UNIVERSITATEA „BABEŞ-BOLYAI”
FACULTATEA DE DREPT CLUJ-NAPOCA

THE SEX CRIMES

(Table of contents, Abstract, Bibliography)

Scientific coordinator:
Univ. Prof. Ph.d. GHEORGHIŢĂ MATEUŢ

Ph.d. candidate:
Mariana-Narcisa Radu

Cluj-Napoca
2014

Table of Contents

Key words: private life, the right to liberty, sexual inviolability, crime, active subject, passive subject, victim, minor, family member, close relative, direct relative, co-author, physical person, juridical person, juridical object, material object, the body of the person, the objective side, action, constraint, threat, consent, sexual act of any nature, sexual rapport, acts of sexual penetration, oral sexual act, anal sexual act, subjective side, direct intention, indirect intention, praeterintention, attempt, consumption, consequence, rape, sexual aggression, the sexual intercourse with a minor, seduction, sexual perversion, pornographic materials, sexual corruption, obscene acts, beguilement, recruiting of minors, sexual harassment, abuse of authority, office, incest, penal code, doctrine, sanction.

ABSTRACT

1. The purpose and object of the research

One's sexual life represents "an intimate aspect of private life", according to the European Court of Human Rights, recognizing every person's right to have a sexual life at one's choosing, according to his or her profound identity.

Since the oldest of times, human sexuality had an institutionalized form, legitimate and controlled by juridical provisions, religious consecrations and civil institutions, representing an important source of conflicts that affected social order.

In the present paper, we aim at analyzing all the crimes regarding sexual life both from the perspective of the provisioning from the current Romanian Penal Code and through the dispositions of the new code that will enter in effect on the 1st of February 2014.

At the same time, we have not ignored the previous provisions of the current Penal Code, in effect since the 1st of January 1969.

For the elaboration of the paper we have used consecrated research methods like: documentation, logical, comparative, applicative methods as well as examination of judicial practice. We have taken into account the local specialized doctrine, published and unpublished solutions of judicial practice, expressed opinions of foreign authors as well as the comparative presentation of legal provisions from other states.

Being a theme with vast moral and social implications, human sexuality preoccupies not only each and every society but also the European institutions. In this

context, changing the attitude on the sexual liberty of the person at the European level is also reflected in the jurisprudence of the European Court of Human Rights which has evolved very much in the last period, making itself noticed through significant changes.

In regulating the crimes regarding sexual life, the Romanian lawmaker has implemented, over time, the obligations assumed through the conventions which the Romanian state has signed and those from the content of the directives issued by the able forums. In this context, we have made referrals, among other things, to the following dispositions: The Universal Declaration of Human Rights; The European Convention on Human Rights; The International Pact regarding Civil and Political Rights; The EU Charter of Fundamental Rights; Directive 2002/73/CE from the 23rd of September 2002 modifying directive 76/207/CEE of the Council regarding the enforcement of the principle of equal treatment between men and women regarding labour, professional training and promotions, as well as work conditions; The European Council's Convention for the protection of children against sexual exploitation and sexual abuse, adopted at Lanzarote on the 25th of October 2007, signed in Romania on the same date.

We have consecrated the present scientific demarche to the analysis of the crimes regarding sexual life from the perspective of the internal law, the international instruments to which Romania is part of with referrals to the legislation of other countries, portraying the evolution and perspectives of their incrimination as well as the implications and difficulties found in the practice of the judicial courts.

2. The Structure of the Paper

The paper, called "Sex crimes" is structured in nine titles, each of them comprising chapters and sections.

The first title, structured in three chapters, is dedicated to introductive aspects, the analysis being centred on the general characteristics of sex crimes, encompassing aspects regarding the sexual liberty of the person from the perspective of the current Romanian legislation and some of the international documents and also common aspects of sex crimes.

The human sexuality could not exert itself from the evolution imposed by society, thus we are living in an era in which it has become a subject of great public interest, being subjected to the influences of factors of a social and cultural nature, being at the same time hallmarked by the pressure exercised by the social norms and values.

The international documents recognize one's rights to private life and implicitly to intimate life. The sphere of intimate life comprises one's sexual life, as well as those activities that contribute to the development and fulfilment of one's personality.

At the same time, one's moral and physical integrity unarguably comprises one's sexual life.

Through its decisions, the European Court of Human Rights decided on the elimination of the unjust aspects of the penal legislation through reducing the intervention of the states in the sphere of sexuality but it also imposed on them some positive obligations of regulating certain situations. The states are obligated to assume not only the role of sexuality's censor but its guardian.

