

ROMANIA

Last updated: 28 November 2016

RULES/GENERAL LAWS	
General	<p>1. Law no. 121/ 2011 regarding the armed forces' participation in missions outside the Romanian territory;</p> <p>2. Law no. 122/ 2011 regarding the regime of weapons, military equipment and ammunitions belonging to the Ministry of National Defence and the foreign armed forces, when in the Romanian territory;</p> <p>3. Law no. 346/ 2006 regarding the organization and function of the Ministry of National Defence;</p> <p>4. Law no. 135/ 2010 regarding the Criminal Procedure Code;</p> <p>5. Law no. 284/ 2010 regarding wages in the public sector.</p> <p>The UN rules are implemented through training programmes for the personnel participating in missions outside the Romanian territory. The following topics are covered during training:</p> <ul style="list-style-type: none"> • Education in gender aspects (Gender Education & Training); • Study of UN Security Council Resolution 1325 and its additional resolutions, regarding the impact of war on women and the importance of women's contribution to the conflicts' solution and a sustainable peace; The protection of women, children and other vulnerable persons during armed conflict; The recruitment and participation of women and children in armed groups. The gender advisors (GenAd) are trained through specific studies in this field, in the military education institutions, and accumulate vast experience by participation in various theatres of operations. <p>Romanian military personnel, as a general rule, are considered on duty at all times when deployed to missions outside the Romanian territory. Therefore military regulations apply during week-ends, daily breaks and when participating in recreation activities. The only exception applies to military personnel who are deployed for more than 6 months, but only when on leave outside the area of operation.</p>
SEA: military offence?	Sexual exploitation and abuse is criminalised in the Criminal Code and other special legislation. The Criminal Code applies to everyone regardless of his/her status (civilian/military).
Powers of the Commanding Officer (CO)	<p>The Commanding Officers have rights and obligations stipulated by military orders and regulations to promulgate rules and policies. Their orders cannot contravene the international law, Rules Of Engagement and laws of war.</p> <p>The Commanding Officers have powers to take disciplinary measures. See the Minister of National Defence Order no. M.64/2013 regarding the military discipline. A Commanding Officer may directly apply the following sanctions: warning and written reproof. The other sanctions (e.g. downgrading, delay of advancement in rank for 1-2 years, passing to the reserve) can be applied by the CO only at the proposal of the military or honorary council.</p>
INVESTIGATION	
Who can investigate?	In accordance with the Criminal Code , criminal investigation for alleged offences committed by military personnel is done by the military prosecutor. There are also special criminal investigators appointed in accordance with the law, and who are authorized by the Prosecutor's Office of the High Court of Justice to investigate cases. The special investigators are working under the supervision of the prosecutor.
National Investigation Officer (NIO)	Romania has two National Investigation Officers who are on standby in Romania. The National Investigation Officers can be speedily deployed in a theater of operations, to investigate allegations against Romanian military personnel.
PROSECUTION	
Referral	The National Investigation Officers refer finalised investigations to the military prosecutor processing the case.
Who can charge?	The charges of sexual exploitation and abuse against a military person are presented by the military prosecutors, based on the results of the investigation.
JUSTICE	
Military justice	Romania has a military justice system, see the provisions of Law no. 304/ 2004 regarding the judicial system.
Deployable Court Martial?	There is no court martial system during peacetime in Romania. The Romanian legislation does not allow courts, either military or civilian, to operate outside the Romanian territory.
DISCLAIMER	
<p><i>While the information contained in the Member State (MS) fact sheet is periodically updated, the United Nations does not guarantee that the information provided is correct, complete or up to date. The fact sheet reproduces content received from the Member State, and therefore, the United Nations is not responsible for the content nor can it guarantee its accuracy.</i></p>	