



PERMANENT MISSION OF ROMANIA
to the International Organizations in Vienna

No. 1766

The Permanent Mission of Romania to the International Organizations in Vienna presents its compliments to the Permanent Missions of the participating States of the Organization for Security and Co-operation in Europe, and to the Conflict Prevention Centre and has the honour to forward herewith attached Romania's response to the questionnaire on the Code of Conduct on Politico-Military Aspects of Security for 2023.

The Permanent Mission of Romania to the International Organizations in Vienna avails itself of this opportunity to renew to the Permanent Missions of the participating States of the Organization for Security and Co-operation in Europe and to the Conflict Prevention Centre the assurances of its highest consideration.



Vienna, 6 September 2024

**To the Permanent Missions of the OSCE participating States
OSCE Conflict Prevention Centre Vienna**

RESPONSE TO THE QUESTIONNAIRE
ON
THE CODE OF CONDUCT
ON POLITICO-MILITARY ASPECTS OF SECURITY
– 2023 –

ROMANIA

Section I: Inter-State elements

1. ACCOUNT OF MEASURES TO PREVENT AND COMBAT TERRORISM

1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing terrorism is your State a party?

Romania is a party to the following international agreements on preventing and combatting terrorism:

UN Conventions and Protocols

Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents (New York, 1973)

Signed: 27.12.1974 **Ratified:** Decree no. 254/1978

International Convention against the Taking of Hostages (New York, 1979)

Ratified: Decree No. 111/1990

International Convention for the Suppression of Terrorist Bombings (New York, 1997)

Signed: 30.04.1998 **Ratified:** Law no. 257/2004

International Convention for the Suppression of the Financing of Terrorism (New York, 1999) **Signed:** 26.09.2000 **Ratified:** Law no. 623/2002

Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 1963)

Signed: 15.02.1974 **Ratified:** 16.05.1974 by the Decree no. 627/1973

Convention for the Suppression of Unlawful Seizure of Aircraft (The Hague, 1970)

Signed: 13.10.1971 **Ratified:** Decree no. 143/1972

Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1971)

Signed: 10.07.1972 **Ratified:** Decree no. 66/1975

Convention on the Physical Protection of Nuclear Material (Vienna, 1980)

Ratified: Law no. 78/1993

Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 1988)

Signed: 24.02.1988 **Ratified:** Law no. 133/1998

Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 1988)

Ratified: Law no. 123/1992

Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (Rome, 1988)

Ratified: Law no. 123/1992

Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1991)

Ratified: Law no. 139/1998

International Convention for the Suppression of Acts of Nuclear Terrorism (New York, 2005)

Ratified: Law no. 369/2006

Convention on the Physical Protection of Nuclear Material (Vienna, 1980)

Ratified: Law no. 78/1993

International Convention against the Taking of Hostages

Ratified: Law no. 111/1990

Other universal, regional, sub-regional and bilateral agreements and arrangements

European Convention on the Suppression of Terrorism (Strasbourg, 1977)

Ratified: Law no. 19/1997

Council of Europe's Convention on the prevention of terrorism (Warsaw, 2005);

Ratified: Law no. 411/2006

Council of Europe's Convention on laundering, search, seizure and confiscation of the proceeds from crime and on the financing of terrorism (Warsaw, 2005);

Ratified: Law no. 420/2006

Council of the European Union's Common Position no. 2005/220/CFSP of 14 March 2005 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position no. 2004/500/CFSP Protocol Amending the European Convention on the Suppression of Terrorism

Ratified: Law no. 366/2004

Cooperation agreement between the Government of Romania and the Government of Georgia on combating the terrorism, the organized crime, the illicit trafficking of drugs, psychotropic substances and precursors and other illegal activities

Signed: 14.05.2004 **Ratified:** Law no. 586/2004

Cooperation agreement between the Government of Romania and the Government of Egypt on combating organized crime

Signed: 03.12.2003 **Ratified:** Law no. 262/2004

Council Decision 2007/543/EC concerning the accession of Bulgaria and Romania to the Convention on the establishment of a European Police Office (Europol Convention)
Cooperation agreement between the Government of Romania and the Government of the Republic of Armenia on combating crime especially in its organized forms

Signed: 31.10.2001 **Ratified:** Law no. 320/2002

Cooperation agreement between the Government of Romania and the Government of the Republic of Macedonia on combating terrorism, organized crime, illicit drugs trafficking, psychotropic substances and precursors and other illegal activities

Signed: 12.11.2003 **Ratified:** Law no. 258/2004

Cooperation agreement between the Government of Romania and the Government of the Republic of Slovakia on combating organized crime, illicit drugs trafficking, psychotropic substances and precursors, the terrorism and other illegal activities

Signed: 16.10.2003 **Ratified:** Law no. 202/2004

Cooperation Agreement between the Governments of Romania, Republic of Turkey and Republic of Bulgaria (Antalya, 1998) against terrorism, organized crime, illicit traffic of drugs, traffic of persons and weapons and other severe offences

Signed: 16.04.1998 **Ratified:** Law no. 154/1999

Cooperation agreement between the Government of Romania and the Government of the Republic of Kazakhstan on combating organized crime, illicit drugs trafficking, psychotropic substances and precursors, terrorism and other serious offences

Signed: 09.09.2003 **Ratified:** Law no. 61/2004

Cooperation agreement between the Government of Romania and the Government of the Republic of Lebanon on combating organized crime, illicit drugs trafficking, psychotropic substances and precursors, terrorism and other illegal activities

Signed: 18.03.2002 **Ratified:** Law no. 367/2003

Cooperation agreement between the Government of Romania and the Government of the Republic of Bulgaria on combating organized crime, illicit drugs trafficking, psychotropic substances and precursors, terrorism and other illegal activities

Signed: 10.06.2002 **Ratified:** Law no. 70/2003

Memorandum of Understanding between the Ministry of National Defence of Romania and the Ministry of National Defence of Bulgaria regarding the protection of locations of paramount importance in the vicinity of the common border against terrorist aerial attacks

Signed: 12.11.2002 **Approved:** Government Decision no. 13/2003

Cooperation agreement between the Government of Romania and the Government of the Republic of Albania on combating organized crime, illicit drugs trafficking, psychotropic substances and precursors, terrorism and other illegal activities

Signed: 07.07.2002 **Ratified:** Law no. 610/2002

Cooperation agreement between the Government of Romania and the Government of the Czech Republic on combating organized crime, illicit drugs trafficking, psychotropic substances and precursors, terrorism and other illegal activities

Signed: 13.11.2002 **Ratified:** Law no. 465/2002

Cooperation agreement between the Government of Romania and the Government of the Republic of Poland on combating organized crime, terrorism and other illegal activities

Signed: 11.07.2001 **Ratified:** Law no. 188/2002

Cooperation agreement between the Government of Romania and the Government of the Republic of Croatia on combating terrorism, organized crime, illicit drugs trafficking, psychotropic substances and precursors and other illegal activities

Signed: 30.09.2000 **Approved:** Government Decision no. 703/2001

Cooperation agreement between the Government of Romania and the Government of the Republic of Slovenia on combating terrorism, organized crime, illicit drugs trafficking, psychotropic substances and precursors and other illegal activities

Signed: 04.10.2000 **Approved:** Government Decision no. 597/2001

Cooperation agreement between the Government Romania and the Government of the Kingdom of Jordan on combating the organized crime, the illicit trafficking of drugs, psychotropic substances and precursors, the terrorism and other illegal activities

Signed: 17.09.1999 **Ratified:** Law no. 67/2001

Cooperation agreement between the Government Romania and the Federal Government of Austria on combating organized crime, illicit drugs trafficking, psychotropic substances and precursors, terrorism and other illegal activities

Signed: 18.03.1999 **Approved:** Government Decision 917/1999

Cooperation agreement between the Government Romania and the Government of the Hungarian Republic on preventing and combating trans-border criminality

Signed: 21.10.2008 **Approved:** Law no. 311/2009

Cooperation agreement between the Government of Romania and the Government of the Federal Republic of Germany on combating terrorism, organized crime, illicit drugs trafficking, psychotropic substances and precursors and other illegal activities

Signed: 15.10.1996 **Approved:** Government Decision no. 80/1997

Cooperation agreement between the Government of Romania and the Government of the Republic of India on combating organized crime, international terrorism, illicit drugs trafficking and psychotropic substances

Approved: Government Decision 550/1994

Cooperation agreement between the participant states to the Economic Cooperation at the Black Sea on combating the crime especially its organized forms

Signed: 02.10.1998 **Ratified:** Law no. 6/2000

Agreement between the Government of Romania and the Kingdom of Sweden on the cooperation in combating organized crime, illicit drugs trafficking, psychotropic substances and precursors, human trafficking, terrorism and other serious offences

Signed: 10.05.2004 **Ratified:** Law no. 168/2005

Protocol on the combating of terrorism, additional to the Cooperation Agreement between the governments of the participating states in the Economical Cooperation at the Black Sea in the field of combating criminality, especially its organized forms, (Kerkyra, 2 October 1998).

Signed: 3.12.2004 **Ratified:** Law no. 253/2005

Common positions on the common foreign and security policy of the European Union

Adopted: Law no. 62/2005

Cooperation agreement between Romania and Switzerland on combating terrorism, organized crime, drugs trafficking and other transnational crimes (Bucharest, 2005)

Ratified: Law no. 60/2006

Agreement between Romanian and the Indonesian Governments on the cooperation on preventing and combating trans-border organized crime, terrorism and other types of crimes (Bucharest, 10 July 2006)

Ratified: Law no.68/2007

Agreement between the Romanian Government and the Government of the Serbian Republic on cooperation in combating organized crime, illicit trafficking of narcotics and international terrorism, (Bucharest, 5 July 2007)

Ratified: Law no. 17/2008

Memorandum of understanding between the Unit for Combating Money Laundering (MOKAS) from the Republic of Cyprus and the Romanian Bureau for Combating and Preventing Money Laundering on the cooperation in exchanging financial intelligence connected to money laundering and to financing terrorism (Limassol – Republic of Cyprus, on 15 June 2006)

Approved: Government Decision no.1180/2006

Memorandum of understanding between Romania and the Principality of Liechtenstein on the cooperation in exchanging financial intelligence connected to money laundering and to financing terrorism (Limassol – Republic of Cyprus, on 15 June 2006)

Approved: Government Decision no.1180/2006

Agreement between the Romanian Bureau for Combating and Preventing Money Laundering and the State Prosecutor within the District Court of Luxembourg from the Grand Duchy of Luxembourg on the cooperation and in exchanging financial intelligence connected to money laundering and to financing terrorism (Limassol – Republic of Cyprus, on 15 June 2006)

Approved: Government Decision no.1180/2006

Memorandum of understanding between Romania and Hungary on the cooperation to exchange financial information linked to money laundering and to financial terrorism (Budapest, 21 September 2007)

Approved: Government Decision no.1585/2007

Memorandum of understanding between the Romanian Bureau for Combating and Preventing Money Laundering and Financial Crimes Enforcement Network of Bermuda on the cooperation to exchange financial information linked to money laundering and to financial terrorism (Hamilton, Bermuda, 30 of May 2007)

