

Regulation of Femicide in Romania in the Context of European and International Standards on Combating Violence Against Women

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ABSTRACT: The legislative rationale underlying the regulation of femicide in Romania was the persistent rise in lethal violence against women, particularly within family or intimate relationships, and the need for a coherent legal framework capable of preventing, identifying, and sanctioning gender-based killings. This paper analyzes the international and European legal benchmarks considered by the legislature, including the United Nations' approach to femicide, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), and the perspective of the Istanbul Convention on prevention, protection, and due diligence. The Romanian legislature adopted a legislative approach that did not create a distinct offense of femicide in the Criminal Code, but instead introduced a special law defining femicide, imposed obligations regarding data collection and risk assessment, and amended several provisions of criminal law and criminal procedure. The enactment of Law No. 53/2026 marks a significant step toward the legal recognition of femicide in Romania as a specific form of lethal gender-based violence, while upholding the principles of legality, proportionality, and predictability in criminal law.

KEYWORDS: Femicide, Intimate Partner Femicide, Non-Intimate Partner Femicide, Indirect Femicide, Domestic Violence, Criminal Law, Romania

Introduction

The adoption in Romania of Law No. 53/2026 on the prevention and combating of femicide and the violence that precedes it (Romanian Parliament, 2026a) must be understood based on the premise explicitly stated in the explanatory memorandum (Romanian Parliament, 2026b): femicide is not treated as a mere succession of isolated homicides, but as the extreme expression of violence against women, typically preceded by a history of control, domination, repeated assaults, vulnerability, and institutional failure to intervene early. The explanatory memorandum to this law notes a concerning increase in homicides committed against women, including those committed by family members, and emphasizes that, for a legal and criminological understanding of the phenomenon, it is not sufficient to simply classify the acts as murder or aggravated murder; rather, a legislative approach capable of capturing the gender dimension of lethal violence is necessary.

In this context, the new legislation has a twofold purpose. On the one hand, the law aims to legally recognize femicide as a framework concept, capable of guiding data collection, public policy development, and the assessment of lethal risk. On the other hand, the law makes specific amendments to the Criminal Code and the Code of Criminal Procedure to strengthen criminal protection for victims and to more appropriately punish forms of homicide and those forms of violence that occur in a context of control, possessiveness, gender-based discrimination, the victim's refusal to continue a relationship, or persistent family conflict.

From a legislative drafting technique perspective, Romania's approach is a relevant one: the legislature did not establish a standalone offense called "femicide" in the Criminal Code, but rather constructed a mixed regulatory framework, in which the concept of femicide is defined in a special law, and the specific punishment is imposed through existing offenses or newly aggravated offenses in the Criminal Code. This approach is expressly linked by law to the requirements of legality of criminalization, proportionality, and predictability of criminal law, which shows that the legislature sought to avoid a purely symbolic regulation and to maintain the coherence of the general criminal justice system.

European and International Standards on Combating Violence Against Women

United Nations Standards

The regulation of femicide in Romania cannot be analyzed outside the normative and conceptual framework developed at the United Nations, which has established, in recent decades, the principle that violence against women constitutes a fundamental human rights issue and imposes positive obligations on states regarding the prevention, investigation, punishment, and redress of the consequences of such acts. This development is also reflected in the Explanatory Memorandum to Law No. 53/2026, which expressly identifies the main international instruments that formed the basis for the Romanian state's legislative action. Thus, the United Nations Declaration on the Elimination of Violence against Women (United Nations, 1993), adopted by General Assembly Resolution No. 48/104 of December 20, 1993, is the first international instrument to establish a comprehensive definition of violence against women, understood as any act of gender-based violence that results in, or is likely to result in, physical, sexual, or psychological suffering or harm to women, including threats of such acts, coercion, or arbitrary deprivation of liberty, both in public and private life. Through this definition, violence against women is removed from the exclusively private sphere and is classified as a matter of human rights protection and the responsibility of public authorities.

A second pillar of international standards is the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), adopted in New York (United Nations, 1979), which, although it does not explicitly use the term "femicide", the CEDAW Committee's progressive interpretation in General Recommendation No. 35 classifies violence against women as a form of gender-based discrimination and includes femicide or feminicide among its most serious manifestations. At the same time, the Recommendation elaborates on the concept of the state's duty of due *diligence*, according to which authorities are obligated not only to punish the perpetrators but also to adopt effective preventive policies, victim protection mechanisms, and judicial procedures capable of responding promptly to the phenomenon of gender-based violence.

