired or disabled grade I, then the child has the right to claim a successor pension until he/she turns 16. If the child continues studying, then he/she can claim the successor pension until he/she finishes their studies, provided he/she is not exceeding age of 26. The successor pension is calculated as a percentage of the yearly average income obtained by the deceased: 50% - for one successor; 75% - for two successors; 100% - for three or more successors.



## THE CHILD'S DOCUMENTS AND BELONGINGS

When you establish a relationship with someone, normally you decide each party's responsibilities. Such an agreement is called a contract. Contracts contain rights and obligations for the parties.

**REMEMBER:** A contract means an agreement between at least two persons. For a contract to be valid, it needs to be in writing as proof of the nature of the understanding, in situations of litigation. The contract is LAW for the parties; therefore its provisions are mandatory.

Without even realising, we establish contracts daily: when we borrow a book from the library we make a loan contract which gives us the right to take home a book and the obligation to return it in due time; when we buy a travelling ticket we establish a transport contract which creates the obligation to pay for the ticket and to respect the transport rules, and imposes on the transport company the obligation to take us to the destination according to the time schedule; when we buy a mobile phone, we established a purchase-sell contract, according to which we have the right to take the good of our choosing and pay the given price, and the seller has the obligation to give us a working product and charge the rightful price; when we give to a colleague a foreign magazine in exchange for a concert ticket, we did an exchange contract; when we receive a birthday present it means we established a donation contract and so on.

**DID YOU KNOW?!...** When registering the child to attend school, an educational contract is created between the school, the parents (the indirect beneficiary of the educational process) and the child (the direct beneficiary), listing mutual rights and obligations of the parties. Two original duplicates are prepared to be signed, including by the child, if he/she is above 14. For post-secondary education, only the student and the school representatives will sign it.



When you go to the shop to buy fruit, you do not sign any agreements: you pay for the goods, you collect them, you take the receipt and you leave. But if you lend money or goods to someone, it is advisable to have a **written agreement**: have two duplicates signed by both parties. You do not need witnesses and, what you should know is that you cannot use witnesses to prove the existence of contracts above 250 RON in value. For selling land or houses you are obliged to have the contract authenticated by the notary.

**REMEMBER:** Always pay attention at what you sign! Once you sign a document, you cannot withdraw your signature. You must comply with what the document states.

Any person owns or uses **goods**. The owner of a product can do what he/she pleases with the product, including selling, donating, abandoning or destroying it. The only condition is for the owner to be of legal age.

Also, children have goods which belong to them: clothes, toiletries, school items, phones and so on. Furthermore, children can acquire valuable things: for example a relative dies and leaves to them land or a property. Other goods do not belong to the children, yet they are allowed to use them: the parents' house, the friend's car that they might be driving, the friend's clothing item they borrowed. Regarding the goods with strictly personal use, the law established that the child can buy, protect and repair such products. The child can also sell or abandon them, but only if the value is small.

When very important decisions are to be taken regarding the minor or regarding his/her property, the law gives permission to parents to take those decisions, provided the child is not exceeding 14 years of age, but if the child is between 14 and 18 years, then the decisions are to be taken by both parents and child.

When the parents cannot take care of the minor, for example when both parents are deceased or are not in contact with the child, then a person will be appointed to represent the child's interest, known as *legal guardian*.

## PETS



Many children have pets. Some children prefer smaller and cute animals like dogs, cats, turtles, fishes, other prefer birds like parrots or canaries, or playful animals like hamsters, rabbits or Guinea pigs; other go for more dangerous animals like snakes, tarantulas or iguanas.

Animals are an excellent play partner, make you more sociable and help with shyness. Yet raising and taking care of them means responsibility: they need to be fed, walked, cleaned, and some even need to be trained, vaccinated, dewormed and neutered. All these need to be performed in a safe environment for both yourself and your neighbours or any other person around. Therefore, some legal requirements need to be respected, amongst which the most drastic are the ones referring to dogs.

If you are below the age of 16, you can buy a pet provided you have the express agreement of the parents. Dogs can be adopted from the shelter which can be found in all counties, the list is posted online by [www.ansvsa.ro](http://www.ansvsa.ro). Dangerous or aggressive dogs can be owned only by people above 18 years of age, who need to register the animal at the Romanian Kennel Club and then submit a certificate to the Police; you need to display a sign stating „Bad Dog” or „Warning: Dangerous Dog” on the door of the household. Having a pet means that you need to have a Health Card for them (for deworming and vaccination records) issued by a Veterinarian. The dogs need to be kept tied or in an enclosed shelter.

***DID YOU KNOW?!...** If your pet bites another person thereby causing injuries, the law states that you are responsible for the damage. As a result, the victim of the attack can claim a sum of money covering the payment for the treatment (financial costs) and compensation for the pain suffered (moral damages) against the owner of the animal. If the owner is a minor, then the parents will also be taken to court. Therefore, the child is liable for his pet's behaviour, and the parents are liable for their child.*

The local Councils of all cities and Homeowners Associations have established some basic rules applicable to raising and having pets in a flat: generally, you need the written consent of your neighbours; the owner of the pet needs to maintain the cleanliness of the common grounds, and according to the Homeowners Association, need to pay for maintenance; you need to avoid noise pollution mostly during nights or provided hours; the dogs need to be walked on a leash, and big dogs need to have a collar and muzzle; the owner needs to also have special items like scoops and disposal bags for excrements; the walking cannot be done in parks, only in special designated places. Dogs are not allowed in shops, at shows or sport events, in schools or kindergartens, and, generally, on means of transport, nor near children's playgrounds.

The dead bodies of animals are not to be disposed of in the garbage, they need to be recovered by a specialised company.

You also need to know that there are laws protecting animals, which force the owners to take care of them, give them shelter, feed them and bans violence against them, chasing them away or abandoning them.

***CRIMINAL OFFENCE:** It is considered cruelty towards animals: a) killing animals intentionally, without right; b) practicing shooting on pets or captive wild animals; c) organising fights between animals or with animals; d) using living animals as bait to train other animals or to control their aggression; e) injuring or torturing animals; f) surgery for modifying the appearance of an animal or other non-curative purposes, such as cropping ears, cutting vocal cords, declawing, harming their beak and their teeth.*

***CIVIL PENALTY:** If you cause suffering to a dog or provoke it to have aggressive reactions, you will receive a fine between 1,000 RON and 2,000 RON, even if you are not the owner of the dog.*

To transport pets, you need to first double check with the transporter for the applicable rules, normally on the website of the company. Therefore, on the trains belonging to C.F.R. the following can be transported: small animals held in the arms, and also small birds in cages, if no other passenger complains against it; the dogs need to have muzzles and be kept on a leash on the floor inside the train compartments, in second class wagons only, if again, no passenger is against it; you also need to pay a ticket for them. Similarly, for a plane journey within the EU, you need to let the company know when you book your flight, and the animal needs to have an international passport, a identification microchip and to be vaccinated; the animal is not allowed to be pregnant and needs to be in a special carrier; if travelling to the United Kingdom, the animals cannot be transported by plane, not in the cabin nor the hold. You can find more information on [www.ansvsa.ro](http://www.ansvsa.ro).

## FOUND PROPERTY



If you accidentally find old coins or old archaeological items, you need to release them to the Mayor of the city within 72 hours. You are going to receive a reward of 30% of their value.

If you find other types of valuable items or a treasure, the value is to be divided half-half between the owner of the land and the person who found it.

***CRIMINAL OFFENCE:** If you find goods that have been lost or forgotten by another person (bags, wallet etc.), you must not keep them, keeping them is a crime. You must return them to the owner if you know him/her or give them to the Police within 10 days.*



There are also goods which do not belong to anyone: abandoned goods, berries, medicinal plants and so on. Those you can take, but some do require respecting certain conditions: the wild animals can be hunted only in season and only with firearms and if you have authorisation and are at least 18 years of age, the fish can be caught only in season and so on.

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**In short:**

***The child allowance and maintenance paid by the child's non custodial parent, belongs to the child.***

***The documents are done by parents on behalf of children if under 14, by children if between 14 and 18, assisted of their parents, and alone by those over 18.***

***Animals must be cared for, not abused.***

## Chapter XI. CHILD AND LABOUR

### THE EMPLOYMENT CONTRACT



To earn their living, people need an income from work. Normally, to have a job you need to have a qualification, abilities and minimum education (for example the bacalaureate, Bachelor's degree or a foreign language).

Regarding minors, the law provided that no children can be forced into working. The child can gain money from school or artistic activities – for this the child needs the parents' approval, yet the money belongs to the child.

Children above 15 years of age are entitled to work only with the approval of their parents and only if the work does not affect their health and development. After 16 years of age, they do not need parental consent, meaning that they can get into employment by themselves. However, some rules need to be respected: the minor cannot work in hard conditions, in a harmful or dangerous environment; the employment cannot exceed a maximum of 6 hours per day and 30 hours per week; overtime and night work cannot be demanded; holiday is of minimum 23 working days.

The employment contract is a very important document which establishes the rights and obligations regarding the professional activity: numbers of hours worked, the field, the remuneration, when the wage is paid, the holiday entitlements and so on. In accordance with the employment contract, taxes are deducted which are paid to the government and you are then entitled to a Health Card and later to a pension which reflects the quantum and period you have contributed to the designated fund. The contract is registered to the designated Territorial Labour Inspectorate belonging to the County of residence.

**REMEMBER:** *The minimum wage in Romania is currently (January 2016) 1,050 lei, and, starting with May 2016, it will be 1,250 lei.*

If someone engages into employment without a contract, his working activity is deemed illegal –“**black labour**”- and the employer will be sanctioned with a penalty. Romania is one of the first

countries in the EU in respect of workers without proper legal documents. It is important to know that anyone can notify the Inspectorate confidentially of illegal work, and that penalties are between 1,500-2,000 RON for each person found to be working without a valid contract; if the number of workers found is more than 5, then it becomes a criminal offence and the employer risks even imprisonment.



### TEMPORARY WORKERS

There is also the option to do some unqualified occasional work, those doing so are known in Romania as *daily workers* under the same age conditions as set above, and in fields specified by law: agriculture, forestry, commerce, fishing, publicity, hotels, clubs and sport facilities. In such cases there is no need for a written employment contract, a verbal agreement suffices. A very important part of the agreement is the remuneration: it cannot be less than the minimum gross wage. The minor can work a maximum of 6 hours per day (even if he/she works less, the remuneration will be for a full day – hence the name “daily worker”), for 5 days per week and excepting nights. The minor cannot work for the same person for more than 90 days per year.