The problem of respecting and defending human rights was imposed overtime, determining either the abrogation or amendment of certain existing legal dispositions, which did not satisfy the imposed exigencies, or adopting new dispositions, in conformity with the assumed international engagements. We hereby specify as an example, the modifications and amendments of the last years to the Romanian Penal and Penal Procedure codes, the New Penal Code which will enter in effect on the 1st of February 2014, the Civil and Civil Procedure codes etc.

Penal law has the mission of assuring a suiting juridical framework to the defence of the fundamental social values. Among one's fundamental rights and liberties are also those that regard sexual freedom, or one's possibility, regardless of sex, to decide by oneself regarding one's sexual life, without the fear that one would be impeded in its exercise.

The breach of the norms regarding the sexual life presents a social danger because the acts through which the liberty or morality of this domain is breached are contrary to the interests of the whole society, any attempted breach on the liberty of sexual life or its inviolability representing an affront to one's right to physical integrity and health, honour and sometimes even one's life.

Analyzing the dispositions regarding sex crimes, we observe that they present some common aspects in that which regards: the juridical and material objects, the subjects, the objective and subjective sides, the phases of the crime and its aggravated forms.

In the following eight titles we distinctly analyzed each sexual crime. The structure of each of these titles is in principle unitary, comprising introductions, legal precedents, the provisioning of the crime in the current Penal Code as well as its provisioning in the context of the new Romanian Penal code.

Concretely, in the second title, in four chapters, we have treated the theoretical and practical aspects of rape – the most brutal breach of sex life. This is the conclusion to which the European Court of Human Rights has come to, which, in Aydin vs. Turkey ruled that rape committed on a young girl while imprisonment constitutes torture, the physical and psychological elements being sufficiently grave. In its turn, the Inter-American Commission for Human Rights ruled that rape constitutes torture and a breach of the right to a private life.

Regarding the causes of rape, there are numerous explications, out of which those of a social and psychological nature stand out. Rape was seen as an anti-social act even since the oldest of times, the first written provisions that we know of date to the XVIIth Century, the crime of rape being known as *deshonour* (Îndreptarea legii, glava 252). From the first written documents stands out the fact that rape was imputable only if it was perpetrated against a female. Later, the Penal codes that succeeded incriminated in their turn the crime of rape, discarding the circumstance of the passive subject.

The current Penal Code, adopted in 1968 and in effect since the 1st of January 1969 incriminates rape in the dispositions of article 197. Over the almost 45 years that went by since its enforcement, the crime of rape suffered significant modifications and amendments, the initial dispositions not being able to cover the evolutions and current requirements of society. Thus, there was a shift from the sexual rapport with a person of female gender to the sexual act with a person of a different or of the same sex. In essence, through rape one understands the sexual act of any nature, with a person of a different or of the same sex, committed through constraint or taking advantage of the impossibility of the victim to defend oneself or express one's will.

The principal juridical object of rape is constituted by the social values regarding one's sexual liberty and inviolability, regardless of one's sex and its material object is the body of the living person, on which constraint is exercised, as well as the sexual act of any nature. The active subject of the crime can be any physical person, regardless of sex, who has the capacity to answer for penal deeds. Though Emergency Decree No. 89/2001 approved through Law No. 61/2002, a new conception regarding the subjects of rape was made, shifting from the situation in which the author of the rape could only be the man apt to perform a sexual rapport, from the physiological perspective, to the situation in which any person can be the author, man or woman. Although the opinion recently expressed in penal doctrine is an interesting one, according to which the act can be even perpetrated by a juridical person when the perpetrator acts in the interest of the juridical person, we

consider that, as the crime in discussion and penal responsibility of the juridical person are now regulated in the internal law, there is little room for the human intervention on behalf of a juridical person. In the case of the aggravated condition provisioned by article 197 paragraph 2 letter b (the victim is in under the care, guardianship, education, guard or treatment of the perpetrator) the active subject is in a special situation and has a special quality in rapport with the victim. In that which regards the rape perpetrated on a member of the family, the qualification of the passive subject imposes the qualification of the active subject, because only another family member can perpetrate the crime in the presented variant. Participation to rape is possible under all of its forms, even if some authors still claim that rape is not possible in partnership.

The mentioned normative acts have brought modifications in that which regards the passive subjects, thus today the victim of rape can also be a man, not only a woman.