Approved: Government Decision no. 820/2007

Memorandum of understanding between the Romanian Bureau for Combating and Preventing Money Laundering and the Serious Organized Crime Agency/Financial Intelligence Unit (UKFIUSOCA) from the United Kingdom of Great Britain and Northern Ireland, on the cooperation to exchange financial information linked to money laundering and financial terrorism (Hamilton, Bermuda, 30 May 2007)

Approved: Government Decision no. 821/2007

Memorandum of understanding between the competent authorities from Romania and Israel on the cooperation to exchange financial information linked to money laundering and financial terrorism, (Bermuda, 30 May 2007)

Approved: Government Decision no. 818/2007

Memorandum of understanding between the competent authorities from Romania and Finland on the cooperation to exchange financial information linked to money laundering and financial terrorism

Approved: Government Decision 905/2008

Memorandum of understanding between the competent authorities from Romania and Republic of Lebanon on the cooperation to exchange financial information linked to money laundering and to financial terrorism (Beirut, 1 September 2008, Bucharest, 17 December 2008)

Approved: Government Decision 363/2009

Memorandum of understanding between the Government of Romania and the Government of Turkey on cooperation within Black Sea Harmony Operation, signed at Istanbul on 31 March 2009

Approved: Law no. 114/2010

Agreement between the Government of Romania and the Government of the Republic of Azerbaijan on cooperation on combating trans-border organized crime and international terrorism (Bucharest, 28 September 2009)

Approved: Law no. 251/2010

Agreement between the Government of Romania and the Council of Ministers of Bosnia and Herzegovina on the cooperation in the fight against terrorism and organized crime (Bucharest, 4 June 2007)

Approved: Law no. 138/2008

Law 146/2008 on the adhesion of Romania to the Prum Convention, signed on 27 May 2005

Other cooperation agreements were signed at institutional level especially on preventing and combating money laundering and exchange of information.

1.2 What national legislation has been adopted in your state to implement the abovementioned agreements and arrangements?

The main law that establishes the implementation coordination of the agreements and arrangements related to the prevention and combat against terrorism is Law no. 535/2004 amended and completed by the Law no. 58/2019 on preventing and combating terrorism. According to the provisions of art. 6, “the prevention and suppression of terrorism is organized and conducted in a unitary manner”.

The cooperation among national competent authorities is conducted under the framework of the National System for Preventing and Countering Terrorism.

The Romanian Intelligence Service is the lead national authority for preventing and countering terrorism.

It is a comprehensive responsibility, requiring joint measures and actions: intelligence gathering, multi-source analysis, monitoring, counterterrorist intervention, cooperation with public institutions and authorities which are part of the National System for Preventing and Countering Terrorism (SNPCT), and with international partners.

The approval of the lists on persons suspected of committing or financing terrorist acts is subject to Government Decision.

Government Emergency Ordinance 202/2008 regarding the national implementation of international sanctions regulates the modalities in which the following provisions are observed in Romania:

- Specific international sanctions, established by UN Security Council Resolutions or other acts adopted on the basis of Art 41 of the UN Charter;
- Regulations, decisions, common positions, common actions or other measures adopted by the European Union;
- International sanctions adopted by other international organizations;

Other legal instruments completing the domestic framework for the implementation of the abovementioned agreements and arrangements are:

- Law no. 62/2005 on Romania’s acknowledgement of certain documents representing Common

Positions adopted within the European Union’s Common Foreign and Security Policy;

- Government Emergency Ordinance no. 78/2016 for the organization and functioning of the Directorate for the Investigation of Organized Crime and Terrorism, as well as for the modification and completion of some normative acts, approved by Law no. 120/2018.
- Decision of the Romanian Parliament no. 21/2001 on Romania's participation along with NATO member states to missions for countering international terrorism;
- Law no. 129/2019 on the prevention and combating of money laundering and terrorist financing, as well as for the modification and completion of some normative acts.

Information on other measures of national and department level

The Supreme Council of National Defence approved on 05 April 2002 the National Strategy on Preventing and Countering Terrorism. The Strategy identifies all aspects of the terrorist phenomenon as threats to Romania, defines the objectives for preventing and countering terrorism and establishes the main directions for the implementation and functioning of the National System for Preventing and Countering Terrorism. This system has been updated since 5 March 2020, as a result of the amendments to the Law no. 535/2004 on preventing and combating terrorism, with subsequent additions and amendments, by the Law no. 58/2019.

According to the provisions of the Strategy and of the Law no. 535/2004, an Antiterrorist Operative Coordination Centre was set up under the authority of the Romanian Intelligence Service, in order to facilitate the inter-institutional cooperation. Plans containing measures to combat terrorism were elaborated at ministerial level. Also, on 15 April 2004, the Supreme Council of National Defence approved the establishment of the National System for Antiterrorist Alert as an adequate means to prevent, discourage and combat actions for the preparation and unfolding of potential terrorist acts on the territory of Romania.

Romania observes the UN Security Council resolutions on arms exports to states considered supporters of international terrorism.

1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

According to the National Strategy on Preventing and Countering Terrorism, to Law no. 535/2004 on preventing and countering terrorism and to the General Protocol on the organization and functioning of the National System for Preventing and Countering Terrorism (SNPCT), Ministry of National Defence, Ministry of Internal Affairs and intelligence services have the following roles and missions in preventing and combating terrorism:

Romanian Intelligence Service (SRI)

The Romanian Intelligence Service has the following competencies in the field of preventing and countering terrorism:

- conducts the operative-intelligence and technical activities to effectively protect the Romanian territory against the threats posed by international terrorism and to prevent terrorist acts or the setting up of logistical structures and / or branches of extremist – terrorist groups on the national territory;

- conducts antiterrorist interventions at the objectives attacked or occupied by terrorists, in order to capture or annihilate them, set hostages free and restore the rule of law;
- conducts antiterrorist protection of diplomatic / foreign objectives potentially threatened by terrorist acts; provides antiterrorist VIP protection; antiterrorist protection – anti-hijack control on the Romanian civil airports; pyrotechnical control and intervention; antiterrorist – counterterrorist intervention in order to prevent, neutralize and annihilate terrorist acts on Romanian territory;
- provides, according to its legal competence, the technical coordination of the National System for Preventing and Countering Terrorism.

Law no. 14/1992 on the organization and functioning of the Romanian Intelligence Service, Law no. 535/2004 on preventing and countering terrorism

Upon the request of SRI, according to the size and nature of the terrorist acts, forces from other institutions with specific missions can also be involved in this type of activities, in compliance with the law, such as the forces of the Ministry of Internal Affairs, of the Ministry of National Defence and the Guard and Protection Service, as well as from other structures of the security and national defence system.

- Antiterrorist Operative Coordination Centre has been set up within SRI – the national authority responsible with preventing – in order to provide technical coordination of the National System for Preventing and Countering Terrorism. The Centre is the organizational and functional structure ensuring the continuity and the coherent functioning of the system that regulates the SNPCT.

- The Antiterrorist Operative Coordination Centre has the following duties:

- Provides the permanent connection among the institutions participating to the National System for Preventing and Countering Terrorism;
- Manages and uses the relevant data and information to identify, prevent, and/or counter terrorist acts and all activities providing logistic or operational resources support for terrorists;
- Coordinates the activities conducted under the framework of the SNPCT, through the liaison persons designated by the authorities and institutions of the SNPCT;
- Supports the operative data and information exchange between the public authorities and institutions which are part of the SNPCT;
- Receives information and processes data to draw the necessary response measures;
- Monitors terrorist activities and operatively informs public authorities and institutions within the SNPCT;
- During crisis situations, provides the logistic and operational support for the efficient operation of the SNPCT, which is integrated in the general mechanism for crisis management and is organized according to the law;

- Provides the necessary data and information to the relevant public authorities and institutions within the SNPCT in order to take the appropriate measures, according to their legal attributions;
- Receives, on a permanent basis, notifications of interest in the field of countering terrorism from citizens, through a free extension of the Centre;
- Supports the activities for international cooperation in this field;
- Participates in security training activities for the population in the field of antiterrorism;
- Represents the National authority in the field of air marshals and the point of contact in the exchange of information supporting their activities.

Ministry of Internal Affairs

- Conducts operative intelligence activities to collect data and information with the purpose of preventing, discovering and documenting terrorist actions against its own personnel, infrastructure or missions.
- Conducts operative intelligence activities to collect data and information to prevent aggressions against the diplomatic objectives and the locations of the international organizations which conduct activities in Romania and which are guarded by the forces of the Ministry of Internal Affairs.
- Conducts specific actions to counter the financing, planning, facilitating or perpetration of terrorist acts which envisage entering the national territory or using the national assets for financing, planning or facilitating terrorist acts against other states or against the citizens of other states.
- Conducts specific actions to prevent the movement of terrorists and of terrorist groups by exercising an effective control of the borders and of the ID documents and travel tickets issuing process, as well as by exercising preventive actions against faking or fraud of the ID papers and documents.
- Participates in the information exchange according to the national and international legal provisions and supports the cooperation in the field of justice and administration, to counter terrorist acts.
- Supports the mutual information exchange, by its specialized structures, in case of investigations and penal actions associated with the financing or the support of terrorist acts, including the assistance to obtain evidences necessary for penal actions.
- Draws the necessary measures, according to the relevant provisions of the International Humanitarian Law, including the international standards in the field of human rights protection, in the process of providing refugee status, to ensure that the requesting people did not plan, facilitate or participate in the perpetration of terrorist acts.
- Verifies and acts to prevent, according to international law, the abusive use of the refugee status by the authors, organizers or facilitators of terrorist acts and to avoid the political based requests to be considered as reasons to reject the request for extrusion of alleged terrorists.

- Conducts other specific activities, along with the other competent authorities, according to the law and to the cooperation protocols agreed to that end.

Through the specialized structures of the Romanian Gendarmerie, conducts antiterrorist intervention missions at the locations under its responsibility, provides protection for the arms, ammunition, explosives, radioactive substances or toxic substances transportations and participates in national antiterrorist interventions along with the other responsible structures.

Law no. 550/2004 supplemented by the Law no. 212/2017

Ministry of National Defence

- Plans, organizes and conducts activities for gathering data and information to prevent terrorist acts against the objectives, the activities or the military personnel.
- Initiates and conducts specific actions to prevent, discover and annihilate the actions and acts that envisage the theft of weapons, ammunitions and explosives, chemicals and their precursors, biological, toxic industrial materials, radioactive substances from objectives under its responsibility.
- Provides, through its specialized structures, antiterrorist protection of the military and civilian VIPs of the Ministry of National Defence and of the military VIPs visiting Romania.
- Provides protection and conducts antiterrorist response and antiterrorist control against hijacking on military airfields.
- Provides specialized antiterrorist pyrotechnical protection for military units and other locations, upon request.
- According to its legal competences, the troops of the Ministry of National Defence participate in missions to combat terrorism abroad, based on the Parliament's Decisions.
- Prevents and fights against terrorism and asymmetrical threats, through its specialized structures, in cooperation with other national structures.
- Protects information and communication systems, through its specialized structures, against terrorist threats.
- Exchanges intelligence according to the national and international legal cooperation instruments to counter terrorist acts.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining inter alia to:

Financing of terrorism

The following instruments / provisions are part of the domestic legal framework on this matter:

- Art.36 of the Law no. 535/2004 on preventing and combating terrorism, which incriminates "financing of terrorism";

- Order no. 9/2005 of the President of the Romanian Financial Supervisory Authority on the approval of the Instructions no. 4/2005 on preventing the financing of terrorist acts;
- Regulation 29/2020 for amending and supplementing the Regulation 13/2019 on the establishment of measures to prevent and combat money laundering and terrorist financing through the financial sectors supervised by the Financial Supervisory Authority;
- Law no. 306/2007 on the amendment of the Law no. 656/2002 on preventing and sanctioning money laundering and on measures to prevent and combat terrorism financing, which draws measures on preventing and combating financing of the terrorism and establishes specific punishments;
- Law no. 36/2006 for the approval of the Government Emergency Ordinance no. 135/2005 on the amendment of the Law no. 656/2002 on preventing and sanctioning money laundering and on measures to prevent and combat financing terrorist acts;
- Decision no. 91, June 2007, issued by the Chamber of Financial Auditors from Romania on implementing specific legislation referring to combating and preventing money laundering operations and/or financing terrorist acts by financial auditors.