You need to keep in mind that if a child stops going to school in order to undertake work, unlawfully, the school's principal is obliged to notify the Social Services to take steps towards reintegrating the child in the school system.

We gain money through work, not by public mercy. If a child is asked by his/her parent to beg for money or goods, the parents risk imprisonment.

**REMINDER:** *Helping with the family housework is not considered "work".*

### VOLUNTEERING



Not all types of work are being remunerated. Some activities are done on a voluntary basis, according to a specific law. Volunteering is seen as an active involvement in the community.

You have the right to do voluntary work in public institutions or voluntary organisations or foundations, in fields like art, culture, sport, education, environmental protection, human rights. The volunteer and the guest organisation will have a signed written contract. At the end of volunteering you can receive a certificate and the work done is considered to be professional experience, if the activity is related the educational studies of the volunteer.



### CHILD EXPLOITATION

Sometime adults involve children in unlawful activities. For example, a short, small built child can be used to enter a small bathroom window so then he/she can open the entrance door. Clearly, this is not work but *delinquency*. The minor is then an accomplice to a criminal offence and this needs to be addressed: if the child is less than 14 years old then this will fall under the supervision of the Council, if the child is aged 14 to 18 years then he/she will be prosecuted. It is not a valid defence saying that you did not know you were committing an offence – for example, if the adult who asked you to enter the house through the bathroom window would have

told you that he is the owner of the house but lost the keys. A proper defence can be established if the minor can prove that he was threatened or physically abused by the adult, forcing him/her to participate; the judge will then consider if it was under duress and will acquit the child with one condition: if the child had no opportunity to inform an adult or the authorities regarding what was happening.

In the recent years, the children are more often used in the adult sex industry (prostitution, pornography, video chat), in forced labour and for begging – which amounts to child trafficking, a form of modern slavery. The young are tricked (well paid jobs are promised to them, some even abroad) or they are threatened, beaten, kidnapped, sold to be exploited.

**HELPLINE:** For general information about going abroad to work or as tourists, to report a possible case of human trafficking, or for supporting victims of trafficking or assisting potential victims, call the National Agency for Trafficked Persons' free number: **0.800.800.678**.

The law is very harsh with those who are recruiting, transporting or housing minors for trafficking, and the sentence can be imprisonment. This includes even the situations when the minor had agreed to the above.

**CASELAW:** In May 2015 a film director was sentenced to 26 years and four months in prison for child pornography, child trafficking and sexual assault. It was revealed that for four years he has forced a minor – a girl aged seven at the time - to engage in oral sex and other sexual behaviour, and has produced pornographic materials with the victim, all these by paying off the mother. For complicity, the mother of the minor was sentenced to 9 years and 4 months imprisonment.



## UNEMPLOYMENT

The children who are at least 16 years old and are apt to work and who, after leaving the school, managed to find a job, are entitled to jobseeker's allowance. You need to contact the Local Employment Agency in the area of your residence within 60 days.

**REMINDER:** The jobseeker's allowance is currently (January 2016) 250 RON.

The jobseeker's allowance is paid for 6 months. If you manage to find a job in the meanwhile, you will also receive the outstanding amount up to the end of the 6 months period, plus an employment bonus of 500 RON (1000 RON if the job is 50km from your place of residence or 3500 RON if you need to relocate).

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### **In short:**

**Children over 16 may take an employment contract alone or work as daily workers.  
Child trafficking for exploitation purposes is a criminal offence.**

## Chapter XII. THE CHILD AND THE MEANS OF COMMUNICATION



### MEDIA AND SOCIAL MEDIA

Children and young people spend the most time watching TV and using the computer, more than on any other activity except sleeping. These can be modern means of education, facilitating learning and intellectual performance, if used moderately and selecting only quality broadcasts, websites or games. Also, by engaging with the media and social media (social networks, websites, etc.) one can express his/her views.

But these modern means can also have harmful side-effects: physically, unless regular breaks are taken, sitting in front of the TV or the computer can lead to obesity, eye disorders, deformities of the spine; psychologically, the visual images create the temptation to imitate them, and because children are more susceptible, they differentiate harder fact from fiction and learn more through observation and imitation.

Rebellious teenagers in violent movies cannot be role models, nor can TV stars who undergo cosmetic surgery, dress provocatively, talk nastily, nonchalantly expose their private lives, criminals who break the law and then claim to be victims of the legal system. At the same time, watching erotic or pornographic materials causes early sexual initiation, facilitating sexual deviance.

**DID YOU KNOW?! ...:** You have often seen certain TV shows displaying the symbols AP, 12, 15, 18 inside a circle. Here is what they mean:

- a) films accessible to all audiences, without restrictions or warning signs;
- b) **AP films** (parental approval) can be viewed by minors under the age of 12 only with parental approval or the family's supervision;
- c) **12 films:** prohibited to minors under 12;
- d) **15 films:** prohibited to minors under 15;
- e) **18 films:** prohibited to minors, not pornographic, which in the United States and the European Union are prohibited to the public under 18, horror, erotic, extreme violence, films sponsored by producers of alcoholic beverages;
- f) **18+ films:** prohibited to minors, pornographic movies or films with main purpose to present sexual intercourse in detail, or ways of satisfying sexual desires, or films showing real intercourse, irrespective of the type of filming.

### Video games

Video games help develop attention, intelligence. But they are often addictive. Partly violent games are even more harmful than television as they require the child to identify with the aggressor. Accordingly, the child becomes more insensitive and violent in real life.

### THE INTERNET

First and foremost, people use the Internet to inform themselves. Practically, the Internet is a huge library containing information, books, movies.

**REMEMBER:** Your computer should be used with moderation and sensibly. For a harmonious development, do not forget to be taking walks and do outdoor sports. Meetings on FB are not enough...

**Useful national sites:**

[www.educatiejuridica.ro](http://www.educatiejuridica.ro) – legal information for children; <http://legislatie.just.ro> –Romanian’s statutory guidance and normative acts; [www.copii.ro](http://www.copii.ro) - National Authority for Child Protection and Adoption; <http://consiliulelevilor.org> - National School Students’ Council; [www.salvaticopiii.ro](http://www.salvaticopiii.ro) - Save the Children; [www.unicef.ro](http://www.unicef.ro) - The United Nations Children's Fund Organisation; [www.EducatieFinanciaraPentruCopii.ro](http://www.EducatieFinanciaraPentruCopii.ro) - Money management tips for family; <http://doareu.com> - Answers to teenagers’ questions; <http://copiisinguriacasa.ro> - Children of parents abroad; <http://sigur.info/docs/ghid-sigurinfo.zip> - safety guide on Internet usage.

**Useful international sites:**

[www.coe.int/children](http://www.coe.int/children) - The Council of Europe dedicated to children; [www.coe.int/compasito](http://www.coe.int/compasito) - Human Rights informative booklet dedicated to children <http://europa.eu/kids-corner/> - The European Union- children’s and adolescents’ rights; <http://ec.europa.eu/0-18/> - interactive website of the European Union on children's rights; <http://europa.eu/youreurope> - support and advice regarding travel within the EU; [www.coe.int/edc](http://www.coe.int/edc) - The Council of Europe- guidance for democratic citizenship and human rights.

At the same time, the Internet is also an extraordinary means of communication. People read or communicate via websites, blogs, video blogs, YouTube channel, social networks, electronic mailboxes. Also, they use the Internet on smartphones to communicate through various applications.

**STATISTICS:** 96% of adolescents watch television daily, of whom 50% spend more than 3 hours doing it. The Internet is used by children from the age of 8. 88% of teens use the Internet for an average of 3.37 hours per day; during days off, the internet usage increases.

Surfing the Internet does not come free of dangers or sanctions: using software without a license is illegal, no one is allowed to download or possess porn movies involving minors, some applications contain viruses or spyware, downloading and selling pirated movies is not allowed.

**FACEBOOK**

Starting with the age of 13, you can legally have a FB account. You need to know that all information and communication on the network is stored on the company server, even if you delete them from your page or chat.

**THE PHYSICAL ENVIRONMENT AND THE CYBERSPACE**

The new means of communication have allowed people to interact among themselves, to express themselves and to get information increasingly faster and in ways that were not possible before. With the help of the Internet, a virtual world has been created, which is an extension of ourselves, our image, of what we are and think. This world is also real, just the environment is different - the Internet uses the *online* environment, just as marine life uses water, which is a distinct environment from the one we live in, the *physical* one.

We stay connected online a lot; and socialise more and more: we share our views, reveal aspects of our personal life (photos, video, personal blogs, FB posts), make more and more friends. Thus, we build our own existence in the virtual world to which we emotionally have attached. But, just like in the physical world, we have the right to live freely being protected by the law, and the obligation to respect the freedom of others, so living a life in the virtual world allows us to exercise certain rights and enforce certain obligations.

**REMEMBER:** *We have rights and obligations in both the physical world (as citizens) and in the online environment (as a non-citizens or cyber-citizens).*



### **TECHNOLOGY AND INTERNET HAZARDS**

The law protects Informational Technology (computers, telephones), networks, data sharing (transmitted information) and also data stored on such devices. When using data or computers that belong to other people, we must be careful not to breach any laws.

**CRIMINAL OFFENCE:** *In order to protect us, the law stipulates criminal penalties for the following acts: if you access someone's computer without legal right, if you intercept another person's communications, if you copy information from someone's computer without permission, if you steal the password and access another person's personal email or FB accounts.*

What we post online on our FB wall (photos, texts) or what we write on our friends' wall can be funny, but can later have consequences which we might not like. Practically, all information - written thoughts, data and photographs – we post online create our image in the eyes of others. Therefore, before posting something, it is important to give it a second thought and then decide.

Young people very often share photos via Internet. A picture of your childhood or adolescence can be funny when you are a student, but can be embarrassing as a grown-up if for example, you want to get into an important position, and the press chooses to publish the photo. You must know that, according to the Civil Code, no one can use images without your consent, but by the time a judge decides the withdrawal of the photograph or awards compensation, the damage will have already been produced. You might post a picture in which there are other people - in this case, make sure that they want to appear in public or remove the picture or delete the tag if they do not want.