The expression "sexual act of any nature" which replaced "sexual rapport" has given birth to many opinions and to an un-unitary practice, determining in the end the intervention of The High Court of Justice and Cassation, which instead of settling the matter, it aggravated the disputes regarding the sense of the matter previously mentioned.

In these conditions, in order to be in accord with the up to date regulations from other European states, we can mention the material elements of rape when, through constraint or taking advantage of the impossibility of the victim to defend oneself or to express one's will, a sexual rapport is realized, sexual relations between persons of the same sex, other acts of vaginal or anal penetration. When in order to commit the sexual act of any nature constraint is used, the existence of the crime does not depend on the resistance opposed by the victim but what is essential is one's refusal to perform sexual acts.

The psychological attitude of the perpetrator is characterized through the existence of guilt in a direct form. When the crime's consequence is the severe physical injury, death or suicide of the victim, the perpetrator's guilt is in the form of surpassed intention (praeterintention).

The rape attempt is punished by the lawmaker, which gave birth to discussions regarding the possibility of the existence of attempt in the case of rape that has as a consequence the death or suicide of the victim, given the fact that this consequence happens because of the perpetrator's fault. Although it was thoroughly debated, with *de lege ferenda* proposals of modifying article 204 of the Penal Code so as to not leave room for interpretation and the practice to become unitary, the lawmaker left the dispositions of

the aforementioned article unmodified, although, as we have seen, it modified and successively completed the provisions regarding the crime in discussion.

Out of the wish to better respond to the concrete requirements, the aggravated forms of rape suffered significant modifications and amendments, the Romanian lawmaker being forced in the end to acknowledge the possibility of rape between spouses.

Inspired by the Spanish, Portuguese, German, Austrian and French Penal codes, as well as by the aspects nuanced by the doctrine and jurisprudence, the new Penal code makes a step further in incriminating rape, approaching it from the perspective of the penetration acts.

According to the new regulations, rape is perpetrated when, through constraint, the situation when it is impossible for one to defend oneself or express one's wishes or, taking advantage of this state, the perpetrator commits a sexual rapport, oral, anal or any other act of vaginal or anal penetration. Thus defined, rape covers all the penetration acts, regardless of being committed by the aggressor on the victim or if the victim was obligated to do so.

The third title is dedicated to the analysis of the sexual intercourse with a minor. It is structures in four chapters: Introductions, Legal precedents, The sexual intercourse with a minor in the current provisioning, The sexual intercourse with a minor in the new Penal Code.

According to the Romanian legal dispositions, minors are protected against any form of abuse, including a sexual one. The specialists, ever more frequently, attract attention to the multiple effects of sexual acts performed at an early age on minors. These effects are different according to the child's age and personality, nature of the incident, relation with the perpetrator etc. In this context, the Romanian lawmaker incriminated the sexual intercourse with a minor over time, constantly adapting its provisioning to the policies promoted at an international level and to the necessities determined by the evolution registered at a social level.

The sexual intercourse with a minor was considered as dangerous from the oldest of times, thus, we can find it incriminated in the Romanian penal legislation under a designation or another.

In the present paper we present and analyze the penal dispositions regarding the sexual intercourse with a minor, starting with Feudal Law, then the 1864 Penal Code, The Hungarian Penal Code (The 1879 Vth Law, on crimes and felonies), applicable in Transylvania, the 1936 Penal code, the 1969 Penal code with its subsequent completions and amendments and finalizing this demarche with the dispositions of the new Romanian

Penal Code.

The sexual intercourse with a minor consists of a sexual act of any nature with a person of a different or of the same sex who did not turn 15 or with a person between 15 and 18 years of age, if the act is perpetrated in this last case by a guardian, curator or by a supervisor, caretaker, medical curator, professor or educator using his or her quality or if the perpetrator abused the trust of the victim or his or her authority or influence over the victim.

The current provisioning does not limit any longer the sphere of the protection of the female minor's liberty and inviolability as it was in the initial variant of art. 198 of the Penal Code and extended it over the male minor as well. The body of the minor person that did not turn 15 or is between 15 and 18 years of age, regardless of sex, is the material object of the crime. The fact that the crime is not committed through physical constraint does not mean that it does not have a material object as long as the sexual act of any nature is perpetrated against the body of the victim.