Furthermore, the 2030 Agenda for Sustainable Development (United Nations, 2015), established as fundamental goals the elimination of all forms of violence against women and girls, the achievement of gender equality, and a significant reduction in all forms of violence and the associated homicide rates. The reference to this document in the drafting of Law No. 53/2026 demonstrates that the Romanian legislature did not seek solely to strengthen criminal penalties, but rather to integrate the fight against femicide into a broader public policy focused on prevention, victim protection, and the development of institutional risk assessment mechanisms.

An important contribution to the conceptual definition of the phenomenon is attributed to the Vienna Declaration on Femicide (United Nations, 2013), which presents one of the first international classifications of femicide, including, among others, intimate partner femicide, honor killings, femicide committed in the context of armed conflicts, the killing of women motivated by dowry, sex-selective abortion, female genital mutilation

resulting in death, as well as other forms of gender-based lethal violence. This classification clearly influenced the Romanian legislature's decision to define intimate femicide, non-intimate femicide, and indirect femicide in Law No. 53/2026.

The World Health Organization (WHO) and statistical data published by the United Nations Office on Drugs and Crime (UNODC) show that the majority of women killed worldwide lose their lives in the context of intimate or family relationships. This information was used by Romanian lawmakers to demonstrate that femicide is a distinct phenomenon from a criminological perspective and justifies the adoption of differentiated public policies based on the early identification of risk factors and institutional intervention before a lethal outcome occurs.

It follows, therefore, that the standards developed at the United Nations level had a decisive influence on the drafting of Law No. 53/2026, both in terms of defining the phenomenon of femicide and regarding the state's obligations to establish effective mechanisms for prevention, protection, and the collection of statistical data.

Council of Europe Standards

At the European level, the main legal instrument is the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, adopted in Istanbul in 2011 and ratified by Romania through Law No. 30/2016. The Istanbul Convention (Council of Europe, 2011) is the first legally binding European treaty to establish an integrated system for preventing and combating violence against women, based on four key pillars: prevention of violence, protection of victims, prosecution of perpetrators, and the development of integrated public policies. From this perspective, the obligations of states go beyond the scope of criminal prosecution and include the development of permanent mechanisms for data collection, risk assessment, inter-institutional cooperation, and professional training for the competent authorities. Thus, Article 2, paragraph (1) of Law No. 53/2026 provides that the collection and analysis of data on femicide are carried out, among other things, for the purpose of assessing all forms of violence covered by the Istanbul Convention, which demonstrates the legislature's express intention to harmonize domestic law with the obligations assumed by Romania within the Council of Europe.

Furthermore, the principles enshrined in the Convention are reflected in the provisions regarding risk assessment and management, the establishment of the Romanian Observatory for the Analysis and Prevention of Homicides (ORAPO), the centralized collection of statistical data, and the preparation of annual reports on cases of femicide. All of these legal institutions aim to achieve an integrated approach to the phenomenon, in line with European standards on the prevention of gender-based violence.

European Union Standards

In addition to the standards developed within the Council of Europe, Law No. 53/2026 also reflects the obligations assumed by Romania within the European Union (Romanian Parliament, 2026a). Thus, Article 2 of Law No. 53/2026 expressly refers to Regulation (EU) No. 606/2013 of the European Parliament and of the Council (2013) on the mutual recognition of protection measures in civil matters, a regulation that facilitates the recognition and enforcement of protection orders among member states. By incorporating these provisions into the system for collecting and analyzing data on femicide, the legislature aims to strengthen cross-border protection mechanisms for victims and monitor the effectiveness of protection measures.

Similarly, the European Union's (2020) Gender Equality Strategy 2020-2025 has promoted the prevention of violence against women, the development of public policies based on gender equality, and the strengthening of support mechanisms for victims.

Overall, the European and international standards cited by the legislature highlight the fact that the phenomenon of femicide can no longer be analyzed exclusively through the lens of criminalizing murder but requires a multidisciplinary approach based on early risk identification, effective protection of victims, and the development of permanent institutional mechanisms for prevention and monitoring. From this perspective, Law No. 53/2026 represents the transposition into domestic law of a set of obligations assumed by Romania within international and European organizations, adapted to the specific characteristics of the national criminal justice system.