**CRIMINAL OFFENCE:** *It is prohibited to post on the Internet or to share photos of people's homes unless they have given their consent.*

People accept friendships very quickly through FB. However, you must be careful what you communicate and with whom. This is because, on one hand, everything you post on the wall is considered communication in public, and, on the other hand, because the person you are communicating with and you know little about can sometimes be someone who wants to hurt you.

**REMEMBER:** *The FB wall is considered public space.*

You must not bully people on FB. The person whom you insulted can open a civil lawsuit within three years and claim compensation for moral damages. *Screenshots* can be used as evidence to show the judge the defamatory statements which were made.

**CASELAW:** *In February 2015, several students from a high school of a major city in Transylvania were investigated by an internal inquiry committee of the school, being accused that they have created a private group on Facebook, where they posted denigrating comments regarding teachers. 61 pupils were given written reprimands or were transferred to other high schools, plus negative conduct marks.*



Bear in mind that everything you share on social media or internet can be saved. For example, a picture shared on Facebook or any other site can be saved by anyone and kept on their computer and then uploaded on other sites. Of course, you can have your picture deleted, yet it will still remain on the computer of the person who saved it. If the picture involved some aspects of nudity or it showed a party where alcohol was consumed, a so called friend could later use the picture to compromise your career or family.

More, there are services which automatically copy internet pages and publish their content in a virtual archive or library, normally accessible free of charge, where the information can be found even if not available on the original pages or sites.

***DID YOU KNOW...?! The Internet has its own memory.** For example, if you go on the site <https://archive.org> and you insert a website page address, it is possible to see what was published on that page some years back, even if today that information or even the site ceased to exist.*

Before sharing on the internet information regarding yourself or your friends, you need to bear in mind that the internet is not used only by good people, interested in socialising, but also by criminals who follow other Facebook accounts. For example, there are thieves who follow pictures showing property found inside houses and Facebook statuses showing people away on holidays - this is how they choose their targets for future burglaries. Also you need to pay attention when you use the GPS option on your phone or tablet, because this can endanger your life or property: taking pictures with your phone and sharing them on the internet can indicate your friends' or your location to criminals.



### **PASSWORDS**

Exactly how the key of the entrance door gives us control over who can enter our property, the password is protecting our computer and accounts. The passwords of the accounts or applications we use need to be specific, hard to guess and kept private even from friends.

**REMEMBER:** *Do not use the same password for your e-mail and FB account!*

When you choose a password it is advisable not to use your private details or information that you already shared on internet! It is common sense for criminals to check if the passwords are not dates of birth, names of family members, name of the favourite pet and so on.

Unfortunately, the criminals have the possibility to find our passwords by installing directly on our computer (if they have access) or indirectly (using some applications which we download ourselves from internet) spying software or software which copies data. When we then log to the internet, data showing our conversations and passwords is transferred. Considering that you have no way of knowing whether a computer that is not yours has been infected with such viruses or software, ideally you should log into your e-mail or FB from home and not from any computer.

Antivirus software, firewalls and anti-spyware are absolutely necessarily on computers, phones, tablets. Those are protecting our conversations and information we have on our computer from being destroyed and also are protecting our hardware from possible damage.

*How to report a crime committed via the Internet or through a computer? There are lawyers specialised in this field who can be contacted. You can also submit an online complaint to the Romanian Police at [www.efrauda.ro](http://www.efrauda.ro) –the Service for Combating Cybercrime website.*



## THE PHONE AND THE TABLET

Smart-phones and tablets are providing today a complex set of services – calls, text messages, mms, internet, WhatsApp, Viber, Skype and so on, consequently they also are considered information technology (IT). Accordingly, they are protected by law just like computers. Therefore, before sharing or copying the information or using without the owner's consent a smartphone or tablet, reread the information above regarding what is lawful and what is not. Also think twice before giving your phone or tablet to friends even to only hold, to avoid risks like: information getting erased, copied or even your password being disclosed.

The school rules prohibit students to use phones during classes, exams or competitions. You can use the phone during classes only if the teacher consented to this for emergency purposes.

In public places and on public transport you should try minimising the information you share over a phone call, information that can be heard by others, and you should try to control your voice tone. You should also have consideration for the others who might not want to know what grade you got in school, what clothes you are going to wear in the evening or why did you have a fight with your friend. Also, if you listen to music through headphones, make sure that the volume is not too loud to bother others, or when you are crossing the road or you are riding your bicycle, is preventing you from hearing a car approaching.

Be aware not to breach laws because you are busy or distracted with your phone. For example, if you send a text message you might find yourself crossing the road where you are not supposed to.



## COMMUNICATION DATA AND THE CONTENT OF THE COMMUNICATION

Information regarding one's personal life is private and confidential and cannot be disclosed without the owner's consent. Parents have the right to control and verify the information or services that the child is accessing. In contrast, information shared with the school therapist or counsellor cannot be shared.

Any means of communication has a unique identification number, be it a phone (the device has a unique identification number known as IMEI, the SIM card has also an unique reference number known as IMSI, and also the phone number is unique) or technology used to access the internet (which has an Internet Protocol known as I.P.).

**Data regarding communication** using the phone or the internet is registered on a database belonging to the company owning the service – therefore, at any time, it can be established who contacted who, where the two people were located, how long the conversation was, how much do the two people get in touch. This information can be accessed only by the phone or internet owner of the contract or by a law enforcement body, no other person can access this information and doing so is a criminal offence.

Phone and internet providers are not allowed to intercept and store **conversations** between their clients, which can be done only if a judge authorised it during a criminal investigation. A person can record conversations held with others, but it is preferably to not do it unlawfully. If the recordings catch unlawful acts amounting to offences, then they can be used in a court of law. Do not attempt to use the recordings to gain a benefit from someone because it amounts to *blackmail*. Also, bear in mind that installing software on someone else phone or computer, without their consent, with the intent to record their communications or find out what is in their database, e-mails or get their bank passwords is a criminal offence.

**CRIMINAL OFFENCE:** *Nobody has the right to record conversations without your consent or without authorisation from the prosecutor (for 48 hours) or from the judge (for up to 30 days). You are not allowed to disclose the content of communication (made orally or in writing) which was not intended to you, even if you received it in error!*

Exchanging text messages, videos or photographs by SMS, MMS, Skype, WhatsApp or by the well-known Gmail or Yahoo mail, became ordinary albeit school's regulations prohibit using them during classes.



### ONLINE AGGRESSORS

Be aware of the online aggressors. These people use a fake identity to make contact with minors. Most of the times they are adults who conceal their true age and real name and they invite children and teenagers to engage into private conversations (for example, residency, housing information, time frame when parents are away) or sexual talks. They take advantage of the fact that the teenagers are sexually mature, but not emotionally. Inviting a minor under 13 years old to engage into or assist sexual activities or to watch pornography is a criminal offence.

**REMEMBER:** *The Internet is not a means for spreading aggression, but a means of communication between people. Make sure that you know to whom you are talking to, including through video chats!*

### THE RIGHT TO SELF IMAGE

Some children are invited to attend radio and TV shows. The National Broadcasting Council has established some rules which, if not respected, can attract sanctions. Therefore, when children are no more than 14 years, can attend such shows provided that written parental agreement is given, excepting cultural and sports competitions. Sometimes children are linked or involved into committing crimes. The law protects them according to their age:

- *When children are under 14 years:* it is not allowed to release the name of the minor suspected to have committed a criminal offence or if they witnessed one. If the minor is the victim of a sexual, physical or psychological abuse you cannot release the name, and when involving other offences, statements and pictures, those can be released only with the child and parents' approval.
- *When children are aged between 14 and 16 years:* if he/she is a victim or a suspect, the story, news or debates can be held with the minor, provided the minor and the parents agreed in writing, a parent is always next to the child; and if the child is a suspect, a lawyer should be there too.
- *When the children are aged between 16 and 18 years:* if the minor is a suspect, then

the approval and presence of the lawyer is needed, and if the minor is a victim, the child's approval is needed, and on request, disclosing their identity should be avoided.

\* \*

**In short:**

***Using minors for production of pornographic materials (films, photos, posters etc.), owning pornographic films with minors or downloading these are criminal offences.***

***Your FB wall is considered public space.***

***Do not allow strangers to access your phone or computer.***

***Do not give your password to anyone.***

***For different applications, use different passwords.***

***Do not download programs from the Internet that you know nothing about.***

***Use anti-virus, firewalls and anti-spyware software.***

***The interception and recording of communications can take place only with authorisation.***

## **Chapter XIII. CHILD AND PARTICIPATION IN DECISION-MAKING**

### **FREEDOM OF SPEECH**



The child interacts with other children and adults. He has the right to participate in taking decision regarding him/herself. For this purpose, he/she has the right to express his/her opinion to the family, school, community. The advices and explanations given to the child should be in accordance with his/her capacity of understanding.

The child has the right to freedom of expression, meaning to form ideas, receive information, seek it and share it. The child also has the right to be heard during legal proceedings; in fact this is mandatory starting with the age of 10.

Similarly to adults, the child is prohibited to express opinions which undermine the dignity and honour of another person, to incite to racial or religious hate or to instigate to violence.

**REMEMBER:** *We have freedom of expression, but that does not mean we are allowed to say anything, anytime, anywhere, regarding anyone. We can do this only if we do not undermine the dignity of another.*

During classes, students expressing their opinion can do so only in accordance with the regulations. For example, whispering or cheating during an exam is a breach of School Regulations which impose disciplinary sanctions to both the student and the teacher who allowed it. Insulting a colleague or a teacher is prohibited by law, and amounts to civil offences, meaning that, if requested by the victim, a judge can order a sum of money to be paid as compensation (of course, if the offender is a minor, the compensation will be paid by the parents). Threatening or blackmailing a colleague or a teacher is a criminal offence and, provided the victim raises a complaint with the Police or the Prosecutor, it will lead to a criminal investigation which can eventually end with a criminal sentence given by a judge. Instigating to behaviour leading to isolating or threatening a child due to them being part of an ethnic group is also prohibited.