As we have shown while analyzing rape, we believe that, the lawmaker's use of the formulae "sexual act of any nature with a person of a different or of the same sex" limits the sphere of the authors to the physical person, being the only one that can be of a similar or different sex as the victim of the crime. Of course, in article 26 of the Lanzarote convention there are dispositions that impose the regulation of penal responsibility of juridical persons for crimes of sexual abuse perpetrated on children when they were committed in their benefit by any physical person who acted either individually or as a member of one of their organs but in the Romanian penal legislation there is no express provision in this regard. Unlike the Romanian legislator, the French one expressly provisioned dispositions regarding the penal responsibility of the juridical person in the case of committing such crimes.

As the marginal title of article 198 of the Penal Code suggests, the passive subject of the analyzed crime is qualified, because it can only be a person that has the quality requested by law, that of being a minor, regardless of sex, who did not turn 15 years or is between 15 and 18 years of age and is in certain rapports with the perpetrator.

Even if the analyzed crime required the realization of the sexual act with the consent of the minor, this consent is not valid because it is considered that the minor either cannot acknowledge all the implications of his or her act of will either his or her liberty of will is restrained by the influence, authority, trust etc. of which the perpetrator benefits and uses in order to commit the act.

Through incriminating the sexual intercourse with a minor, it is, at the very instant, considered that the minor has neither a sufficient life experience nor sufficient resistance to defend oneself against those that want to perform sexual acts with her or him.

The discussions regarding the establishment of a certain limit of age from which the minor can be a passive subject of the sexual intercourse with a minor, respectively the age from which the minor can be a passive subject of rape did not have the desired finality, thus in this case we will be in the presence of the sexual intercourse with a minor or rape, as it will be assessed in the concrete case, taking into account, among others, the degree of physical and psychological development of the minor.

The sexual intercourse with a minor is committed with direct intention but the error regarding the minor's age abolishes the penal character of the act.

The new Penal code incriminates in its turn the sexual intercourse with a minor, in the future provisioning the lawmaker established several normative modalities of its perpetration in rapport with the age of the minor, at the same time conveying a new content. Of the significant modifications that will operate starting with the 1st of February 2014, we hereby recollect the incrimination of "the sexual rapport, anal or oral act as well as any other acts of vaginal or anal penetration committed with a minor…" unlike "sexual act, of any nature, with a person of a different or of the same sex…" and the stipulation of a cause of non-punishment, the lawmaker imposing as a necessary condition for sanctioning the active subject that between the perpetrator and the passive subject minor be a difference of at least 3 years of age, leaving mutually consenting sexual acts between minors or close age outside the spectrum of the law.

The 4th title, structured in four chapters, is dedicated to seduction, as follows: Introduction, Legal precedents, the incrimination of seduction in the current provisioning as well as in the context of the new Penal Code.

The reason of incriminating seduction is explained by professor Traian Pop, pointing out the fact that this article is about "a certain type of fraud, beguiling", the consent being extorted through the promise and the illusion of marriage. "Marriage was the determined motive of the victim's consent to the sexual act. After the act, the promise was broken, the marriage was not materialized. The active subject breached his promise, cheated the women. She remained beguiled and dishonoured. The moral and social interest requires penal action against this act".

Thus, the lawmaker saw that through the incrimination of seduction, he would punish those that, abusing the naivety of female minors, obtain their consent in order to

perform sexual acts, promising them marriage.

In the Romanian legislation, seduction is regulated for the first time in the Penal code of 1936, the provision being taken up, with small modifications, in the current Penal code.

The crime consists of the act of the man which, through promises of marriage, determines a female which did not turn 18, to perform sexual rapports with him. The consent of a minor to performing sexual acts through beguilement with a promise of marriage that is not respected is in question here.

The active subject of the crime can only be a male, regardless of age, only him being able to make promises of marriage to a woman. Taking in account that he must perform a sexual rapport, it is necessary that he is apt physiologically to perform such a rapport.

In the context of the provisioning of the sexual intercourse with a minor it was concluded that the sexual rapport with a female minor that did not turn 15 years of age, with her consent, constitutes the sexual intercourse with a minor, thus seduction will be ascertained only if the minor turned 15 years of age at that time. The Romanian penal doctrine proposed different solutions for the hypothesis in which the minor is between 15 and 18 years of age and the deed is committed by a person which has the quality of the victim's guardian, curator, supervisor, caregiver, medical curator, professor or educator, opting for either a contest of crimes between seduction and statutory rape, retaining the crime of seduction or the absorption of seduction within statutory rape.

Essential for the existence of the crime is the acknowledgement of the female minor's consent, her voluntary participation to the sexual rapport, in the contrary case being rape. At the same time, the female minor must have the capacity to give her consent to the sexual rapport as well as the one to enclose a valid marriage.