The National Office for Combating Money Laundering was set up at national level, as the institution responsible with the implementation of all legal provisions in this field. Specific regulations and norms have been adopted in different sectors of the financial system to prevent money laundering and financing terrorism.

Legal co-operation including extradition

As presented in the first part of the questionnaire, Romania signed an important number of bilateral and multilateral agreements and arrangements, mainly oriented to prevent and combat organized crime and terrorism. This framework supports the communication, cooperation and exchange of information between countries. Also, the provisions of these documents enhance the possibility for horizontal effective cooperation between the competent national authorities. Extradition provisions are also included in these agreements and arrangements.

Border control

To improve the control of national borders, Romania implemented an integrated management system. The Decision of the Government no. 486/2018 approved the new 2018 – 2020 National Strategy for the integrated management of national borders and offered the framework for strengthening borders control system.

Travel document security

Romania introduced new models of documents, providing a higher security level through Law no.249/2009 on the approval of the Government Emergency Ordinance no. 94/2008 on the establishment of some measures on issuing electronic passports and other travel documents.

In 2021, the Ministry of Internal Affairs has launched for public debate the draft Decision for the approval of the National Strategy for Integrated Management of the Romanian State Border 2021 – 2027.

Security of radioactive sources

The main rules to exercise control over radioactive materials are established by the Law no. 111/1996 reissued on 2006 amended and supplemented by the Law no. 63/2018 on the safe conduct, regulation, authorization and control of nuclear activities. The National Commission for the Authorization of Nuclear Activities is the institution responsible for implementing some of these control provisions.

In 2009, the National Commission for the Authorization of Nuclear Activities concluded an agreement with the US Energy Department on the cooperation to strengthen physical security of radioactive sources and of nuclear materials.

According to the provisions of the agreement mentioned above, Border Police implements and manages the radiation detection system in border crossing points, to prevent, discover and counter illicit trafficking of special nuclear materials and radiologic products, with the support of US authorities and in cooperation with other Romanian responsible authorities. According to the Law no. 333/2003 reissued on 2014, all transports of nuclear materials or radiological sources must be conducted only with Gendarmerie or military escort.

2. STATIONING OF ARMED FORCES ON FOREIGN TERRITORY

2.1 Provide information on stationing of your State's armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law

Armed forces are allowed to participate to the following missions abroad:

- missions of collective defence
- peacekeeping or peace settlement missions
- humanitarian mission
- coalition type of missions
- joint or individual exercises
- ceremonials

The armed forces can participate in the previously mentioned missions, only according to the law and according to the obligations assumed by Romania through international treaties, agreements or understandings to which Romania is a state party.

The President of Romania approves, following the consultation of the Supreme Council of National Defence, the deployment of armed forces abroad for collective defence, peace support, humanitarian assistance or coalition type missions. If the deployment of the armed forces in the previously mentioned missions is not covered by the framework of the international treaties Romania is part of, the President of Romania must request the approval of the Parliament.

Law no. 121/2011 on the participation of the armed forces in missions abroad

Romania has no military forces abroad, except for the participation to the military missions under international mandates.

3. IMPLEMENTATION OF OTHER INTERNATIONAL COMMITMENTS RELATED TO THE CODE OF CONDUCT

3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith

Romania is fully committed to the implementation of the agreements in the field of arms control, disarmament and confidence- and security-building measures.

Complex measures have been taken, both at national and institutional level, to define a solid framework for effective implementation. This framework bears on the ratification laws and on the agreements signed or accepted by Romania, and it is complemented by legal measures at governmental level, as well as by protocols of cooperation between the involved ministries and by internal regulations.

Permanent structures within different Ministries or special committees or commissions with precise responsibilities were created to implement and to facilitate the implementation of the commitments in the field of arms control, disarmament and confidence- and security-building measures.

The Government Decision no. 906/1999, amended and updated with the provisions of the Government Decisions no. 1544/2003, 1545/2003 and the Government Emergency Ordinance no. 121/2021 establishes the main guidelines for the implementation of the conventional arms control and confidence- and security-building agreements.

The main national institution mostly involved in the implementation of the agreements in the field of arms control, disarmament and confidence- and security-building measures are: Ministry of Foreign Affairs and Ministry of National Defence.

The Ministry of Foreign Affairs provides the interface for international cooperation, monitors and coordinates the implementation of the specific agreements and arrangements, through its OSCE, Non-proliferation and Arms Control Directorate.

The Ministry of National Defence is, through its specialized structure – the Office for Arms Control and Verification – the responsible authority for the preparation of data exchanges and national reports and for the organization and coordination of the verification activities (inspections or escort missions). Internal regulations were issued by the Minister of National Defence in order to define the obligations on limitations, transparency and verifications.

The exports of military goods are conducted in strict observance of the national and international legislation in this field and under the endorsement of the Inter-ministerial Council for export control, the Department for Export Controls (DANCEX) within the Ministry of Foreign Affairs and of the Office for the Control of Imports and Exports of Special Items operating within the Ministry of National Defence (OCIEPS). The national legal framework in this field was constantly improved and enhanced. According to the

Romanian legal provisions, DANCEX is also the national institution responsible with the implementation of the Chemical Weapons Convention.

3.2. Provide information on how your State pursues arms control, disarmament and confidence-and security-building measures with a view of enhancing security and stability in the OSCE area

Romania highly values the importance of pursuing arms control, disarmament and confidence- and security-building measures, as a significant constant added value to a secure and stable environment in the OSCE area.

The limitations and regulations imposed in arms control and disarmament and confidence- and security-building measures are transposed in specific national laws, decisions or regulations and their observance is constantly monitored.

Romania fulfils its regular obligations drawn from the arms control and disarmament and confidence- and security-building measures and values their contribution to security and stability of the OSCE area. Due to the current security context, Romania suspended its obligations within the CFE.

Romanian teams or Romanian guest inspectors are constantly and actively involved in verification missions in the OSCE area, under the OST or VD 2011 frameworks.

The bilateral agreements are and have been of particular importance for Romania, as they are considered a possibility for enlarging the framework of the CSBMs.

Section II: intra-state elements

1. NATIONAL PLANNING AND DECISION-MAKING PROCESS

1.1 What is the national planning and decision making process in determining / approving military posture and defence expenditures in your State?

THE DEFENCE PLANNING PROCESS (regulated by the Law no. 203/2015)

The main documents regulating the Defence Planning process, the responsibilities regarding the issuing and approval, the contents and the coverage periods are presented briefly, as follows:

The National Defence Strategy

Issued by: The President of Romania

Approved by: The Parliament of Romania convened in common session

Based on: Basic document for the Defence Planning process

Issuing term: Less than 6 months since the President was invested

Coverage: 5 years

Comprises: National interests and national security objectives, international security environment evaluation, potential risks, threats and vulnerabilities, courses of action and the main modalities of ensuring national security within NATO.

The White Paper on Defence

Issued by: The Ministry of National Defence

Endorsed by: The Government of Romania

Endorsed by: The Supreme Council of National Defence

Approved by: The Parliament of Romania

Based on: The National Defence Strategy, the guidelines of the defence policy enshrined in the Government Program and the NATO and EU strategic defence documents

Issuing term: Less than 6 months since the Government was invested

Coverage: 4 years + long term provisions for the fulfillment of the national and collective defence and security objectives

Establishes: defence policy objectives, measures and courses of action for the fulfillment of these objectives; missions and specific requirements for the Armed Forces; the resources required for the accomplishment of the defence policy objectives.

The Military Strategy

Issued by: The Ministry of National Defence

Endorsed by: The Supreme Council of National Defence

Approved by: The Government of Romania

Based on: The National Defence Strategy, the White Paper on Defence and relevant NATO and EU documents

Issuing term: Less than 3 months since the approval of the White Paper on Defence

Coverage: 4 years + long term provisions for the fulfillment of the national and collective defence and security objectives

Comprises: The politico-military assessment of the international security environment, the identification of the potential military risks and menaces, the definition of the national military objectives, the establishment of the strategic and operational concepts to fulfill military objectives and missions.

Romanian Constitution, Law no. 203 / 2015

THE DECISION PROCESS, APPROVALS (Romanian Constitution)

The partial or complete mobilization

The President of Romania, with the previous approval of the Parliament, declares partial or complete mobilization. Only in exceptional situations, is the President's decision subsequently subjected to the approval of the Parliament in less than five days since it was issued.

The State of War

The State of War is declared by the Parliament.

The State of Siege or Emergency

The State of Siege or Emergency is declared by the President of Romania with the assent of the Parliament in less than five days after the settlement of the State of Siege or Emergency.

In case of military aggression against Romania

The President takes measures to counter the aggression and informs immediately the Parliament through a message.

THE ROLE OF THE PARLIAMENT AND THE MINISTRIES

Parliament

Approves, in joint session, the National Defence Strategy

Romanian Constitution, Law no. 203/2015

Approves the Defence White Paper, issued by the Ministry of National Defence, after it has been being assumed by the Government and accepted by the Supreme Council of National Defence (an autonomous administrative authority responsible, according to the Constitution, acting to coordinate of the activities regarding national defence and security)

Law no. 203/2015

Approves the declaration of partial or total mobilization, the declaration of a State of War, the temporary or permanent termination/cessation of the military hostilities

Romanian Constitution

Examines the reports of the Supreme Council of National Defence

Romanian Constitution

Supreme Council of National Defence

The Supreme Council of National Defence represents an autonomous administrative authority invested, according to the Constitution, with the role of organizing and coordinating the security and defence activities. The Council is responsible for the endorsement of the main defence planning documents, strategies, information and evaluations regarding the national security and defence sector. The Supreme Council of National Defence ensures a coordinated approach of the defence-related activities; endorses the Romanian participation in international operations, the collective defence and in the peacekeeping and peace support missions. The President of Romania is the chairman of the Supreme Council of National Defence. The Prime Minister fulfils the vice-president's function. The membership to the Council is assigned to the ministers and officials from the national and governmental structures involved in national defence.

Romanian Constitution, Law no. 415/2002

The activity of the Supreme Council of National Defence is subject to the examination and verification of the Parliament.

Law no. 415/2002

Ministry of National Defence

Issues the **White Paper on Defence** to fulfill the provisions of the National Defence Strategy and to implement the defence goals given by the Government Programme.