**CRIMINAL OFFENCE:** *The following are punishable by imprisonment: •initiating or forming a fascist, racist or xenophobic organisation, joining or supporting it by any means; •producing, selling, sharing, as well as carrying with intent to distribute fascist, legionary, racist or xenophobic literature or symbols; •publically promoting people who are guilty of genocide against humanity or war crimes, and publically promoting fascist, legionary, racist and xenophobic ideas, beliefs and doctrines.*

The law is not allowing us to call someone „*stupid*“, „*retard*“ and so on – we can express our opinion regarding someone’s doings, but not regarding their character because this can be considered an *insult*. The facts stated need to be accurate, because if they are fabricated, that is considered *calumny or slander* (for example, to state in public about someone that he/she stole his/her colleague’s phone). Insults and calumnies can bring upon the offender an order to pay a sum of money as compensation and even publicly apologising.

When we chose our words, we need to make sure we do not discriminate or stigmatise someone. Therefore, we cannot use words relating to one’s ethnicity or disability in a pejorative way: this is why we are going to use „*rom*“ instead of „*gypsy*“; „*Jews*“ instead of „*Yehudas*“; „*coloured woman/man*“ or „*Afro-American*“ instead of „*nigger*“; „*disabled person*“ instead of „*handicapped*“; „*mentally ill person*“ instead of „*lunatic*“.



## **FREEDOM OF ASSOCIATION AND PEACEFUL REUNION**

The child can hang out with anyone he/she chooses: they can form a relationship with a same-sex or an opposite sex person. A very important right is the right to belong to any organisation, formal or informal: group, circle, club, council, association, foundation; however, the child cannot be forced into belonging to any of these. There are also some students’ associations constituted as non-governmental organisations (ONGs).

**INTERDICTION:** *In Romania, secret, Nazi and legionary organisations are prohibited.*

Some places are not allowing in minors before reaching legal age (for example, to watch certain movies at the cinema, or to go in certain clubs) or after specific hours. Always double-check if any restrictions apply and comply with them to avoid penalties.

Starting with June 2015, minors are not allowed in gambling premises or casinos either.

**INTERDICTION:** *The law states that minors’ access to gambling places as well as participation in gambling of any sort are prohibited. The penalty for giving access to minors to these is a fine of 50,000 RON to 100,000 RON.*

Anybody, including teenagers, can organise or participate in gatherings, manifestations, reunions. The participants need to be peaceful and cannot have *weapons* of any kind – airsoft guns or firearms (pistols, rifles, grenades and so on) or white weapons (bayonets, swords, daggers, knives, swordstick, stilettos, crossbows, bows, bats, bludgeons, telescopic sticks), sprays containing harmful, tear or neutralising gases. Most of these events do not need an authorisation: for example, sports, cultural, commemorative events. For the others, the organisers need to inform the Council three days before the event.

In the recent years, the violence against people and their property during sport events has increased. This is why there is a special law which provides that the police and gendarmerie can sanction by penalties, community work, and for some offences, even ban access to sport competitions and games for a given period.

**CIVIL OFFENCE:** When you attend a sport competition, you are required to go through security checks or else you are not going to be permitted to enter. You cannot take inside the stadium alcohol or placards or posters with obscene pictures and messages. You are not allowed to chant insults, obscenities or threats towards players, other spectators or security personnel. It is not permitted to hide your face to avoid recognition and to enter the play area. Also is prohibited to buy tickets and then resell them overpriced.

**CRIMINAL OFFENCE:** If a person who was banned from attending sport competitions and games is found in the stadium, he/she will be sanctioned with jail or criminal penalty. Same sanctions are applicable if the person violently resists the security personnel or police, or is obstructing them while attempting to perform their jobs, in relation to a sport competition or game.



At your age it is normal to have fun. Sometimes you attend events, concerts or parties organised by clubs, discos, restaurants, on the beach and so on. Normally, the organisers have authorisation which stipulates certain hours and activities, accepting a maximum number of people and states the use of entertainment and pyrotechnical shows.

**REMEMBER:** You should drink only beverages from bottles that are opened in front of you (to avoid the risk of having your drink spiked), not stay around objects that make noise or can cause a fire, and you should make sure you know where the emergency exit is (which one to use in case of an emergency).

## PARTIES

Other times, you organise your own parties and you attend the ones organised by your friends. Well, you need to take into consideration that the laws are not allowing to disturb your neighbours if the party is indoors (during the prescribed ours), nor to have the party outdoors (in the city).

**CIVIL PENALTIES:** You can be fined if you make noise or turn up the music's volume too loud, and you disturb the inhabitants of the building or in the neighbourhood between 10 p.m. and 8 a.m. and from 1 p.m. to 2 p.m. Similarly, you can be fined if you organise an outdoor party in the city and turn up the volume too loud thus disturbing the inhabitants of the area. The fine is from 500 RON to 1,500 RON.

Sometimes during parties, fireworks, party crackers, firecrackers, smoke are used. These entertainment objects, legally known as „entertainment pyrotechnical objects”, often cause accidents, from property damage (cars, houses) to physical injuries (burns, blindness). Therefore, the law provides using them in certain conditions.

**REMEMBER:** Only people over 16 can have and use category 1 fireworks, i.e. with a maximum mass of pyrotechnic mixture of 3 grammas: stars, gleaming candles, spark garlands, volcanoes, fire rings, satellites, flower angels. They pose a low risk and do not make noise. They can be purchased only from authorised individuals or shops. Their brand and instructions for use need to be in Romanian. Natural persons are prohibited to use crackers, rockets, bright jets, firework batteries, lamps.





## ELECTIONS IN SCHOOL BODIES

Students have the democratic right to choose their representative for the Students' Council and School's Administration Council.

Sometime the form tutor appoints a „class leader”, but most of the time is chosen by the class itself. From 5th grade above, each representative of the class belongs to the **Student Council** from the given school.

Students' Council has two structures. The first structure is the *General Assembly* made of each representative mentioned above, which chooses the school departments (sports, culture, journalism, informal education and so on), appoints its members from the students who applied and adopts positions regarding students' wishes. The second structure is the *Executive Bureau*, formed by the Council president, vice-president and secretary, who are elected by all school's students from 5th grade above; among the Bureau' members the ones representing the Commission for Quality, Evaluation and Assurance and the Commission for Prevention and Combating Violence are picked.

The president of the Student Council is an observer on behalf of the students in the school's **Administration Council**, being always invited when issues relating to pupils are discussed. In the same council, students have a representative of legal age with voting rights, and who is elected by all students.

All presidents of Student Councils of all the schools in the county form the **County Student Council**. In the capital city, there is a Bucharest Municipal Student Council. In each of the eight economic regions of Romania, there is one **Regional Student Council**. All the presidents of County Councils including the one in Bucharest with its three vice-presidents are forming the general assembly of the **National Student Council** which is led by a president; and all the presidents of the regional councils are members of the Executive Bureau at national level. At European level there is a **European Student Council** which currently brings together representatives from 21 countries.

**REMEMBER:** The National Student Council functions as a consultative body of the Ministry of National Education, and was founded in 2007. It represents students in the relevant institutions and bodies. The main objectives of the National Student Council are: a) the representation of students as key beneficiaries of the college education system in Romania; b) the active participation of students in decision making on all aspects of college education; c) supervising the compliance and implementation of students' rights; d) facilitating exchanges and examples of practice; e) the support of the development of all its substructures; f) the support of volunteering and actions tailored to students' needs.



## FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION

The Church has autonomy and as a result, Romania does not have a state religion. In our country, 86.5% of the total population identifies as Orthodox, 4.6% Roman Catholic, 3.2% Reformed, 1.9% Pentecostal, 0.8% Greek Catholic, 0.6% Baptist, 0.4% seventh-day Adventist and 0.2% have no religion or are atheists.

Parents are the first to give advice to children regarding religion. Normally, caring for their identity, the parents impose to their children their own religion. After the age of 14, the child's religion can be changed only if the child agrees, and after 16 the child can choose his/her own religion.

At school, children cannot be forced to attend religion classes. This is done only if the child so choose it (if of legal age) or the parent (if the student is minor).

Sometimes religious beliefs can interfere with some medical measures regarding children. If so, the parents are risking criminal proceedings.

***RECOGNISED DENOMINATIONS:** There are 18 recognised denominations in Romania: the Romanian Orthodox Church; the Serbian Orthodox Episcopal Church of Timisoara; the Romanian Church United with Rome, Greek-Catholic; the Roman Catholic Church; the Diocese of the Armenian Church; the Russian Old-Rite Orthodox Church in Romania; the Reformed Church in Romania; the Evangelical Church in Romania; the Evangelical Christian Church of Romania; the Unitarian Church of Transylvania; the Union of Evangelical Christian Churches of Romania; the Romanian Evangelical Church; the Pentecostal Union - the Apostolic Church of God in Romania; Seventh-Day Adventist Church of Romania; the Federation of Jewish Communities of Romania; the Muslim cult; the Religious Organisation of Jehova's Witnesses.*

## **ACCESS TO PUBLIC INFORMATION**

If you are interested in the activity or the results of an authority or public institution, you can request information in writing. As long the institutions are using public money, they are required to answer the inquiry even if is for curiosity reasons.

Obviously, there is information which amounts to state secret, work secret or is regarding ongoing investigation. These cannot be disclosed to anyone.

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### **In short:**

***Freedom of expression is not absolute: it cannot undermine the dignity of others.***

***Children have the right to choose their representative in the Student Council.***

***Participation in the religious class is observed only if requested.***

## Chapter XIV. CHILD AND LEGAL INSTITUTIONS

Children have rights, but cannot always defend them on their own. When they are very small, parents are the ones deciding and protecting them. While they grow and socially connect more and more, they start relating with people from outside the family, therefore, they have rights and obligations. These rights are defended and imposed by state institutions.



### POLICE AND GENDARMERIE

Policemen are the first law people we meet. They watch over our safety and security. There are three police structures. The most popular is the *National Police* belonging to the Internal Affairs Ministry; in each county there is a County Police Inspectorate and on top is the General Romanian Police Inspectorate, with headquarters in Bucharest. Then there is also the *Local Police* based in all towns and belonging to the Council (in the past it was known as the communitarian police, and before that as public guardians). Also there is the *Frontier Police* which deals with controlling the state borders.

Gendarmes belong to a militarised structure of the Ministry for Internal Affairs. They intervene to keep the public order when organised manifests or events take place, or when prison breakers need to be caught.