Regulation of Femicide in Romania through Law No. 53/2026

The first major contribution of Law No. 53/2026 is the legal recognition of the concept of femicide. Article 1, paragraph (3), defines femicide as the intentional killing of a woman, as well as the death of a woman resulting from blows or injuries causing death or from other intentional crimes followed by the victim's death, regardless of whether the acts are committed by a family member or another person. The law then distinguishes between intimate femicide, non-intimate femicide, and indirect femicide, and for the first two, it expressly provides for attempted femicide. This structure shows that the legislature opted for a broad definition, capable of encompassing not only murder in the strict sense of Articles 188–189 of the Criminal Code, but also those cases in which the lethal outcome results from other intentional crimes or in specific contexts of gender-based violence (Law No. 53/2026, Art. 1, paras. (3)-(4)).

Of particular importance is the fact that the law defines intimate partner femicide in relation to the family relationship and the logic of control or domination, while non-intimate femicide is defined in relation to a series of typical contexts: the exercise of control, the suppression of a woman's fundamental rights and freedoms, "honor"-related motives, sexual exploitation, trafficking and the exploitation of vulnerable persons, sexual violence, unequal power relations, or any other context in which the act is committed because of the victim's gender. Consequently, the focus of the provision is not exclusively on the personal relationship between the perpetrator and the victim, but also on the social and discriminatory significance of lethal violence (Law No. 53/2026, Art. 1, para. (3), subpar. b)-d)).

The second major contribution is institutional, as it requires law enforcement agencies, judicial bodies, and forensic medicine institutions to collect relevant data on femicide, the risk of femicide, homicides in the context of domestic violence, protection orders, European protection orders, complaints, indictments, convictions, and convictions differentiated by mitigating or aggravating circumstances. In line with this approach, it assigns the Romanian Observatory for the Analysis and Prevention of Homicides (ORAPO) the role of processing the data and preparing an annual report on cases of femicide and other homicides in the context of domestic violence, including preventive recommendations. Clearly, these are instruments of institutional due diligence: the state can no longer claim ignorance of the phenomenon if the law requires it to systematically measure and analyze it (Law No. 53/2026, Articles 2-3).

The third major contribution concerns prevention, which requires the use of specific risk assessment and management tools in cases involving domestic violence and violence against women, with the express purpose of preventing femicides and other homicides within the family. This is complemented by an educational dimension, requiring the inclusion of topics related to gender equality, forms of violence against women, and the ethics of nonviolent relationships in school curricula. These provisions confirm that femicide is most often preceded by a history of violence and can be prevented if risk

indicators are identified early and assessed within a coherent institutional framework (Law No. 53/2026, Articles 4-5).

Amendments to the Romanian Criminal Code Introduced by Law No. 53/2026 Regarding Femicide

In terms of substantive criminal law, the most significant amendment concerns Article 189 of the Criminal Code, regarding the crime of aggravated murder. The legislature has introduced three new aggravating circumstances:

- murder committed against a person as a means of exercising control or domination within a current or former marriage or a cohabitation relationship similar to that between spouses;
- murder committed for reasons related to race, nationality, ethnicity, language, religion, gender, sexual orientation, opinion, political affiliation, wealth, social origin, age, disability, illness, or HIV/AIDS;
- homicide committed because the victim refused to enter into a marriage or a cohabiting relationship, or motivated by divorce, de facto separation, or the termination of a relationship similar to that between spouses.

Through these amendments, the gender dimension of homicide is transformed from a mere factual context into a genuine qualifying element of the offense, capable of allowing for the imposition of life imprisonment or a prison term of 15 to 25 years, as well as the deprivation of certain rights.

This legislative solution is particularly important for two reasons. First, it recognizes that certain homicides committed within romantic or family relationships are not merely domestic homicides, but acts of domination and control, which correspond to the definition of intimate partner femicide in the special law. Second, it includes within the scope of aggravated homicide those cases in which the victim's death is inseparable from gender-based discrimination or the punishment of a woman's personal autonomy - for example, through refusal to marry, separation, or leaving the relationship. In this way, the new legislation goes beyond the traditional model of aggravated homicide based on cruelty or premeditation and introduces a structural understanding of lethal violence against women.