Law no. 203/2015

Elaborates the **Military Strategy** based on the National Defence Strategy, the Defence White Paper and on the relevant NATO and EU documents.

Law no. 203/2015

Issues the **Defence Planning Guidance**, based on the **White Paper on Defence** ~~White Paper~~, the Military Strategy and on the relevant NATO and EU documents, through which establishes the Major Programs and allocates the defence resources. The guidance is issued annually for ten years.

Law no. 203/2015

DEFENCE EXPENDITURES

THE PLANNING PROCESS (Law no. 203/2015)

The **White Paper on Defence** provides general guidelines regarding the natural, human, material and financial resources that should be annually allocated for defence needs, to develop capabilities enabling the accomplishment of the Military missions.

The **Defence Planning Guidance** issued by the Ministry of National Defence serves as a base to allocate

defence resources. Those are allocated in fulfilling the actions and measures established by the **Major Programs** (elaborated for a 10-year period and annually revised).

THE DECISION MAKING PROCESS, APPROVALS

The resource allocation for the national defence is annually made through the budgetary and revision laws.

The laws are issued by the Government.

The Parliament approves the annual budgetary and rectification laws, elaborated by the Government in the context of the assumed macro-economical strategy.

The budgetary year starts on the 1st of January and ends on 31st of December.

Law no. 500/2002 on the public finances

1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

The current level of the Romanian armed forces, along with the national defence policy, do not represent any threat to our neighbors or to regional or European security.

Art. 118 of the Romanian Constitution strictly defines the limits within the components of the Romanian National Defence System can act: “to guarantee state sovereignty, independence and unity, the territorial integrity of the country and the constitutional democracy”. To implement this principle in a firm manner, the decisions conducting to important actions of the institutions in the field of national defence can be taken only following a complex procedure and are permanently controlled by the Parliament.

As NATO member, Romania aligns its capability development process with the commitments, requirements and recommendations resulted from NATO defence planning process, the relevant NATO and EU policies, thus ensuring the national security in the defence field and contributing to international security and stability.

Also, Romania endorses strengthening EU posture as a security provider, with a more efficient involvement in the emerging crises management. In this context, Romania will pursue the development of an active profile by participating in the decision making process within EU Common Security and Defence Policy (CSDP), developing defence capabilities in collaborative manner under the European Defence Agency coordination and also contributing with forces and capabilities at EU CSDP missions and operations.

Romania is constantly providing troops in peacekeeping, stabilization or other types of multinational missions and thus contributing to the enhancement of the international security and stability.

2. EXISTING STRUCTURES AND PROCESSES

2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence service and the police?

The Military and other constitutionally established components of the national defence system are subordinated exclusively to people’s will, to guarantee the state sovereignty, independence and unity, territorial integrity of the country and constitutional democracy.

Romanian Constitution, art. 118

The regime of the total or partial mobilization of the armed forces or of the state of war and the organization of the Supreme Council of National Defence is established by organic laws adopted by the Parliament, with the majority vote of each chamber.

Romanian Constitution, art. 73

The Government and other public administration organs, through the parliamentary control of their activity, are compelled to present the information and the documents required by the Chamber of Deputies or the Senate.

Romanian Constitution, art. 111

The Romanian Intelligence Service (SRI) is the State autonomous authority specialized in Romania's national security intelligence on its territory. It is part of the national defence system, its activity being organized and coordinated by the Supreme Council of National Defence.

The activity of the Romanian Intelligence Service is controlled by the Parliament. Annually or at the request of the Parliament decides, the director of the Romanian Intelligence Service presents reports on the Service's activity.

In order to exercise a permanent and direct control over the activity of SRI, a common commission of both Chambers is constituted.

Law no. 14/1992 on the organization and functioning of the Romanian Intelligence Service.

Decision of the Parliament 30/1993 updated by Decision of the Parliament 29/2017 on the organization and functioning of the Joint Standing Committee of the Chamber of Deputies and Senate for exercising the parliamentary control over the activity of RIS

The Foreign Intelligence Service is part of the national defence system. Its activity is organized and coordinated by the Supreme Council of National Defence.

Law no. 1/1998 reissued on 2000, on the organization and functioning of the Foreign Intelligence Service

The control of the activity of the Foreign Intelligence Service is exercised by the Romanian Parliament, maintaining the means and the sources of information secret. For this purpose a special commission is constituted, composed of four deputies and three senators elected within the Commissions for defence, public order and national security of the two Chambers. The objective of the control is to verify the consistency of the activity of the Foreign Intelligence Service with the provisions of Romanian Constitution. The organization, operation and modalities to exercise the control are established by a common decision of the two Chambers.

Law no.1/1998 reissued on 2000, on the organization and functioning of the Foreign Intelligence Service, with subsequent amendments

The Police is part of the public order and safety structures of the Ministry of Internal Affairs.

The Ministry of Internal Affairs is responsible to the Parliament, to the Supreme Council of National Defence and to the Government for applying the provisions of the Constitution, of the national law and of the international treaties to which Romania is a state party.

Law no. 604/2003

The General Directorate for Intelligence and Internal Protection is the specialized structure of the Ministry of Internal Affairs that heads intelligence, counterintelligence and protection activities to support public order maintenance and to prevent and combat the threats against national security which concern the missions, personnel and the assets of the Ministry of Internal Affairs.

Government Emergency Ordinance no. 76/2016 on the establishment, organization and functioning of the General Directorate of Internal Protection of the Ministry of Internal Affairs, approved by Law no. 194/2017

2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities / institutions are responsible for exercising these procedures?

The Parliament exerts the main civilian control over the military. Documents and reports are put forward to the Parliament.

The Parliamentary Commissions for defence, public order and safety and those for the control of the activity of the Romanian Intelligence Service and of the Foreign Intelligence Service examine the projects of law in the field of defence and national security and have the right to control the activity of these institutions.

The Parliament is the unique public authority that approves the laws referring to the fields of national defence and security, and also to the budgets for defence. The Parliament has the authority to declare the mobilization of troops and the state of war, the participation in peacekeeping and humanitarian operations.

The Supreme Council of National Defence coordinates the activities on defence and national security issues.

The President is the chief of the Armed Forces and the Supreme Council of National Defence Chairman.

The Government has also responsibilities in the area of national security and defence policy.

The Constitutional Court checks the legality and constitutionality of the defence and security laws.

The President is the commander of the armed forces. He is the chairman of the Supreme Council of National Defence.

The Government of Romania is the main state institution with attributions in the defence and national security policy. These policies are comprised in the Government Program. The Government proposes the defence budget, within the framework of the state budget. Romania has no paramilitary forces.

The organization of military or paramilitary activities outside the framework of a state's authority is forbidden.

Romanian Constitution, art. 118

2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

Roles and missions of the Military

The Military is exclusively subordinated to people's will in order to guarantee the sovereignty, the independence and the unity of the state, the territorial integrity of the country and the constitutional democracy under the provisions of the law and of the international

treaties to which Romania is part. The Military contributes to the collective defence within the military alliance systems and participates in peace keeping or resettlement actions.

Romanian Constitution, art. 118

The Romanian Armed Forces will focus their efforts to fulfill the following **specific tasks**:

- a) Achieve a force structure with a proper reaction capacity, in accordance with plans developed at national and NATO level;
- b) Develop and make use of a high-performance decision-making process, of an adequate command-control systems, and sufficient joint response capabilities;
- c) Develop and improve a resilient information system to defend and prevent strategic surprise;
- d) Develop modern capabilities for operations in the cyberspace field;
- e) Maintain an integrated and efficient logistic system;
- f) Pursue the endowment with modern equipments, compatible and interoperable with those used by other NATO countries or EU member states;
- g) Maintain an adequate standardization system in the field of concepts, doctrines, procedures and technical equipment projects;
- h) Develop a modern and high-performance education system;
- i) Maintain and improve an internal Research - Development - Innovation system with an adequate structure in terms of quality and operation, conceptual, organizational and action framework appropriate to preventing and counteracting cyber threats;
- j) Develop modern capabilities in the military medical field;
- k) Identify adequate intervention capabilities to support central and local public administration in emergency situations.

The White Paper on Security and National Defence 2020

Roles and missions of the paramilitary forces

Romania does not have any paramilitary forces.

Roles and missions of the public order and safety forces

The public order and safety forces are part of the Ministry of Internal Affairs' structures. The Ministry of Internal Affairs is responsible to ensure public order, the fundamental human rights and freedoms, the observance of the public and private property; to prevent and fight against crime; to consolidate democratic society; to defend the independence, sovereignty and territorial integrity of the state.

The structures for public order and safety subordinated to the Ministry of Internal Affairs are: the Romanian Police, the Romanian Gendarmerie, the Border Police, the Authority for Foreigners, the National Office for Refugees, the Directorate for Persons' Record and Databases Management and the Aviation General Inspectorate.

Government Emergency Ordinance 30/2007

The Romanian Police is the specialized state institution that exercises attributions on defending the fundamental rights and freedoms of the individual, the public and private property, on the prevention and discovering of the offences, on the observance of the public order and safety under the law.

Law no. 218/2002

Romanian Gendarmerie is the specialized state institution, with military status, part of the Ministry of Internal Affairs, which has, under legal provisions, attributions on defending public order, fundamental rights and freedoms of the citizens, public and private property and on the protection of the fundamental state institutions and combating terrorist acts.

Law no. 550/2004

The Romanian Border Police is part of the Ministry of Internal Affairs and represents the specialized state institution that exercises attributions on crossing oversight and control of the state border, on preventing and combating the illegal migration and the border-crossing criminal specific acts, on the observation of the legal regime of the state border, of passports and foreigners, on ensuring the interests of the Romanian state in the area between the Danube and Sulina Channel, in the contiguous and exclusive economical area, on the observation of the order and public.

Government Emergency Ordinance no. 104/2001

Control

The Parliament oversight on the Government and other public administration institutions activity is enshrined in Romanian Constitution.

3. PROCEDURES RELATED TO DIFFERENT FORCES PERSONNEL

3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your state have?

Military forces

During peacetime military forces are composed of professional military personnel (active officers, warrant officers, NCOs and contract employed militaries) and civil employees. During a state of war or siege military forces are composed of professional military personnel, military personnel fulfilling the mandatory military service and civil employees.

Law no. 446/2006 amended and supplemented by Law no. 128/2012 on the preparation of the population for defence

Law no. 395/2005 on suspension of the mandatory military service and transition to the voluntary military service

Professional military personnel

The recruitment of the candidates to serve as professionals in the military is done by identifying, informing, attracting and orienting the graduates of the civil education institutions to military institutions that form the professional military personnel.

In order to become part of the professional military corps, there are two ways of access: the direct way (undergraduate and graduate studies) and the indirect way (formation courses for active officers, warrant officers and NCOs) differentiated by length and curricula depending on the military formation level and the civilian studies graduated.

When entering the system, the professional military personnel must sign a contract with the military institution by which they assume the obligation to serve the Military for a period of five to nine years, depending on the duration of the studies supported by the Ministry of National Defence.