**CAREER:** To become a **police officer** or a **gendarmierie officer**, you need to first graduate from the Police Academy "A.L. Cuza" from Bucharest. **Police agents** are trained by Police Agents School "Septimiu Muresan" from Cluj-Napoca and by Police Agents School "Vasile Lascar" from Câmpina. **Gendarmerie Sub-Officers** are trained at the Military Schools "A. Ghica" from Drăgășani and "Petru Rareș" from Fălticeni.

There are several types of police officers. Some police officers are present in regular public places in order to protect *public peace and order*. Other police officers deal with the traffic. The police officers belonging to the Judicial Police deal with prosecutors and identifying unlawful acts and finding the offenders. Sometimes, police officers can be found in schools: the ones from the traffic unit often come to hold speeches regarding public road traffic, and the proximity police officer comes to take statements when incidents in the schools occur.

You need to bear in mind that police officers have the right to ask for identification papers and to hold you. For example, there is a rule asking us to carry our Identification Card with us at all times if we are over 14 years old. If you do not have your ID with you, the police officer has the power to take you to the Police Station and make contact with your parents and also can give you a fine. You are not allowed to commit identity fraud by using a stolen ID or an ID which does not belong to you. The police officer is not allowed to insult, threaten or to hit the person with whom he/she is dealing. But he/she has the right to use force and handcuff the persons who represent a danger to the public or even themselves.

Police officers have the right to act as officers also outside the working hours, when events justify it.

**CORRUPTION:** *Policemen have the obligation to be fair when they come in contact with people. They do not have the right to ask or receive bribes. If such situations occur, then you need to call the free line belonging to Anticorruption Directorate. 0800 806 806*

The police has the obligation to acknowledge offences, to apply penalties to those who break the law, for example, to those who break the traffic law, for noise disturbances, drawing on buildings' walls, calling the police or ambulance without a good reason, refusing to identify themselves. The ones who receive unfair penalties can ask to have them cancelled by the Court within 15 days by making a civil complaint.

**EMERGENCY NUMBERS:** *112 – in Europe; 911 – in the US and Canada. This number can be called from any landline or mobile, regardless if you have phone calls' allowance or not.*

You can call **112** free of charge anytime there is an emergency regarding a person, someone's property or an environmental one, and it is the Police's, Gendarmerie's or Ambulance's competence to deal with it. Disabled people can call the special designated emergency number: **113**.

You should report if a suspicious person tries to get in flat doors, when a stranger enters your property, when a stranger is peeping around your house or when someone is forcing the door of a house or car. You should report if an assault has occurred, regardless if the victim to you or others. For example, someone just grabbed your purse; describing the offender and their car can help the police, creating an image about the offender. Call immediately 112 if you notice that someone is entering your neighbour's house through the window, if you know that your neighbour is away on holiday. This is an emergency because it needs immediate intervention from the police in order to protect someone's property and to find the offender. If you witness a traffic accident and one of the passengers is blocked in the car, this is again an emergency situation and you need to report it immediately.

**CIVIL PENALTY:** *Call 112 only if there is a real emergency, otherwise you risk a penalty of 500 to 1000 RON. Understand that the time lost for the emergency service to reach a location because you made a joke, could have been used to reach someone in real need.*

## JUDGES



When people cannot reach an agreement and someone breached someone else's rights, the latter can ask for his/her rights to be enforced and the offender to be sanctioned. The legal entity which intervenes and establishes who is right is the judge.

Judges work in institutions called *courts of law*. The top hierarchic court is the High Court of the Cassation and Justice based in Bucharest. On a lower level there are 15 Courts of Appeal which are responsible for several different counties. Then there are the Tribunals, one of each found in each county. And finally, the base of the system is formed by the County Courts which can be found in all municipalities and some cities of Romania.

The judge is **independent** from his bosses, colleagues and also from state institutions, meaning that no one can give him/her advices, orders and no one can control him/her. The judge has the obligation to be **impartial**, meaning to avoid being influenced by the status or state of any party of the trial, so that no one is favoured or less favoured, because the judge purpose is to ensure equality in front of the law.

**DID YOU KNOW...?** Romania does not have a jury-court system, judges establish alone the legal outcomes. Our judges do not have a hammer like in American movies, nor a wig like in the old British movies.

Judges take decisions by following the law, not according to their own wishes, and base these on evidence. Once a definitive ruling is given, it becomes mandatory exactly like statute. The only difference is that while a statute is applicable to the whole population or the entire region, a definitive ruling is applicable only to the parties involved.

**SYMBOLS OF JUSTICE:** Justice is symbolised by *Themis*, the ancient Greek Goddess of divine justice, blindfolded holding in one hand a balance and in the other one a sword. The blindfold and the balance is suggesting the role of the judges, meaning to apply the law impartially. The sword symbolises that judges' rulings are mandatory and need to be enforced.

For cases involving minors there are specialised judges. They apply special regulations and techniques when minors are interviewed.

## PROSECUTORS



When offences are committed, those who work alongside the police to identify the offender and establish if they need to be brought to justice are the prosecutors.

Prosecutors work in institutions called *Public Prosecution Service*. There are Public Prosecution Services aside every court, totaling at around 250.

**SPECIALIZED PUBLIC PROSECUTION SERVICES:** when someone is suspected that they gave or took a bribe, then the investigation falls under the competence of the Prosecution Service called **DNA** – National Anticorruption Directorate. When someone is trafficking drugs, guns or child pornography then the investigations are done by the **DIICOT** - The Directorate for Investigation of Organised Crime and Terrorism.

The prosecutor cannot apply sanctions on the suspect. He/she can also drop an investigation if there is insufficient evidence or if the offence is not serious. But if a sanction needs to be applied, there are two possibilities: either the suspects admits to the offence and makes a deal with the prosecutor regarding the sanction to be applied, or the prosecutor takes the case to a judge who will then decide what action should be taken upon hearing both sides.

**CAREER:** Judges and prosecutors form the Magistrates' body; in Romania there are approximately 8500 magistrates. To become a **magistrate** you need to have graduated from one of the 40 Universities of Law in Romania and then to have passed the National Institute of Magistracy admission test. Following that, you are going to be justice auditors for 2 years, after which you are going to become trainee judges or prosecutors. A magistrates' career and protection of the justice's independence in relation to the other powers falls under the Superior Council of Magistracy's competence.



## COURT CLERKS

Magistrates are helped in their work by court clerks. The court clerks create files, are in direct contact with both parties, and type all documents where the magistrates' decisions are laid down.

**CAREER:** *There are Court Clerks who have a university degree and some who did not undertake an undergraduate programme. Some Court Clerks have been employed after they passed an exam held by the Court or the Public Prosecution Service which employed them. Other Court Clerks are hired after they passed the admission process to National Court Clerks School where they are supposed to learn basic procedure for 6 months and then be appointed to Courts and Public Prosecution Services.*



## LAWYERS AND LEGAL ADVISORS

These are specialised in law and offer juridical advice (*legal advice*) to those who do not know the law. Lawyers are hired based on a contract of legal service by the person who seeks such a service from them.

Legal advisors are a type of lawyers who are employed permanently by a public institution or a company based on a employment contract. When they cannot resolve a conflict in amicable ways, lawyers/legal advisors start legal proceeding by informing the Public Prosecution Service or Courts, where they attend with their clients (assisting their clients) or in their place (*representing their clients*).

**CAREER:** *In Romania there are over 20,000 lawyers. In each county, they are organised in Regional Bar associations. To become a lawyer you need to have graduated from a Law University in Romania and then to have passed the National Institute for Training and Development of Lawyers exam. Training courses are for one year and a half, after which you are going to become lawyers on probation and later full lawyers.*

Sometimes, the rulings given by the courts are not satisfying the *parties*. Either way, you need to bear in mind that the magistrate is not allowed to give rulings to satisfy parties, the public or media, but he/she is obliged to follow the law. Perhaps a party involved in the case is right, but does not have sufficient evidence, maybe the party is wrong yet tries to manipulate the court or maybe the magistrate has a legal opinion with which the prosecutor or lawyer does not agree. In such situations, the party dissatisfied has the possibility to appeal the decision.

**DID YOU KNOW...?! As long the magistrate acted in good faith, even if in error of law, he/she cannot be tried. Legal error can have many causes: for example, the witness gave false statements, a document used as evidence was a forgery or the law is not clear and the magistrate interpreted it in a certain way.**

Citizens need to respect the legal institutions and need to be following them, because these institutions do not act for their own benefit, but for the benefit of the citizens.

**PERVERTING THE COURSE OF JUSTICE:** *Any impediment or revenge on and because of the activity, both done by threats or physical violence, of a police officer or gendarme is a criminal offence known as obstruction. Doing these to a magistrate, lawyer or their family members is called judicial obstruction and is sanctioned with imprisonment.*



In return, the judicial institutions need to be fair with the citizens. Judicial police officers and magistrates are not allowed to fabricate cases to harass people, cannot incarcerate them unlawfully, cannot intimidate or assault those with whom they come in contact. Also they are not allowed to gain benefits because of their position. All these can bring disciplinary sanctions for them (wage reduction, relocation and even dismissal) or even legal action (imprisonment).

**CORRUPTION:** *Policemen, judges, prosecutors, court clerks and lawyers have the obligation to have integrity when dealing with citizens. They cannot ask or receive bribes – **taking bribe** offence; and cannot intervene with suggestions or asking for favours from their colleagues – **traffic of influence** offence. If such situations occur, they need to be reported immediately to DNA, contact details can be found on-line at [www.pna.ro](http://www.pna.ro). The corrupted ones will receive criminal sentences and will be dismissed. Also, those who **give bribes** or **buy influence** are risking imprisonment.*

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**In short:**

***For any legal problems, you can submit your queries in confidence to the legal practitioners.***

***The judge is guaranteeing the human fundamental rights and liberties.***

***The 3 “I”-s which are characterising the justice: independence, impartiality and integrity.***

## Chapter XV. THE CHILD INVOLVED IN THE JUDICIAL LAWSUIT



### RESPONSABILITY AND LIABILITY

In order for the society to function properly and for everybody to feel safe, all citizens need to respect the laws. Most of the people do it, because they are responsible people. **To be responsible** means to acknowledge your own acts, to have awareness of the outcomes and to not wish harm to anyone.

However, there are people who break laws: some because they are ignorant of the law, others because they do not care, others by mistake and others do not want to respect them irrespective of the risks. Those breaking the laws need to be brought to justice. **Liability** means to apply the consequences provided by law for one's acts.