A second category concerns the connection between femicide and other crimes against life and bodily integrity. Thus, Article 191 of the Criminal Code was amended to include paragraph (3, ind. 1), which increases the special sentencing limits by one-fourth for inciting or facilitating suicide when the act is committed against a person over whom the perpetrator exercises or claims to be entitled to exercise control or domination within a current or former marriage or cohabitation relationship. From the perspective of the special law, this amendment is essential, as Article 1(7)(d) classifies as indirect femicide, among other things, the suicide of a woman resulting from intimate partner violence or within a family context. Thus, there is a convergence between the framework definition in the special law and the specific criminalization in the Criminal Code [Law No. 53/2026, Art. 1, para. (7)(d), Art. 6, items 3-4; Penal Code, Art. 191, para. (3, ind. 1)-(4)].

Following the same logic, Art. 195 of the Criminal Code was reworded, and Art. 195, subparagraph 1, was introduced thereafter. The new Art. 195 retains the criminalization of assaults or injuries resulting in death, punishable by 6 to 12 years' imprisonment, but Art. 195, subparagraph 1, creates two distinct aggravating circumstances:

- for the offenses set forth in Articles 193-195 committed as a means of exercising control or domination in a current or former marital or cohabitation relationship;
- for the acts provided for in Articles 188-191 and Articles 193-195 committed by an adult in the presence of a minor.

This new provision is of great relevance to criminal policy regarding femicide, as it allows for the systematic aggravation of serious physical violence that precedes or accompanies lethal violence and expressly recognizes the trauma suffered by children exposed to lethal or severe domestic violence.

The amendment to Article 199 of the Criminal Code concerning the offense of domestic violence is, in turn, significant. In its current form, if the acts described in Articles 188, 189, and 193–195(1) are committed against a family member, the special maximum penalty is increased by one-fourth, and for the offense under Article 193 committed against a family member or under the conditions of Article 195, paragraph 1, from a procedural standpoint, criminal proceedings are initiated *ex officio*. In practice, the law reinforces the idea that the state has its own obligation to respond to domestic violence and that the initiation of criminal proceedings should not depend excessively on the victim's willingness to pursue the case. Even though femicide is not fully subsumed under the concept of "*domestic violence*", the inclusion of the new aggravating circumstances in the context of Article 199 strengthens criminal protection for family and post-family relationships marked by control, resentment, or retaliation.

Law No. 53/2026 also addresses complementary sanctioning and protective mechanisms. Thus, Article 66(1)(1) of the Criminal Code, as amended, allows for the suspension, for a period of 1 to 10 years, of certain rights such as parental rights, the right to serve as a guardian or conservator, the right to possess firearms, the right to drive certain categories of vehicles, and, most importantly, the right to communicate with the victim or to approach the victim or the places the victim frequents. Even though this amendment does not exclusively target femicide, it serves a preventive function, as it allows for the tailoring of stricter post-conviction protection measures in cases of gender-based violence and domestic violence.

Finally, it should not be overlooked that Law No. 53/2026 also amends the Code of Criminal Procedure, introducing Article 294(2) regarding the adoption of protective measures in the event of the victim's death or unconsciousness, and amending Article 404 to require the court to determine, under certain conditions, the legal disqualification from inheritance of the defendant who killed a person whose estate the defendant is entitled to inherit. Although these amendments do not define femicide *per se*, they demonstrate that the legislature has recognized the familial and property-related consequences of lethal violence, particularly in cases where children are left without guardianship and where there is a risk that the perpetrator might benefit from the victim's inheritance.

Conclusions

Law No. 53/2026 on the prevention and combating of femicide and the violence that precedes it marks an important milestone in Romanian law, as it introduces, for the first time, an explicit legal recognition of femicide and integrates this concept into a coherent set of legal, institutional, and preventive measures.

An analysis of the texts reveals that the Romanian legislature deliberately chose not to create a standalone offense of femicide in the Criminal Code, but rather to establish a framework that is more flexible and better aligned with the principle of legality: defining the phenomenon in a special law, systematically collecting data, conducting risk assessments, providing preventive education, and specifically aggravating certain existing offenses when they involve control, domination, gender-based discrimination, or lethal domestic violence.

In light of European and international standards, the new law can be considered a significant step toward recognizing femicide as a distinct form of gender-based violence and toward establishing a duty of due diligence on the part of the state. Its value lies not

only in strengthening criminal penalties but also in shifting from an exclusively reactive approach to one based on understanding the phenomenon, identifying lethal risk, and effectively protecting victims. The effectiveness of the provision will depend on how risk assessment tools are developed, the quality of data collection, and the consistency of judicial practice. However, as a criminal policy choice, Law No. 53/2026 already reflects a paradigm shift: femicide is no longer treated merely as one homicide among many, but as a specific, recognizable, and preventable manifestation of violence against women.

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