Volunteer enlisted soldiers

To choose a career as a volunteer enlisted soldier, the candidate must meet the following requirements:

- to have Romanian citizenship and residence in Romania
- to be between 18 and 45 years old
- to graduate the first cycle (10th grade) of high school or vocational schools
- to be medically fit for the branch they apply to
- to pass a psychological and physical exam
- to have no criminal record or not be in course of investigation or judged for committing offences
- not to be a member of a political party
- not to be member of organizations banned under Romanian law
- not to be a member in commercial organizations.

The employment is based on individual contract signed initially for a four years period and afterwards for a 4 years period until the age of 55. The candidates without military background sign the contract after the completion of 2 – 5 months of basic military training.

The selection procedure comprises:

- psychological testing consisting of IQ tests, personality tests, situational tests (evaluating the leadership capacities)
- physical tests

Law no. 384/2006 on the status of volunteer enlisted soldiers with subsequent amendments

The mandatory military service (in case of state of war or siege)

The citizens have the right and obligation to defend Romania. The conditions on the fulfillment of military duties are established by organic law.

Romanian Constitution

The activities carried out to fulfill military duties or alternative activities due to religious or conscience reasons do not constitute forced labor.

Romanian Constitution, art. 55

During a state of mobilization, war or siege, the military service is mandatory for men with ages between 20 and 35.

Law no. 446/2006

Since 01 January 2007 the execution of mandatory military service is suspended. Romanian citizens, male or female, meeting the requirements provided by law, may voluntarily enroll in any form of military service, without any discrimination.

Law no. 395/2005 on suspension of the mandatory military service during peacetime and transition to military service on a voluntary basis – art. 1, 2

The legal framework regarding the procedures for the recruitment and incorporation of the citizens that will serve in the military and the exemption situations of serving in the military service or alternative services, is given by the Law no. 446/2006 amended and supplemented by Law no. 128/2012 on the preparation of the population for defence.

The local commissions, establish military territorial commissions for this purpose, which proceed to the recruitment and the incorporation of the citizens. The Government Decision no. 1204/2007 amended and completed by Decision no. 946/2012 establishes the manner of providing the necessary labor force for mobilization and war based on citizens fulfilling their military obligations.

The civil employees

The selection of the civilians applying for employment in the military forces is made through contest.

The candidates must fulfill certain criteria regarding the citizenship and must not be involved in political activities. Their behavior in society and recommendations from previous jobs are also taken into account.

The paramilitary forces

Romania does not have paramilitary forces.

The structures for public order and safety

The forces for public order and safety are part of the Ministry of Internal Affairs.

The personnel of the Ministry of Internal Affairs consists of: civil servants, policemen – civil servants with special status, active military personnel, contract employed personnel and volunteer enlisted soldiers.

Government Emergency Ordinance no. 30/2007

The policeman is a civil servant having a special status, armed, usually wearing uniform and exercising the attributions established by law for the Romanian Police, as a specialized state

institution. He is invested with the exercise of the public authority during and in relation with the fulfilment of his duties and attributions, within the limits of his competencies established by law.

The policemen are usually graduates of the Ministry of Internal Affairs education institutions. The police officers can also be appointed from among policemen who graduated civilian universities with specializations required by the Ministry of Internal Affairs, established by order of the minister. For some appointments, specialists who graduated studies according to the requirements of the appointment and who correspond to legal conditions can be directly employed or transferred from other public institutions with attributions in the field of national security and defence.

The admittance in the Ministry of Internal Affairs education institutions is made through contest. The selection for the employment of police specialists is made, as applicable, based on contest or exam.

Law no. 360/2002 on the Status of the Policemen

The candidates recruited for direct employment according to the Ministry of Internal Affairs units must fulfill cumulative conditions established for each appointment.

The moment a person receives the policeman status marks the beginning of the work relations with the Ministry of Internal Affairs, for an undetermined period. The candidates admitted in the institutions for the basic formation of policemen sign a contract with the Ministry of Internal Affairs on the obligation to fulfill 10 years of service in the units of the Ministry, immediately after the completion of studies.

The active professional militaries from the Ministry of Internal Affairs observe the provisions of the Law no. 80/1995 on the Status of the Professional Militaries, with subsequent amendments.

The service relations of the active professional militaries of the Ministry of Internal Affairs last for an undetermined period, starting at the receiving of the rank. For their recruitment, selection and employment, procedures adapted to the attributions and the specific of the institution are established.

The volunteer enlisted soldiers and NCOs are a professionalized personnel category of the Ministry of Internal Affairs that have the status of an active military and are subject to military hierarchy.

The selection of the volunteer enlisted soldiers is made according to the same conditions previously presented for the Military.

The regulations on the fulfillment of the military service and the employment of civilians are the same as for the Ministry of National Defence.

3.2 What kind of exemptions or alternatives to military service does your state have?

The following categories of persons do not fulfill military service and cannot be conscript:

- alienated and mental disabled persons

- those qualified as unfit for military service, by exclusion from the military databases, for invalidities or permanent illness, other than those mentioned above
- the personnel belonging to religious communities recognized by law
- the convicted persons during the conviction period and those arrested preventively or judged, up to the time the decision remains definitive
- those who suffered convictions of more than five years following offences committed with intention.

Law no. 446/2006

The citizens which for religious reasons refuse to serve in the Military fulfill the alternative military service. The manner to fulfill the alternative military service is established through a decision of the Government.

Law no. 446/2006

3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

The protection of the rights of military personnel is ensured by a legal framework based on Constitutional provisions. Two systems are settled within the Ministry of National Defence, to defend the rights of the personnel:

- the first system regards the legal possibility of each military or civilian employee to address, through reports, memoirs, requests or claims submitted hierarchically to the highest leadership level of the Military or to other state bodies;
- the second system covers the field of social problems within the Military. It was created to identify malfunctions of social nature and for their prevention.

The main rights of the active military personnel and of the civil servants with special status are:

- financial rights, leaves, supplementary leave to study, medical, paternity, maternity or baby care
- personnel equipment, food and medical care
- service pension for invalidity or successor
- indemnities for invalidity or death cases produced as a consequence of military actions, by accidents, disasters or other similar events produced during and due to the military service or during missions within the international forces designed for peacekeeping or for humanitarian purposes
- reduction of the working time in the case of effective and permanent activity under difficult conditions

The rights of the voluntary soldiers are:

- monthly salary;

- equipment and food free of charge;
- medical healthcare and medicines free of charge;
- military free transportation documents for the annual vacation or if they are moved from a garrison to another;
- 32 days of leave each year;
- to receive leave for different special events;
- to receive leave for baby care under the law;
- to receive a monthly extra-payment for providing accommodation or a free of charge service accommodation if applicable;
- to follow any form of education from the civil or military education system.

Law no. 384/2006 on the status of volunteer enlisted soldiers, with subsequent amendments, establishes the rights of the voluntary soldiers.

The Government Decision no. 1580/2002 for supplementing of the Government Decision no. 442/1992 on the vacations of the active military personnel established a supplementary vacation for the military returning from the operation theatres.

The main rights of the civilian employees, distinct from the rights of the military personnel and of the civil servants with special status are:

- the financial rights, the vacations, the supplementary outs for paternity, maternity, baby care or outs unpaid
- the medical care
- the reduction of working time for the effective and permanent activity under difficult conditions
- the service, invalidity or successor pension
- the modalities of evaluation and promotion

To exercise the work duties, the policeman benefits from a special protection system according to the law.

The policeman and his family members have the right of protection on behalf of the specialized state structures against threats or violence during one's work duties.

In order to protect the rights of the policemen, the National Corps of the Policemen works within the Ministry of Internal Affairs, acting as a legal entity of public law.

The National Corps of Policemen represents the policemen autonomous, non-political, and non-profit organization on professional criteria. It exercises its attributions to promote the professional, social, cultural and sports interests of its members, according to the legislation in this field and to defend their rights.

The policeman has the right to receive salary and extra-payments, duty uniform, specific equipment, medical treatment, vacations, outs, pension, vacation tickets and the right to wear all time the service weapon.

Law no. 360/2002, Government Decision no. 1305/2002

4. IMPLEMENTATION OF OTHER POLITICAL NORMS, PRINCIPLES, DECISIONS AND INTERNATIONAL HUMANITARIAN LAW

4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

In order to fulfill the obligations pertaining to Romania, according to the international treaties in the area of humanitarian law, the Government's Decision no. 420/2006 amended and supplemented by Decision 408/2011 instituted the National Commission of International Humanitarian Law, as a consultative body of the Government, without legal personality.

The Commission comprises a representative of each of the following Ministries: the Ministry of Foreign Affairs, the Ministry of National Defence, the Ministry of Justice, the Ministry of Internal Affairs, the Ministry of National Education and the Ministry of Health.

By Decision no. 298 of 17 December 2007, the Prime minister approved the National Strategy of Romania for the enactment of international humanitarian law, with the purpose of ensuring that the obligations pertaining to Romania, as a result of ratifying international treaties in this field, are known, respected and disseminated amongst civil society.

The principles and the norms of Humanitarian Law (The Law on War, The Law on Armed Conflicts) were comprised in the new defence laws and in the military regulations.

A Legal and International Humanitarian Law Office works within the Defence Staff and within the headquarters of the categories of forces, coordinating the integration of International Humanitarian Law provisions in the military education programs and in forces training programs. In 1993 the Centre for International Humanitarian Law was founded in Ploiesti.

The Centre issued a Methodology for the personnel of the Ministry of National Defence.

A consistent program for education in the field of the Humanitarian Law was established at the National Defence College, at the National Defence University and at the Military Academies of the categories of forces. This programme includes annual courses for trainers in the field of IHL, courses on IHL in accordance with Article 83 of the Additional Protocol I to the Geneva Conventions of 1949, scenario-based training sessions that require understanding the norms of IHL and the introduction of IHL in the training programmes for the military personnel participating to military operations/missions abroad.

The Government Regulations no.420/2006 amended and supplemented by Decision 408/2011 established the settlement and organization of the National Commission on International Humanitarian Law and the Prime Minister Decision no. 298/2007 approved the National Strategy of Romania on applying International Humanitarian Law.

4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

The commanding officers, the military and civilian personnel participating in peace support operations or in international military exercises follow a special training on International Humanitarian Law aspects.

The Geneva Conventions and their Additional Protocols, Hague Convention, the Status of the International Criminal Court and other international treaties were translated, printed and distributed to the military units and educational institutions and constitute the basic sources in the educational and training process, in planning and conducting military operations.

In 2005, the Centre of International Humanitarian Law elaborated, for the instruction of military personnel from Ministry of National Defence, the Methodology of the Training in the Field of International Humanitarian Law and the Regulation on the Status of Captured Persons in Case of Armed Conflict.

If the commanding officer of the Romanian detachment receives an order or a directive issued by the hierarchically superior authorities of the mission that is against international law or the law of war, he/she will refuse to execute the order or the directive.

Law no. 121/2011 on the participation of armed forces in missions abroad

The National Commission of International Humanitarian Law, which is a consultative body of the Government, monitors permanently the full and correct implementation of the provisions of International Humanitarian Law in the national system.

4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

As stipulated in art. 118 of Romanian Constitution, the components of the Romanian National Defence System can act only to “guarantee the sovereignty, independence and unity, the territorial integrity of the state and its constitutional democracy”.