**REMEMBER:** (1) *When responsibility ends, liability starts.* (2) *No one can invoke ignorance of the law.* (3) *No one can take justice in their own hands.* (4) *Who makes a mistake, has to pay.*

According to the type of breach of the law, there are different types of liabilities. For example, if a student paints a school's wall, the sanctions can be having the wall repainted on the parents' expense and doing school cleaning for one month. If a pedestrian crosses the street where it is not allowed, the traffic officer can give them a penalty. Accordingly, a penalty will be given by the local police to those who throw litter in the street or smoke where this is not permitted. For false allegations, the victim can have the offender forced to publicly retract these and to apologise. If an adult misses a working day, the manager can reduce his wage or can even dismiss him/her. Someone who is consuming drugs or who kills a person will be sent by the judge to a prison. If a person has mental health problems and has committed a serious offence – for example sets a block of flats in fire (arsonist) or killed someone – he/she will be institutionalised in a hospital under a psychiatrist's supervision.



### PREVENTION

Obviously, it is easiest to prevent the offences taking place.

**How do we avoid offences being committed?** To avoid such acts, on one hand we need to know what we are and what we are not allowed to do, and on the other hand we need to have a conscience and the will to say „No!“ to temptations.

There are some rules recommended by the police in this sense: when you choose your friends, avoid the violent ones and the offenders. When someone is trying to influence you in a negative way, think about the risks presented to you and the others around you. Try to point out to your friends the consequences of doing certain things. If you do not want to go somewhere, or with someone, or to do what you were asked, courageously decline. Do not make friends who give you bad advice! Do not try to resort to violence to sort out a conflict, instead, ask for adults around you or even the legal institutions to help you.

**How do we avoid offences being committed against us?** Knowing the laws, but also the people we come in contact with, possible dangers we are exposed to and our capacity to anticipate can save us from becoming victims. Try to pay attention where you go, where you shop and always ask for a receipt. Do not forget that nothing is free of charge, and extremely

cheap products or services should raise suspicion. There are certain rules which are recommended to be followed to be able to anticipate the most frequent offences:

*Pickpocketing:* Thieves work mostly in busy environments (public transport, markets, shops, train stations). They take valuables or money from pockets, bags, purses. Normally, they throw away the wallet and the documents after they take the cash. Beware when using public transport: try to analyse how justified is someone getting too close to you; keep the bag/purse in front of you; do not leave your luggage unattended; do not keep your wallet, cash or phone in your back pocket or in your side ones. Be aware when shopping: do not keep your wallet or bag in the shopping basket; do not allow being crowded when waiting in queue. Make sure that no one sees you inserting your card's PIN when paying or withdrawing cash; do not show off with how much cash you carry; report to the authorities if you witnessed a theft.

*Stealing (auto) vehicles or from them:* Use safety means when you leave your bicycle, scooter or car, even if you do it for a short time: use locks, alarms and so on. Do not leave valuables inside them. Parking during nights needs to be in a parking place or where there is street lighting.

*Stealing from houses:* Keep your entrance door locked. Use the peephole when someone knocks at the door. Do not let strangers in even if they claim to be sent by relatives or that they represent an authority, if they cannot show you an ID. If you live in a block of flats use the interphone to allow access only to people you know and do not reveal the access code to strangers. Advise guests to not share information about you and your property to strangers. Do not share on social media any photographs showing how to access your house or your goods. If you lose your door key, change the locks immediately. If all family leaves the house, do not share this on the internet.

*Fraud:* There are many types of fraud. Some people knock on doors and claim to be in need or sent by someone. A method used is the so called „pest control”, when they claim to have come to do pest control as they already performed the service for the other neighbours, they use water with flour and then they charge you. Another similar method is called „washing powder”: two people present you with an amazing offer, regularly for washing powder, and during the time you check the product or you go to bring the cash, they take goods from your house. Some use a method named „the found ring”: when they pass near you, they pretend to see a golden ring on the floor, they pick it up and tell you that they do not need it and will be willing to sell it to you for a small price (which normally is more expensive than its real value). Other methods used are the „loan” one: they beg you in tears to let them use your phone to call someone because it is an emergency and they are out of battery and when you give them the phone they run with it; others ask for a sum of money to help them go home, they even are willing to give you a good as warranty (which obviously is cheaper than the sum demanded); other stay on the side of the road signaling that they are out of gas, and when you stop, they rob you. Some stop you on the street to foresee your future in exchange of a sum of money or a good. Using the method called „accident” the one doing the fraud calls you or your parents randomly, claiming that a relative was in a traffic accident and that there is an urgent need for a lump of money for the legal proceedings (if you believe it to be true, ask for details about the place of accident, the hospital or police station where the relative is, and personally inquire; do not accept to meet with the person and do not give out any money; call immediately 112 and explain what happened). Another method is known as „traffic lights” and is addressing the drivers: during the time you are stationary waiting for the traffic lights, one person runs in front of your car, and the other one opens the door or breaks the car window and steals the bag which is on the right or back seats. The „phone” method offers to the victim, in the street, a last generation phone for a very cheap price, suggesting that it was stolen. The victim thinks it is a good deal, buys it, but at home he/she realises the phone is a fake. Another method is „Coca-Cola or Orange”: you receive a text claiming you have won a prize from Coca-Cola or Orange and in exchange you are asked to top up a Sim card which in reality belongs to the one doing the fraud. Using the method „Models agency”, children are invited to register on a database from where models will be selected for different shows or advertising; you need to sign a contract, pay a fee but then the invitation to join never comes.

The „Nigerian letter” is the most famous form of fraud using electronic mail: the victims receive a e-mail stating that a very wealthy person decided to donate them a sum of money, or that someone died and the family decided to share part of the fortune with strangers, or that they won the lottery. The victim is asked to pay commissions or to give their personal details, including the banking ones. Of course, only the criminal wins. Think about the fact that such scenarios are too good to be true and that there are no businesses where people gain money without working.

In the „Loverboy” method the criminal gets in contact with the victim, satisfies some of her wishes, meanwhile trying to make her fall in love and be ready to do anything for him. Some even manage to convince the girl to buy them expensive gifts, or to give them the bank account number or the card’s PIN, or even to give them money or jewels so they can make investments, or to even lend them the phone or laptop, after which they disappear. Some get in contact with girls who are in high-school or from a poor background, telling them that they need cash and only them could help by one way only: sleeping with other men for money, for a period of time. Such a girl ends up with her consent, without being forced, to be sexually exploited by human traffickers, one recruiting poor girls, other dealing with accommodation and transportation to clients, and another one collecting and sharing the money.

**CASELAW:** In April 2014 the final ruling was giving in relation with two young men from the south of Romania. They were convicted to 5 years and respectively, 6 years in prison for proxenetism and human trafficking, being found guilty of these crimes, by using the “loverboy” method, managing to convince tens of young girls, many underage, to do prostitution in brothels in Europe. Therefore, they did not use violence or kidnapping of the victims, but a more personal method, succeeding in keeping the victims emotionally depending on them.

## CHILD VICTIMS OF CRIMES



The ones against whom an offence is committed, meaning that such a serious act is done that the law stipulates imprisonment as punishment, is called to be a victim.

**MINORS AS VICTIMS:** In 2015, 2405 minors were victims of offences such as: child trafficking (261), rape (182), manslaughter (205), abandonment (557), murder (100), bodily harm (275), sex with a child (157), robbery (156), child pornography (78).

Some less serious offences are investigated only if the victim makes a complaint to the police or the prosecution within 3 months – for example, battery, threats, violation of private life, fraud. If such a complaint is not made or is retracted, the case will be closed. For other offences the investigation is automatically started, albeit that if the victim and the offender reach a settlement, the case closes – for example, theft, theft by finding, fraud.

Do you remember what I said regarding documents that children can sign? Up to the age of 14 they are represented by their parent, between 14 and 18 years old the child can sign the document if assisted by at least one of the parents. These rules apply to complaints raised with the police or prosecutor too. Accordingly, if a child is the victim of an offence, he/she will have to report it through their parents or assisted by their parents.

The child as a victim will be allocated a lawyer free of charge, if he/she does not have one already. The victim will be questioned and will show to the courts what the evidence is to support the allegations. Victims who are underage can be considered vulnerable, and exactly as in the situation when the victim was threatened or exposed to danger because of the statements made, they can be protected: guarded, given an alias, distance questioning using distorted voice and image can be used.



## JUVENILE OFFENDING

Some offences can be sanctioned with penalties given by administrative bodies: police, ticket inspectors, inspectors, gendarmes – these are called **civil offences**. Other offences are more serious and can attract a sentence given by a judge: imprisonment for adults, rehabilitation for minors, all these measures remaining on the criminal record – these are called **criminal offences**.

If a minor breaches rules and laws which prohibit offences, then this is known as **juvenile delinquency**. Some children commit criminal offences because they are influenced by the family background or the groups they hang out with. It was established that delinquents are children exposed to violent conflicts in the family, using prohibited substances, abusing alcohol, experiencing poverty, coming from large families, having parents who are criminal offenders.

Being teenagers, all children want to experiment: they seek sensations and take risks, this is why it is imperative to control and reduce the temptations on your own. So some children end up stealing food or beverages in Malls only to test if they can trick the security staff, not because they lack the money to buy a sandwich or refreshments. Others use drugs to see how it feels to have certain sensations. Some smoke or drink alcohol to make an impression in their group. Using primary students to train one's boxing skills is known as "baptise". Pulling girls' hair and later spanking them on the behind is an act of courage that apparently needs to be tested. Defence is proportional: girls hit the boys with the books on the heads or scratch them with their nails. All these are in fact prohibited by the Criminal Code and by school regulations.

To do drugs, alcohol, gambling you need money. Sometime children receive this money from parents. Other times they take the money. Stealing money from home is a criminal offence too and is punishable only if parents make a complaint to the police.