The decisional process for the actions of the Military is complex, involving an important number of national authorities or decision makers, thus having the guarantee that the national legal provisions are fully respected.

Also, the obligations and duties of the militaries as stipulated in the Law no. 80/1995 on the Status of the Professional Militaries with subsequent amendments or in the Law no. 384/2006 on the Status of the Officers NCOs and enlisted militaries with subsequent amendments exclude any involvement in actions envisaging the limitation of the peaceful and lawful exercise of human and civil rights by persons in their capacity as individuals or as representatives of groups.

According to the provisions of the same laws:

“the militaries should not perform any actions which are against the legal provisions, the law of war or the international conventions to which Romania is a state party; the failure to comply with orders in these conditions will not be punished.”

4.4 What has been done to provide for the individual service member's exercise of his or her civil rights and how your State ensure that the country's armed forces are politically neutral?

As citizens of Romania, militaries have the same rights and obligations as all other citizens. Except for specific restrictions or restraints imposed to perform the military duty, the military personnel can exercise its civil rights as any other citizen of Romania.

Law no. 80/1995 on the Status of the Professional Militaries with subsequent amendments and Law no. 384/2006 on the Status of the Officers NCOs and enlisted militaries with subsequent amendments establishes the rights and duties of the militaries.

The active officers or NCOs are not allowed to:

- be members of political parties, formations or organizations or to advertise by any means or activities in favor of any party or independent candidate for a public position;
- candidate for positions in the local public administration or in the Parliament, or for the position of President of Romania; Political opinions can be expressed only out of the duty period;
- to declare or participate in the strike.

Law no. 80/1995 on the Status of officers and NCOs, Art 28

4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

The defence policy and doctrine are issued with full compliance with the national and international legal framework. According to Law no. 590/2003 on International Treaties, Section 1, Art 31:

- obligations in the Treaties ratified or otherwise agreed by Romania shall be observed exactly and in good faith;
- the application and observation of the provisions of the Treaties in force is an obligation for all authorities of Romania as well as for all Romanian persons or the persons on the territory of Romania
- internal legal framework cannot be invoked to motivate the non-observance of the provisions of an international treaty in force.

Section III: Public access and contact information

1. PUBLIC ACCESS

1.1 How is the public informed about the provisions of the Code of Conduct?

Information on the Code of Conduct is comprised in the specific formation of the military personnel and in the specific formation courses for the high level decision personnel from the military or political system. The Code of Conduct is mentioned on the MFA website <http://www.mae.ro/node/1981>. Also reference is made to Regional seminar on the OSCE

Code of Conduct on Politico-Military Aspects of Security, hosted by Romania during 14-18 May 2018 <http://www.mae.ro/en/node/46263>.

1.2 What additional information related to the Code of Contact, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

Information on the Code of Conduct in Romania is distributed mainly to the decision makers from the defence system or to relevant institutions. The public can access the Answer to the Questionnaire on the Code of Conduct via the OSCE website.

1.3 How does your State ensure public access to information related to your State armed forces?

The right of the individual to access any information of public interest cannot be obstructed. The public authorities, according to their competences, are obliged to ensure the correct information of the citizens on the activities of public interest.

Romanian Constitution, art. 31

The main national regulations on the public access to information regarding the armed forces are comprised in:

- Law no. 544/2001 on the free access to the information of public interest and the Government Decision

123/2002 on the approval of the Methodological Norms for the application of this law

- Law no. 52/2003 reissued on 2013 on decisional transparency in the public administration with subsequent amendments

Based on the provisions of these laws, public relation structures are settled at the level of the Ministry of National Defence, of the Ministry of Internal Affairs and of the intelligence Services, which have the obligation to communicate voluntarily or to follow a request of information of public interest regarding their institutions. Internal instructions or regulations regarding the functioning of these public relations structures were also elaborated.

According to the provisions of the law on decisional transparency in the public administration, the Ministry of National Defence, the Ministry of Internal Affairs and the Intelligence Services have the obligation to publish the normative acts regulating their organization and functioning, their financial sources, their budget and accounts, their specific programs and strategies, the list of the documents of public interest, the contact coordinates, the legislative initiatives etc. Each institution being in charge of elements comprised in the armed forces have websites where they add information of public interest.

The above mentioned laws also provide a clear sanctioning mechanism in case of noncompliance.

2. CONTACT INFORMATION

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct

Ministry of Foreign Affairs of Romania

OSCE, Non-proliferation and Arms Control Directorate

Tel: + 40 21 431 12 62

Fax: + 40 21 431 18 04

E-mail: don@mae.ro

Section IV

Updated Indicative List of Issues Pertaining to Women, Peace and Security to be provided in the Questionnaire on the OSCE Code of Conduct

This document provides an indicative list of issues, which aims at providing useful information on Women, Peace and Security aspects for participating States replying to the Questionnaire on the OSCE Code of Conduct on Politico-Military Aspects of Security.

It is structured around the four pillars of UNSCR 1325 (Prevention, Participation, Protection and Sustaining Peace) and is set out in two parts for each pillar:

- PART A Checklist of key commitments and measures taken by participating States;
- PART B More detailed information for sharing good practice between participating States.

3.1. PREVENTION

A. Checklist of key commitments taken by participating States

LIST OF INTERNATIONAL AGREEMENTS AND ARRANGEMENTS

Please indicate if your State is party to the following universal and regional legal instruments relevant to protecting women, peace and security. If your State is not a party to a treaty, but considers becoming a party, kindly indicate at which stage is such consideration (e.g., undergoing inter-ministerial co-ordination, approved by government and sent to parliament, approved by parliament and awaiting enactment by president, etc.)

Name of the treaty		Party by: ratification P(R), accession P(a), succession P(s), acceptance P(A), approval P(AA), or Not party	Law and date of ratification, accession, succession, acceptance, or approval
Universal legal instruments			
1.	Protocol Supplementary to the United Nations Convention Against Transnational Organized Crime to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (2000)	N/A	N/A

2.	United Nations Convention on All Forms of Discrimination Against Women (1979)	Yes	Ratified January 7 th 1982
The Council of Europe legal instruments			
3.	European Convention Against Trafficking in Human Beings (2005) CETS No: 197	N/A	N/A
4.	European Convention on Preventing and Combatting Violence Against Women and Domestic Violence (2011) CETS No: 210	Yes	Law No. 30/2016

	Other arrangements	Yes	No
5.	National Action Plan on UNSCR 1325	x	
6.	National legislation to implement the UN CEDAW convention (if a party), with particular reference to combating discrimination in employment, education, access to health services and participation in institutions ensuring democratic oversight and public scrutiny of the security sector.	x	
7.	Other related information, clarification or details to share: N/A		

B. Checklist of key measures taken by participating States

Please indicate if your State has the following preventative measures in place. More detailed information of the preventative measure can be included in Part B below.

	Type of Measure	Yes	No
1.	Mechanism to assess risk of abuse of small arms to commit or facilitate serious acts of gender-based violence and violence against women and children	N/A	N/A
2.	Inclusion of women's organisations and women in religious, ethnic minority or community groups in measures <ul style="list-style-type: none"> - to counter and prevent terrorism and violent extremism - to raise awareness of the potential risks of exploitation and radicalization¹ 	N/A	N/A

¹ See also similar question 3a in form to input to UN SG UNSCR 1325 report.

3.	Inclusion of gender perspective and special needs of women and girls in a national counter-terrorism strategy ²	N/A	N/A
4.	Inclusion of specific matters related to the protection of women's and girl's rights in the basic education of armed forces.	x	
5.	Availability of specialised in-service training for armed forces personnel on the protection of women's and girl's rights.	x	
6.	Inclusion of specific matters related to the protection of women's and girl's rights in the pre-deployment training for international peacekeeping missions.	x	
7.	Plans to address and gather information from local women's populations in areas at risk of conflicts.	N/A	N/A
8.	Mechanisms to monitor and evaluate the implementation of gender mainstreaming into operations	x	
9.	Feedback mechanisms: - from operations to chiefs of defence or military planners - between forces leading multi-national missions and forces providing personnel to such missions	x	
10.	Membership of a regional network or leadership network such as the WPS Chiefs of Defence Network	x	
11.	Other related information, clarification or details to share: <i>Military guidelines regarding the implementation of gender perspective in the Ministry of National Defence, which was approved by the Disposition no DRP-2 by the State Secretary for the Parliament Liaison and Personnel Welfare.</i>		

C. More detailed information for sharing good practice between participating States

1. National Action Plan on UNSCR 1325

1.1 In case you have a National Action Plan on WPS, how is your NAP developed, implemented and its impact assessed, including involvement of women's organisations and other civil society organisations and co-ordination across government?

Romania has adopted the National Strategy and National Action Plan regarding the implementation of UNSCR 1325 (2000) Women, peace and Security 2020-2023, approved by the Government Decision no. 561/2020, an instrument dedicated for the elaboration of common policies and guidelines for the implementation of the *Women, peace and security Agenda* by the national security institutions of Romania, as well as by other institutions of the central administration with responsibilities, in the field of Women, peace and security, and its objectives are:

- gender mainstreaming in defense and security policies;
- increasing women participation in peace negotiation, peace process, peace mediation and within peacekeeping missions;

² See also similar question 3a in form to input to UN SG UNSCR 1325 report.

- preventing and combating all forms of gender discrimination, harassment and sexual violence;
- collaboration with the civil society in the implementation process.

The second National Strategy and National Action Plan for 2024-2027 has been approved by the Romanian Government.

1.2 In case you have a National Action Plan on WPS, who takes the lead and owns the budget?

What contribution is made by your defence ministry and security forces?

The Ministry of National Defense has taken the lead in promoting and implementing the Women, Peace and Security Agenda at national level. Allocation of 2,5% of GDP for defense and the support for increased representation of women at all decision-making levels both nationally and regionally and/or at the level of international institutions, in consultation with women's groups at local or international level, are part of the set of actions/measures for the implementation of the WPS agenda.

During 2023, the Romanian Focal Point co-chaired the UN Women, Peace, and Security Focal Points Network alongside with the United States Focal Point.

The Co-Chairs and UN Women hosted three in-person conferences and events:

- ✓ The 5th Capital-Level meeting in Washington, D.C. 5-9 of June 2023;
- ✓ The UN General Assembly Ministerial Level Side-Event in New York City, 19-21 September 2023;
- ✓ The Focal Points Conference held in Bucharest, 7 - 9 of November 2023.

Moreover, by Government Decision, the Ministry of National Defense funded the National Focal Point's activities during the co-chairship and the UN Focal Points Conference, held in Bucharest, in November 2023, by allocating approximately 200.000 Euro.

1.3 In case you have a National Action Plan on WPS, how does the NAP support enhancement of institutional capacity in defence and security?

The National Action Plan application tracking is executed by the National Implementation Group, which includes representatives from the following institutions: Ministry of National Defense, Ministry of Foreign Affairs, Ministry of Internal Affairs, Romanian Intelligence Service, Special Telecommunication Service, Protection and Guard Service, National Agency for Equal Opportunities between women and men.

1.4 In case you have a National Action Plan on WPS, how do you publicise progress on implementation of your NAP?

Romania is systematically improving and updating its objectives regarding to WPS Agenda monitoring and evaluating our priorities by publishing all the results/conclusions via the website: <https://gendermanagement.mapn.ro/>.