Normally, children commit criminal offences against property or people. Below are some criminal offences committed frequently by children:

- If you push someone the act is called **hitting and other violence**; when the victim has bruises or wounds, the act is more serious and is called **bodily harm**; when more children are beating each other, the act is called **fight** and everybody involved will be sanctioned;
- If a person is tied up or locked in a building without his/her consent, or if a person is kidnapped, the victim was **unlawful detained**;
- You cannot follow a person or call him/her with withheld number or send texts by which you scare him/her, the offence is known as **harassment**; if you scare a person by saying that he/she will be attacked or killed, the offence is known as **threatening**; when you say to someone that if he/she will not bring you money from home, will be beaten or indecent picture with the person will be put on internet, the offence is **blackmail**;
- If you enter someone's house without consent or if you have consent yet later the proprietor tells you to leave and you refuse, the act is **home invasion**.
- If you kill someone's pet, you scratch a car, you break a window or you set on fire a car, the offence is known as **criminal damage**;
- If you take a thing without the proprietor's consent, the act is called **theft**, even if you returned the good after the owner noticed it missing or even if you repaid the value. Similarly, it is theft if you take a good from a shop's shelter and you leave without paying; you have the possibility to settle with the victim to avoid being prosecuted. If you borrow from a colleague a phone to play some games and you use it to make calls and finish the top up, the offence is called **stealing to use**; similarly, if you take a bicycle to use it and you take it back after.
- If you take at home goods which were stolen, the offence is called **concealing**; if you hide a criminal to avoid being caught the offence is called in Romania **favouring a criminal**;
- If you lie to a child to get a sum of money or goods by saying that his/her parents asked

you to take them the money or the goods, the offence is called fraud;

- When you take a good after you threaten or hit someone, the offence is called **robbery**; if you use a weapons, a pepper spray or you wear a mask, then it is even more serious;
- If the good was entrusted to you by the owner and your refuse returning it, the offence is called in Romania **abuse of trust**;
- If you multiplied money using a printer you will be prosecuted for **money forging**; same will happen to anyone keeping or distributing the fake money;
- If you are forging the grades on your baccalaureate diploma you have committed the offence known as **official documents forging**;
- You commit the offence **carrying and using offensive weapons** if during a public gathering or at a stadium or on a means of transport you have a knife, dagger, box or pepper or teargas spray; if you use them, the sanction is worse.

In respect of most of the criminal offence mentioned above, the law states that the attempt is also punishable. Accordingly, it is enough to try stealing a good or to attempt robbery and, despite failing, you are going to be punished, the only difference is that the punishment will be smaller: it will be half of what the law provides for the given offence.

**UNDERAGE CRIMINAL OFFENDERS:** *In 2015, 3,525 minors committing criminal offences ended up in court for: theft (1,761), robbery (713), bodily harm (295), rape (90), murder (95), drugs trafficking (29), sex with a child (20). In the last two years other offences emerged, like harassment, cybercrimes, and also proxenetism and violation of private life done by minors.*

It is true that we need to be tolerant and that some things that harms us can be ignored. We cannot however accept our dignity to be harmed. Therefore, the law allows the victims to ask for the offenders to be sanctioned. Our Criminal Code provides that starting with the age of 14, the child is criminally liable: starting with the moment when the child is entitled to an Identification Card, he/she can be criminally tried.

**CRIMINAL LIABILITY:** *In Romania, the children are criminally liable only if they reached the age of 14. After reaching 18 years of age, the young ones are criminally liable just like any adult.*

Being brought to justice, the minor suspected of a criminal offence has certain rights which need to be respected. Until the end of the trial, he/she is presumed to be innocent. He/she has the right to a lawyer and, provided that the parent cannot afford one, one will be appointed to him/her free of charge.

The first meeting will be with the police, and in some situations even with the prosecutor. If the offender is between 14 and 16 years' old, it is mandatory for the parents to have a *psychological test* done to establish if he/she was legally competent when the offence was committed. The underage offender has the right to remain silent. He/she cannot be beaten, threaten, insulted in attempts to admit to the offence – by the contrary, this would be an abuse and the law enforcement institutions should be reported: unlawful acts done by a police officer are reported to the prosecutor, and those done by a prosecutor or judge are reported to the Superior Council of Magistracy.

If the offence is less serious and the minor admitted to the offence and if he/she is a first time offender, and provided that his/her parents paid compensation to the victim, the prosecutor can have the case closed. Otherwise, the prosecutor can send the case to the court so the offender can be tried. The parents will be called before the judge. The minor will be interviewed in relation to the offence. Contrary to the trials for the adults, the trials involving minors are not open to public.

The main purpose is not to sanction the child, but to rehabilitate him/her. The law provides that minors cannot be sentenced to imprisonment, and the judge can use one of the **six rehabilitation methods**: stage for civic formation, surveillance, weekly curfew, daily supervision – for a few months in less sever offences; and admission to a rehabilitation centre between 1 to 3 years (at Târgu Ocna or Buziaş) or to a detention centre for 2 to 15 years – for serious



offences (at Craiova, Tichilești or Târgu Mureș).

**REMEMBER:** *The minor cannot be sentenced to pay a criminal penalty or to imprisonment. He/she cannot only receive rehabilitation measures, some of which take their freedom. In 2014, 749 minors lost their freedom.*



### THE CHILD WHO IS NOT CRIMINALLY LIABLE

The child who committed a criminal offence and is aged less than 14 years, and also the child between 14 and 18 years old who lacked legal competence when committing the offence, cannot be prosecuted, meaning they cannot be brought to justice to be sentenced to a rehabilitation measure. Therefore, they will be subject to a special protection measure: specialised surveillance done by the parents, or placement in special institutions. The decision is taken by the Child Protection Commission (if the parents consented) or by the judge (if the parents did not consent). The parents will witness the counselling done by the General Directorate for Social Assistance and Child Protection.



### THE CHILD AS A WITNESS

All persons involved in a trial need to bring evidence in support to what it had been stated. Accordingly, it is not enough to have the right (law) on your side in order to win, you also need to have evidence!

The evidence can be brought by State Institutions (for example when a criminal offence was witnessed by the law enforcement), can be written statements (for example, a baccalaureate diploma having forged grades), a medical expertise document (for example, to confirm the existence of some marks on the body of the victim) or a statement given by a person.

People who observed or heard an offence being committed will give statements as witnesses. They will be called to give statements by using summons; their presence is mandatory, otherwise the court can issue a fine and have the police bring him/her by force.

**TAKE A STAND!** *To give a witness statement is an act of civic responsibility. The witness is not pointing the finger or betraying someone, but is being of great help to the legal institutions in their activity to find the truth.*

**REMEMBER:** *The child cannot refuse to give a witness statement except if it is against his parents or brothers.*

The child under 14 will attend the hearings assisted by his parents; if over 14, the child needs to do the oath and will be interviewed alone. If needed, the court can provide a psychologist to assist the interview.

**CRIMINAL OFFENCE:** *Giving a false statement in court can lead to an innocent person being punished, or a guilty person avoiding justice. It is a criminal offence to pervert the course of justice, therefore who lies under oath can be sanctioned with imprisonment.*

When the witness is a minor or was threatened because of the statements given, he/she can receive special protection: guarding, being given an alias, distance interviews with distorted voice and image.

## CRIMINAL LAWSUIT STAGES



When a criminal offence is committed, a criminal file is opened in order to find the offender and to sanction him/her if found guilty. The person who commits an offence is known as the author of the crime (offender, perpetrator). The law provides that the one helping an offence being committed needs to be punished – he/she is known as an *accomplice*, and the person who had the idea and convinces the author is known as an *instigator*. The victim is the harmed person.

*The minor needs to have a lawyer, and if he/she cannot afford one, then one will be appointed to him/her free of charge.*

***DID YOU KNOW...?!** The law is punishing the author, the instigators, and the accomplice with the same sentence. It is up to the judge to apply the sanctions in accordance with their contribution to the offence.*

The criminal trial has 3 stages. First stage is known as **criminal investigation** and it is involving the prosecutor. At this stage it is established who committed the offence and if a sanction should be sought. The person investigated is called a suspect. The victim and the suspect are interviewed regarding the offence. They need to indicate which evidence should the prosecutors take into consideration. The suspect has the right to remain silent. The prosecutor is required to keep records of evidence in favor and against the offender.

Sometimes the offenders want to avoid liability, so he/she tries to manipulate the witnesses or the victim to testify in his/her favour, or to destroy some documents that could help in establishing the truth – in all these situations, the prosecutor can establish a *judicial control*, meaning to set up certain obligations for the one that is under investigation, including not leaving the country or city except only under specific circumstances, or the prosecutor can ask a judge to have the suspect under *temporary arrest or house arrest*. Minors can also be arrested. Such a decision can be challenged by the person who is the subject to the arrest.

***REMEMBER:** In Romania only the judge can arrest a person who is suspected of having committed a crime.*

The second stage is involving the judge and is called **trial** and the one investigated is by now already charged by the prosecutor and had become the defendant. The defendant has the right to silence and is under no obligation to prove his/her innocence, the prosecutor is the one who needs to prove that the defendant is guilty. The trials are audio recorded. The judge double checks if the prosecution's documents are correct, interviews the parties and the witnesses, and will analyse the argument and the proofs from both parties, and if needed he will sanction the defendant if found guilty. The persons over 18 years' old will be sanctioned with a criminal penalty or a sentence to jail, which will be spent in a penitentiary, or he/she will be given a conditional release sentence. Underage children found guilty will be sanctioned with rehabilitation measures. Those unhappy with the outcome can appeal it, the appeal will be dealt with by a different court with two sitting judges.

***DID YOU KNOW...?!** The suspect/defendant has **the right to silence**. If he/she accepts to make a statement, he/she does not have to take the oath and does not have to say the truth, like in the witness situation. However, admitting to committing the offence and collaborating with the prosecutors can lead to lesser sanctions if found guilty.*

The third stage is **enforcing the sentence**. The person over 18 years found guilty is taken from home by the police and transferred to a penitentiary where he becomes a convict (beware, we do not use words like "prison" and "prisoners"). Regarding the underage offender, the Probation Service is contacted, or the management of the school and the parents, and the minor is taken from home and transferred to centres where he/she will undertake the ordered programme: the minors are not allowed to leave the centre, they receive visitors rarely, they undertake school classes, they have a fixed schedule and ... they do not have access to Facebook. The sentence received is registered by the police and is called Criminal Record. To be able to get a job, you are asked to have a certificate of the Criminal Record. The people who have any notes on the

Criminal Record can never be a judge, prosecutor, lawyer, policemen, military, employee for special services. After a certain number of years and after finishing the sentence, the convicted is rehabilitated, meaning that the offence is erased from the Criminal Record.

## CIVIL LAWSUIT STAGES



When two people agree and the law requires an official document, then we use a **public notary**. For example, to get a divorce or to sell an apartment or land, or to share an inheritance with your brothers.

If the people involved do not agree, they will sort the matter in court. A lawsuit is between a **plaintiff or claimant** (the one seeking to achieve something) and a **respondent** (the one accuse of doing a wrong). The ones who are unaware of their rights and the procedures regarding the trial are advised to hire a lawyer. The minor child is not under any obligation to have a lawyer, but it is advisable to have one if the child and the parents do not have the minimum legal knowledge.

Before the beginning of the trial, but also at any time during the trial, the parties can use a **mediator**. The mediator will make the effort to help the parties come to an understanding regarding the dispute which will benefit both parties resolving the issue more rapidly than having a judge decide over it.

Normally, in a civil lawsuit **the judge** is asked to intervene in respect of paying compensation. For example, if you lend someone a sum of money and the person “forgets” to pay it back; or if a person damaged your coat or any other property; in situations when people do not pay their bills. Also, the judge is asked to intervene when a child’s custody is decided, when land is recovered from unlawful occupation by a neighbour, when the mayor’s decision to give authorisation for the construction of blocks of flats in area with houses, needs to be cancelled, when you seek the annulment of a unfair fine given by a police officer, when you claim unfair dismissal and so on.

At the end of the trial, the judge decides who is right and gives the ruling. The person who is unhappy with the ruling can appeal it in a superior court which means that the trial will be retried and a new sentence will be given. The ruling is mandatory for both parties and if the one who lost is not willingly accepting it, the party who won can engage the **court bailiff**, who will recover the money directly from his/her bank accounts or by selling his/her property to auction.

Most of the time, minors meet judges when their parents get a divorce. Interviewing the minors is mandatory if the child is over 10 years of age. The child decides if he/she wants to meet the judge and answer some questions. The judge will ask questions regarding the child’s relationship with each parent – the judges want to take the best decision regarding the future of the family. The divorce is most of the time ordinary and the child should not feel ashamed if his/her parents reached this situation. Counselling could help the child overcoming a possible trauma. You need to bear in mind that the judge is not under the obligation to respect the child’s wishes except in one situation: for adoption when the consent of the child of at least 10 years old is needed.

**REMEMBER:** *The criminal lawsuit and the civil lawsuit have different purposes. The CRIMINAL LAWSUIT – is meant to make sure that the one guilty of a criminal offence is receiving a sanction, the most severe one being imprisonment; at the trial there are the prosecutor representing the society and the harmed parties and the accused. The CIVIL LAWSUIT – is meant to force one person to submit to a law or contract; before the judge this time will not be a prosecutor, but the plaintiff and the respondent.*

## INTERNATIONAL BODIES AND COURTS

**United Nations** represent the most important international organisation, established after the war, in 1945. It has 193 member states, among which is Romania too, admitted in 1955. The Head Quarters are in New York, but other important structures are found in Switzerland, Holland, Austria. *Site: [www.un.org](http://www.un.org).*



One of the United Nations institutions is the **International Court of Justice** (The World Court), residing at Hague, Holland. This court is dealing with conflicts between states. Such a trial referred to Romania and Ukraine regarding partitioning of the Black Sea. After 4 years, Romania won the trial in 2009. As a result, Romania received jurisdiction, sovereignty and rights to exploit an area and economic region of 9,700 square km, containing an estimated 7 billions of metric cubes of gas and 12 millions tonnes of petrol. *Site: [www.icj-cji.org](http://www.icj-cji.org).*



The **International Criminal Court** tries genocides and war criminals. This court does not belong to the United Nations, but it is a separate organisation which is based on a Treaty signed until now by 123 countries among which there is also Romania. It begun its activity in 2002 and it resides at Hague. Prior to it, there were the *Nuremberg Tribunal* and *Tokyo Tribunal* which tried the war criminal of the 2nd World War.

*Site: [www.icc-cpi.int](http://www.icc-cpi.int).*

The Court dealt with war crimes and has organised special tribunals for countries like Yugoslavia, Sierra Leone, Rwanda, Libyan and Cambodia. One of the most famous trials is the one regarding the massacre from Srebrenica, in East Bosnia, in July 1995. At that time approximately 8,000 Muslim Bosnians, men and boys, were shot by the Serbians, and 20,000 civilians were deported from the region. This is a case of ethnic cleansing and the worst atrocity in the postwar Europe. The International Criminal Tribunal for former Yugoslavia sentenced a Serbian Bosnian general to life in prison for genocide, and other 20 accused were tried in Hague.



**The European Council** is an organisation of several states which was formed in 1949 and is watching over human rights. It was 47 member states, among which there is also Romania since 1993. It sits at Strasbourg, in France. *Site: [www.coe.int](http://www.coe.int).*

Here is also based the **European Court of Human Rights**. People who had one of their human rights which are guaranteed by the **European Convention of Human Rights** breached in their country can file a complaint against their own country and receive compensation. It needs to be noted that cases from Romania are not retried in Strasbourg, but it is only checked if during the trial in Romania, the right to a lawyer, a impartial judge, questioning the witnesses, right to private life and the enforcement of the ruling, were respected. *Site: [echr.coe.int](http://echr.coe.int).*

Even if a couple of thousand of complaints against Romania are being filed yearly breaches of human rights could be found only in about twenty. This was caused by deficient legislation, poor conditions from some penitentiaries, long periods of time to deal with a case, lack of enforcement of the rulings.



The **European Union** is an economic and political organisation formed in 1951. Some of its institutions are in Brussels, others in Strasbourg and Luxembourg. At present, it has 28 member states, among which also Romania since 2007. Because of the problems in Romania and the importance of the justice and anti-corruption, Romania is still observed by European institutions in respect of the reforms of the two mentioned above. Site: <http://europa.eu>.

European Union holds also a court, named **The Court of Justice of the European Union**, residing at Luxembourg. This court interprets legislation relating to the basis of the European Union and gives solutions to conflicts between governments and European institutions. Private persons cannot have trials here. Site: <http://curia.europa.eu>.

In relation to the EU citizens, the EU **Charter of the Fundamental Rights** is applicable.

**REMEMBER:** *The European Council and European Union are two different organisations.*

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\* \*

**In short:**

***The judge is guaranteeing that the human rights and the fundamental liberties are respected.***

***All citizens are equal in front of the law. Justice is one.***

***Starting with the age of 14, children can be criminally and civilly sanctioned.  
During trials there are special procedures for children who are victims, criminals or witnesses.***

## CONCLUSIONS

We went together through a subject which might be new to you. It is possible that you already knew some things from classes like civic education or religion, or philosophy or history. The guide encapsulated a minimum base of knowledge which will help you to through years in certain situations. I can assure you that some information revealed in this guide is not even known by some adults.

The main idea of the guide is that we can be free as long as we comply with the rules, meaning that we follow morality and we obey the LAW. After the right to life, the next most important human right is the right to FREEDOM, right for which the human kind has been fighting for centuries. To be free, we need to maintain DIGNITY and to behave RESPONSIBLY: it is mandatory to have healthy principles, to know and respect rules, to pay attention to the ones around us, to engage with the legal institutions with CONFIDENCE and to follow their decisions. We live in a society which offers us help and protection and which expects us to be good citizens, meaning to get INVOLVED in promoting and maintaining social principles and rules.

Bear in mind that turning 14 years of age is very important: those who are offenders can be sanctioned and those who are victims can make a complaint to the police on their own, assisted by the parents.

After reaching 18 years of age, you become of legal age and you need to ASSUME full responsibility for your acts. Anytime you have a legal problem, relating to your rights and obligations as per statute, you need to ask for advice from a person qualified in this area (lawyers, mediators, public notaries) or from those working in institutions of the state concerning the legal field (judges, prosecutors, policemen).

How are we going to know all rules and laws? Well... it is impossible. There are too many. But we have CONSCIENCE, meaning we have the capacity to discern between good and right and we have FREE WILL, meaning we have the possibility to choose between the right and wrong and assume the consequences of our choices. It is up to us. We can decide to be honest people, willing to know more, to do more, to help the state institutions to carry on with their mission. Or, we can choose to break the law and morality any time we have the opportunity and mostly when no one sees us, to create chaos, to attack people, to ignore the decisions of the authority. I can assure you that you will become stronger and succeed in life if you are going to choose the right path, irrespective of how much effort will take and irrespective of what others will say about you. We, the adults, expect you to take a stand by following the laws on your own, by teaching others to do the same and by reporting serious breaches of the law.

Over the years I have ruled in cases of minors coming in front of me to have their rights protected. I treated them with interest and they treated me with respect. Through this guide I try to bring my contribution to an ambitious project which has a main focus: to prevent minors having problems with the law. However, if you end up having such problems, I can assure you that you can come with confidence to me and my colleagues as we are keen to do our duty: finding the TRUTH and doing JUSTICE by applying the law. This means to see why a breach of the law happened and how we can undo the harm done, so everybody can be SAFE, at all times.

**Judge Cristi Danileț, PhD**



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Cristi Danileț was born in 1975 at Vatra-Dornei. He graduated from Faculty of Law of “Al.I.Cuza” University, Iași, he has a master degree in law from the Faculty of Law of “West University”, Timișoara and he is doctor in law from the Faculty of Law of “Babeș-Bolyai” University, Cluj-Napoca.

Since 1998 he has been a judge specialised in criminal cases involving minors. Between 2005 and 2007 he was a legal advisor for the Ministry of Justice. Between 2011 and 2016 he was an elected member of the Superior Council of Magistracy. He is a defender of the independence of the justice and supporter of judicial integrity.

He promotes law-related education as a subject in high-schools. He co-authored the brochure “Where is Law, There is no Haggling” (2014) and authored the guide “Law-related Education for high-school students. A guide to knowing and understanding laws, rights and obligations”. He is the admin of the site [www.educatiejuridica.ro](http://www.educatiejuridica.ro) and FB page [www.facebook.com/educatiejuridica](https://www.facebook.com/educatiejuridica).

He keeps in touch with those who want to know more about laws and justice through his blog <http://cristidanilet.wordpress.com> and through his FB account [www.facebook.com/jud.cristi.danilet](https://www.facebook.com/jud.cristi.danilet).



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