2. Measures to prevent sexual and gender-based harm

2.1 Horizon scanning, intelligence and risk?

- **How do you include systematic gender analysis of areas at risk of conflict, including Gender-disaggregated socio-economic indicators, power over resources and decision-making, increases in sexual and gender-based violence, on-line and other threats of violence against women in public life, journalists and those providing humanitarian assistance?**

N/A

- How do you incorporate a gender perspective into actions preventing and combatting the tensions which lead to conflict, such as increases in sexual and gender-based violence, terrorism, violent extremism and human trafficking?

N/A

- What is the role of your military, police and other security personnel in such activities?

N/A

2.2 Planning.

- How do you incorporate a gender perspective into operational planning?

Romania incorporates a gender perspective into operational planning according to the provisions of the *Military guidelines regarding the implementation of gender perspective in the Ministry of National Defence*, which was approved by the Disposition no DRP-2 by the State Secretary for the Parliament Liaison and Personnel Welfare.

- How do you plan to address and gather information from local women's populations in areas at risk of conflict?

Romania follows the provisions of the *Military guidelines regarding the implementation of gender perspective in the Ministry of National Defence*, which was approved by the Disposition no DRP-2 by the State Secretary for the Parliament Liaison and Personnel Welfare.

2.3 Awareness and understanding of WPS at all levels and types of security personnel.

- What training do you give on incorporating a gender perspective and protecting the rights of women and girls to security personnel at basic education, officer training and specialised in-service training?

The pre-deployment training is one of the Romanian security system priority, thus drafted military personnel for external missions receive training on UNSCR 1325 (2000) regarding WPS. Training topics include: combatting sexual harassment, sexual exploitation and abuse, conflict related sexual violence and the code of conduct in external missions. Training topics include: combating sexual harassment, sexual exploitation and abuse, conflict related sexual violence and the code of conduct in external missions.

-How do you train security personnel to protect women and girls, men and boys from sexual and gender-based violence?³

In order to increase the gender awareness and to implement the gender perspective, Ministry of National Defense has appointed gender advisors into all its structures. Each gender advisor can hold trainings sessions for the entire personnel with the help of the *Military guidelines regarding the implementation of gender perspective in the Ministry of National Defense*, which was approved by the Disposition no DRP-2 by the State Secretary for the Parliament Liaison and Personnel Welfare. According to the above-mentioned order, they should hold at least 1 training session per year.

2.4 Vetting of security personnel, especially pre-deployment

- What measures do you take to vet and prevent the recruitment, retention, promotion and deployment of security personnel with a record of sexual or gender-based violence or other violations of human rights?⁴

³ See also similar question 6a in the NATO Sexual Exploitation and Abuse (SEA) Implementation Progress Report.

⁴ See also similar question 2 and 8 in the NATO Sexual Exploitation and Abuse (SEA) Implementation Progress Report.

Romanian Armed Forces promote and support fair and balanced access at all hierarchical levels for men, women, military or civilian personnel, to both leading executive positions with the observance of complying the performance selection criteria, we currently have no limitations as regards the access of women to any service. They can fulfill any of the positions with the condition of complying all the eligibility and competency criteria.

This is why measures such as encouraging the increase of the number of women in high-level positions, promoting gender equality as a key factor in combating stereotypes and gender mainstreaming, and increasing women's participation in the field of security and defense are extremely important and also in relation with the new role of tech, cyber, and AI, with regard to the future military and security efforts.

2.5 Other preventative measures

- What other preventative measures do you have, for example to prevent sexual abuse or sexual exploitation on deployments and other forms of engagement of security forces abroad?⁵

Romania integrates gender dimensions in all aspects regarding national security and stability, thus drafted military personnel for external missions receive pre-deployment training on UNSCR 1325 (2000) regarding WPS. Training topics include: combating sexual harassment, sexual exploitation and abuse, conflict related sexual violence and the code of conduct in external missions.

3. Leadership, accountability and assurance

3.1 Integrating WPS into the command climate

- How do you integrate a gender perspective and WPS into your policy and operational framework, including military manuals, national security policy frameworks, codes of conduct, protocols, standard operating procedures and command directives?

Romania incorporates a gender perspective into operational planning according to the provisions of the *Military guidelines regarding the implementation of gender perspective in the Ministry of National Defence*, which was approved by the Disposition no DRP-2 by the State Secretary for the Parliament Liaison and Personnel Welfare.

3.2 Accountability and Performance assessment

- What measures, systems or procedures do you have on individual and collective accountability for acting in accordance with such polices or directives?

Romania incorporates a gender perspective into operational planning according to the provisions of the *Military guidelines regarding the implementation of gender perspective in the Ministry of National Defence*, which was approved by the Disposition no. DRP-2 by the State Secretary for the Parliament Liaison and Personnel Welfare.

3.3 Assurance

- How do you provide specialist advice to operational commanders on WPS?

Ministry of National Defence has appointed gender advisors into all its structures, till battalion level.

⁵ See also similar question question 7 in the NATO Sexual Exploitation and Abuse (SEA) Implementation Progress Report.

- What systems or measures do you use to co-ordinate specialist advice on WPS throughout your security forces and to provide democratic oversight?

Each gender advisor holds trainings sessions for the entire personnel using the *Military guidelines regarding the implementation of gender perspective in the Ministry of National Defense*, which was approved by the Disposition no DRP-2 by the State Secretary for the Parliament Liaison and Personnel Welfare. According to the above-mentioned order, they should hold at least 1 training session per year.

4. Sharing of good practice

4.1 How do you share good practice and learn from others?

The Gender Management Office is systematically organizing conferences and workshops which are covering the topics related to integrating gender perspective into our operational framework and more.

Romania has a unique approach in implementing the WPS Agenda by:

- having the Ministry of National Defense in lead for implementing the domain;
- designating an officer as National Focal Point;
- working together within the National Implementation Group for monitoring and evaluation;
- offering a complete transparency by posting all legislation and activities on the National Focal Point webpage: <https://gendermanagement.mapn.ro/>.

All those points mentioned above have qualified our country as a reliable partner for The United States to co-chair in 2023 the UN Women, Peace, and Security Focal Points Network.

The Co-Chairs and UN Women hosted three in-person conferences and events:

- ✓ The 5th Capital-Level meeting in Washington, D.C. 5-9 of June 2023;
- ✓ The UN General Assembly Ministerial Level Side-Event in New York City, 19-21 September 2023;
- ✓ The Focal Points Conference held in Bucharest, 7 - 9 of November 2023.

During their co-chairship term, the United States and Romania were focusing on the following key themes:

- ✓ The adaptability and evolution of WPS as a framework for designing and implementing policy change through an inclusive approach;
- ✓ The shared solidarity of the National Focal Points;

Adjusting WPS efforts and actions to meet global requirements through a national focus on WPS and continued support for WPS National Action Plan implementation.

3.2 PARTICIPATION

A. Checklist of key measures taken by participating States

Please indicate if your State has the following measures in place to increase women's participation in security forces and decision making, including at all stages of any peace-making process. More detailed information of such measure can be included in Part B below.

	Type of Measure	Yes	No
1.	Collection and monitoring of sex disaggregated statistics on applicants to armed forces	x	
2.	Policies to attract female candidates (targeted campaigns, review of accession tests etc)		x
3.	Policies to promote equal opportunities for women and men across the security sector	x	
4.	Collection and monitoring of sex disaggregated statistics of armed forces personnel: <ul style="list-style-type: none"> - By rank - By promotion - By retention 	x	
5.	Collection and monitoring of sex disaggregated statistics of complaints by armed forces personnel of: <ul style="list-style-type: none"> - Discrimination - Sexual harassment - Gender based harassment - Sexual violence - Gender-based violence 		x
6.	Collection and monitoring of sex disaggregated statistics of complaints by civilian personnel in the security sector of: <ul style="list-style-type: none"> - Discrimination - Sexual harassment - Gender based harassment - Sexual violence - Gender-based violence 		x
7.	Anonymous staff surveys/climate assessment surveys or similar (monitoring incidences of behaviour contrary to military standards of conduct)		x
8.	Collection and monitoring of sex-disaggregated statistics of: <ul style="list-style-type: none"> - personnel deployed on operations and peace-keeping missions - and by rank 	x	
9.	Collection and monitoring of sex-disaggregated statistics of decision makers in the security sector	x	
10.	Other related information, clarification or details to share: N/A		

B. More detailed information for sharing good practices on participative measures between participating States

1. Measures to increase the number of women in general and in decision-making positions in the armed forces and the Ministry of Defence (and other security forces-optional).

1.1 What are the numbers and percentages of women and men applying for and recruited to your military forces? N/A

1.2 What are the numbers and percentages of women and men in your military forces, disaggregated by rank? N/A

1.3 If you regularly analyse retention and promotion statistics disaggregated by gender and rank, what are the trends and what action, if any, are you taking as a result? N/A

1.4 What are the numbers and percentages of complaints raised by women and men about discrimination, harassment, sexual or gender-based violence? N/A

1.5 How do you monitor outcomes? N/A

1.6 How is a gender-perspective integrated into a ‘climate assessment’ or similar anonymous staff survey, if used? N/A

2. Measures to increase the numbers of women and specialist WPS advisers in peacekeeping forces.⁶

2.1 What are the numbers and percentages of women and men in peacekeeping forces, disaggregated by rank? N/A

2.2 What are the numbers and percentages of international missions to which you appointed Gender Advisers, Gender Focal Points or Women Protection Advisers? N/A

3. Democratic oversight of Security Forces and WPS

3.1 How do your security forces publicise, report on and account for their actions on policies and plans related to WPS? N/A

3.2 What is the representation of women in decision-making positions in institutions ensuring democratic oversight and public scrutiny?

Within the Ministry of National Defence, one State Secretary and the Secretary General are female.

3.3 PROTECTION

A. Checklist of measures taken by participating States

Please indicate if your State has the following protective measures in place. More detailed information of the protective measure can be included in Part B below.

	Type of Measure	Yes	No
1.	Specialist Advisers on WPS: Gender Advisers Gender Focal Points Women Protection Advisers	x	

⁶ See also similar question B1 in form to input to UN SG UNSCR 1325 report.

2.	Policies to protect women and others in conflict and post-conflict areas from sexual abuse and exploitation by your State's security personnel ⁷	x	
3.	Policies which set out the duties of commanders and other superiors to prevent abuse or exploitation by their subordinates.	x	
4.	Collection and monitoring of reported cases of exploitation and abuse allegedly perpetrated by military, para-military and security forces: -referred -investigated - acted upon		x
5.	Measures to increase your State's capacity to investigate alleged violations of human rights and fundamental freedoms in areas of conflict or post-conflict including sexual and gender-based violence ⁸		x
6.	National legislation conferring powers to prosecute alleged extra-terrestrial violations of human rights	x	
7.	Other related information, clarification or details to share:		

B. More detailed information for sharing good practice on protective measures between participating States

1. Measures to embed protection of women and girls in operations and international missions

1.1 How do you define conflict-related violence in your policies, manuals, standard operating procedures and training material?

1.2 Does it include sexual and gender-based violence, forced sterilisations and abductions, also of men and boys, and forced pregnancy and forced abortions? N/A

1.3 Does it include victims of terrorism or other armed groups? N/A

1.4 Number and percentage of participating State's international missions that address specific issues affecting women and girls in their terms of reference and the mission reports. N/A

1.5 How are military, para-military and security forces trained to respond to sexual violence and gender-based harm?

Drafted military personnel for external missions receive pre-deployment training on UNSCR 1325 (2000) regarding WPS. Training topics include: combating sexual harassment, sexual exploitation and abuse, conflict related sexual violence and the code of conduct in external missions.

⁷ See also similar question B2 in form to input to UN SG UNSCR 1325 report as well as question 3a in NATO Sexual Exploitation and Abuse (SEA) Implementation Progress Report.

⁸ See also similar question 4a in Similar question in NATO Sexual Exploitation and Abuse (SEA) Implementation Progress Report.

2. Investigating alleged violations

1.1 How do you identify, record, investigate and prosecute any alleged violations, cases of exploitation and abuse perpetrated by military, para-military and security forces? What experience do you have of such investigations and prosecutions?

Regarding the recording and investigating any case of abuse perpetrated by military, para-military and security forces, Romania is utilizing the national legislation, including the Penal Code.

2.1 What are the number and percentage of reported cases of exploitation and abuse allegedly perpetrated by military, para-military and security forces that are referred, investigated and acted upon? N/A

2.2 How do you ensure access to justice for victims of conflict related violence including cases of exploitation and abuse by military, para-military and security forces?

Regarding the justice for victims of conflicts related violence including cases of exploitation and abuse by military, para-military and security forces, Romania is utilizing the national legislation, including the Penal Code.

3 Other measures to protect women and girls

3.1 What lessons could you share in relation to protective measures? N/A

3.4 SUSTAINING PEACE

A. Checklist of key measures taken by participating States

Please indicate if your State has the following measures in place to sustain peace, especially with regard to relief and recovery and to post-conflict situations. More detailed information of such measures can be included in Part B below.

	Type of Measure	Yes	No
1.	Measures to ensure the involvement of women from the outset in seeking a peaceful settlement of potential or actual conflicts.		x
2.	Measures to support those who have experienced sexual or gender-based violence during or post-conflict to support their recovery from trauma		x
3.	Measures to support the role of women as agents of change and transformation in areas emerging from conflict		x
4.	Measures to support capacity building in the security and other sectors of fragile states or post-conflict situations to protect human rights and fundamental freedoms, especially relating to women and girls		x
5.	Other related information, clarification or details to share: N/A		

B. More detailed information for sharing good practice between participating States

- 1.1 **How do security personnel support and seek to embed the involvement of women in peacekeeping and throughout the peace building and post -conflict process?** N/A
- 1.2 **What training are your security personnel given as regards survivor focus?** N/A
- 1.3 **What roles do your security personnel or other personnel play in support of demobilisation, access to humanitarian assistance or to facilitate re-integration post-conflict?** N/A
- 1.4 **What lessons could you share in relation to recovery and relief issues in the WPS agenda?**

In Romania, all necessary measures have been taken to address the Ukrainian refugee crisis from a gender perspective, by respecting the civilian and humanitarian nature of the camps, taking into account the needs of women and girls from the inception phase of these facilities, as per Pillar IV Relief and Recovery of Resolution 1325 WPS.

In co-operation with the responsible staff of the Department of Emergency Situations, the National Focal Point carried out a fact-finding mission and prepared an assessment report based on a questionnaire, elaborated on UN criteria. The results were forwarded to national and international institutions: UN WOMEN and the relevant offices of other international organizations.

In order to provide specific training, the Gender management office developed a code of conduct (a set of 10 rules), in Romanian and English, which was sent to the staff of the state bodies and volunteers through the Department for Emergency Situations of the Ministry of Internal Affairs.

1. Think, speak, act and behave in a disciplined, empathic and reliable manner.
2. Demonstrate integrity and impartiality. Do not abuse your authority.
3. Respect national and international law, culture, tradition and customs of refugees.
4. Treat refugees with respect, courtesy and care. Do not ask for or accept any material rewards or gifts.
5. Respect human rights. Do not allow immoral, sexually, psychologically abusive or exploitative acts against refugees.
6. Take care of the material goods entrusted to you and do not exchange/trade for personal benefits.
7. Show courtesy to all members of delegations present, regardless of rank or origin.
8. Protect the environment, flora and fauna.
9. Do not engage in alcohol consumption.
10. Treat any information about refugees with discretion.

3.5 FINAL REFLECTIONS

1. Which are the biggest obstacles and the priorities for your country on WPS in the context of the Code of Conduct?

The Romanian National Action Plan regarding the implementation of UNSCR 1325 (2000) Women, peace and Security 2020-2023, approved by the Government Decision no. 561/2020 includes a set of objectives which will continue to be implemented by the governmental institutions. The most notable objectives are:

- Elaboration of further instructions regarding internal implementation of NAP;
- Conducting periodic training concerning gender equality;
- Elaborate a code of conduct from a gender perspective;
- Elaborate internal procedural norms regarding complaint resolution concerning gender discrimination and sexual harassment;

- Train the troops prior to deployment for peace keeping missions on aspects related to the UNSCR 1325 (2000) agenda.

Romania is systematically improving and updating its objectives regarding to WPS Agenda.

2. Would you like to share any additional information, clarification or details?

More details can be found on the following website:

<https://gendermanagement.mapn.ro/>.

**INDICATIVE LIST OF ISSUES PERTAINING TO CHILDREN AND ARMED CONFLICT TO BE PROVIDED AS
VOLUNTARY ATTACHMENT TO THE RESPONSE TO THE QUESTIONNAIRE ON THE OSCE CODE OF CONDUCT
ON POLITICO-MILITARY ASPECTS OF SECURITY**

This document consists of an indicative list of issues, providing useful information on the subject of Children and Armed Conflict (CAAC) for participating States replying to the Questionnaire on the OSCE Code of Conduct on Politico-Military Aspects of Security.

It was proposed by Albania, Belgium, Italy, Norway and Poland as co-chairs of the OSCE Group of Friends on Children and Armed Conflict, which was established on the margins of the OSCE Ministerial Council in Łódź (Poland) in December 2022.

UN Security Council Resolution 2427 (2018) on children and armed conflict, “recogniz[ed] the valuable contribution pertinent regional and subregional organizations and arrangements make for the protection of children affected by armed conflict, [...and] encourage[d] regional and subregional organizations and arrangements to continue mainstreaming child protection into their advocacy, policies, programmes and mission planning [...]” (para 11).

At the 1021st Meeting of the Forum for Security Co-operation under the Belgian Chairmanship and related Security Dialogue on “Children and Armed Conflict” on 14 September 2022, participating States widely recognised the importance of the issue of protecting children in armed conflicts and its relevance within the political-military dimension of the OSCE comprehensive concept of security and toolbox.

A. International legal framework and commitments

1. Please indicate if your State is a party to or has endorsed the following international legal instruments or voluntary commitments. Please also kindly elaborate in case of any reservations or interpretative statements.

	YES	NO	Reservations/ Interpretative Statements
Convention on the Rights of the Child	X		
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography	X		
Optional Protocol to the Convention on the rights of the child on the involvement of children in armed conflict	X		
Optional Protocol to the Convention on the rights of the child on a communication procedure	X		
ILO Convention 182 on the worst forms of child labour	X		
Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on their Destruction	X		
Safe Schools Declaration	X		
Paris Principles and Guidelines on Children Associated with Armed Forces or Armed Groups	X		
Vancouver Principles on Peacekeeping and the Prevention of the Recruitment and Use of Child Soldiers	X		
Political Declaration on EWIPA (Explosive Weapons in Populated Areas)	X		

B. National measures to end and prevent CAAC violations

1. What is the minimum legal age for recruitment (including voluntary recruitment) for service in military, paramilitary and security forces in your State? 18 years old.
2. If the legal age for recruitment is set below 18 years, what measures are taken to ensure compliance with the provisions of the Optional Protocol on the involvement of children in armed conflict, with particular regard to the obligation that children do not directly participate in hostilities and are not subject to mandatory recruitment? N/A
3. Please indicate if your State has any national reference document (for example in the form of laws, regulations, policies or action plans) on issues related to the protection of children in armed conflicts. Law nr. 272/2004 *regarding the protection and promotion of the rights of the child*, includes a chapter with provisions in regards to the protection of children in case of armed conflict.
4. Do the military doctrine and guidance of your State include issues related to children and armed conflict, with particular regard to the six grave violations identified by the UN Security Council: recruitment and use of children, killing and maiming, abduction, rape and other forms of sexual violence against children, attacks on schools and hospitals and military use of schools and hospitals, denial of humanitarian access to children? **NO**

5. How is the protection of children – especially with regard to the above-mentioned six grave violations - included in military planning and other operational considerations, including rules of engagement as relevant? Are there mechanisms to monitor and evaluate the implementation of such specific child protection procedures into operations? **NO**

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<i>If relevant, please also indicate if your States has:</i>	YES	NO
reporting mechanisms specifically related to incidents involving children from operations to chiefs of defence or military planners and between forces leading multi-national missions and forces providing personnel to such missions		X
mechanisms to collect and monitor reported cases of exploitation and abuse allegedly perpetrated by military, para-military and security forces		X
mechanism to assess risk of abuse of small arms to commit or facilitate serious acts against children		X
mechanisms to collect within military operations, humanitarian activities or development cooperation projects disaggregated information per sex, age, sexual orientation, religion, and ethnicity of children affected by armed conflicts		X
mechanisms to protect the anonymity and personal data of children affected by armed conflicts collected during military operations, humanitarian activities or development cooperation projects		X

If yes, please add any relevant information or comments with the view of sharing/identifying best practices.

6. How does the protection of schools in situations of armed conflicts feature in the military planning and other operational considerations of your State, including rules of engagement as relevant? **NO**

C. Education and training activities for troops on CAAC issues

1. Do your armed forces receive dedicated training on issues related to children and armed conflict?

<i>If relevant, please also indicate if:</i>	YES	NO
Specific matters related to children and armed conflict/child protection are included in the basic education of armed forces	X	
Specialised in-service and/or pre-deployment trainings on children and armed conflict/child protection are available		X
Dedicated modules on children and armed conflict/child protection are included in the pre-deployment training for deployment of national contingents or individuals to international peacekeeping missions and military deployments.		X
First aid courses and other medical trainings of armed forces to prevent and respond to child casualties are available		X
Adequate mental health support is provided pre, during and post-deployment for military encountering children during military operations		X

If yes, please add any relevant information or comments with the view of sharing/identifying best practices.

2. Does your State ban military training involving the use of firearms for children under the age of 18 years? **YES**

D. International partnerships

1. In case of collaboration and training programmes of your State with other States, to what extent are issues related to children and armed conflict addressed and included, in particular for those countries that are mentioned in the UN Secretary General annual report on children and armed conflict? **N/A**

2. Does your State support capacity building initiatives in the security and other sectors of other States, in particular those in conflict or post-conflict situations, which include the protection of human rights and fundamental freedoms and respect of international humanitarian law? If yes, to what extent are issues related to children and armed conflict addressed in those measures? **N/A**

3. Please add any relevant information or comments with the view of sharing/identifying best practices. **N/A**