From the point of view of the objective side, three conditions must be fulfilled for the existence of the crime: the existence of a sexual rapport with a female that did not turn 18 years of age; the sexual rapport must be determined by the promise of marriage made to the victim by the perpetrator; the author must not keep his promise. From the point of view of the subjective side of the crime, it is committed with direct intention, which stands out from the fact that the perpetrator aims at realizing the sexual rapport, using to this purpose false promises of marriage.

The current regulation of seduction does not correspond to the purpose of its nowadays incriminator for almost 45 years, thus once the entering in effect of the

dispositions of the new Penal Code, it will be exculpated, exculpation saluted by some authors that consider it "useless" and "anachronistic", criticized by others that consider that not all that is old is anachronistic, its incrimination being a matter of penal policy.

The fifth title is structured in its turn in four chapters that we have presented the introduction regarding sexual perversion, legal precedents, we have analyzed the crime from the perspective of the current provisioning and also in the context of the new Penal Code.

The interest in sexual perversion existed, under a form or another, from the oldest of times, in the interest of either repressing them, or to channel or use them with very precise intentions. In approaching sexual perversion, one must start from that which is called "normal and deviant (pathologically) as sexuality is concerned", what is designated as normal sexual behaviour being a variable reality given from a social-historical general context to another. Generally, the expression of "aberrant sexuality" (sexual aberration) is used in order to designate any sexual behaviour which confers to the person major sexual satisfaction, besides the sexual act.

The sexual perversion acts are varied, their classification preoccupying many specialists from the domains of medicine, psychology, anthropology, law etc. over the time.

Even if not called sexual perversion, in the Romanian law previous to the 1969 Penal code we can find referrals on the incrimination of such acts, only regarding acts of zoophilia and those regarding homosexuality, these being regarded as the most frequent forms of perversion and expressly sanctioned in all the successive regulations.

The initial text of article 201 of the Penal Code was modified and completed over time and in the context of the other modifications and amendments brought to the sex crimes, the existence of sexual perversion in the Romanian penal legislation is controversial. The special juridical object of the crime points out to the relations of social cohabitation, in this context, the abrogation of article 201 paragraph 1 of the Penal Code was proposed, because the offence of outrage against morality and disturbing the peace may include, in a much more convenient way, the hypothesis to which sexual perversion is referring to.

We consider that, related to the historical and cultural evolution of the Romanian society, at the present time, the acts of perversion that take place between adults, with their consent, being considered normal practices, do not justify their incrimination as sexual perversion and if they are committed in public they will attract, as in the case of any other

sexual act made in public, the responsibility of the perpetrators for the offense of outrage against morality. The solution also corresponds to the orientation of the European court of Human Rights, which recognizes one's right to have a sexual life at one's choosing, Penal Law being unable to intervene, in principle, in the domain of consented sexual practices.

For the existence of sexual perversion it is necessary: acts of sexual perversion exist and are committed in public or cause a public scandal.

The replacement of the expression "sexual rapport" with that of "sexual act of any nature" from the text of article 197 and 198 of the Penal Code, the lack of a legal definition of the latter and the incrimination, through a distinct article, of sexual perversion, in its turn undefined, have raised great problems in the penal judicial practice, determining at the same time the articulation of diverse opinions within the doctrine. Practically, the material element of sexual perversion is, as it was shown, impossible to define, because the sexual acts, of any nature, enter either in the content of the crime of the sexual intercourse with a minor or in the one of rape and the sexual acts realized with the victim's consent, between persons of the same sex, are no longer punished.

Trying to solve this issue, the High Court of Justice and Cassation, admitted the recourse in the interest of the law regarding the application of the dispositions of article 197 paragraph 1, referring to article 198 and 201 of the Penal Code through Decision No. III/2005. Thus, it stated that through acts of sexual perversion, in the sense of the provisions of article 201 of the Penal code, one understands any modalities of obtaining sexual satisfactions other those obtained through using the sex or acting on the sex, between persons of a different or of the same sex.

Not satisfied with this decision, some authors have tried to delineate the acts that can be considered sexual perversion, proposing the reinsertion within article 201 of a paragraph in which the lawmaker would define sexual perversion taking the initial model as a reference. A definition of sexual perversion is not imposed anymore, because of multiple arguments, the abrogation of article 201 of the Penal Code being more useful.

Relating to the dispositions of the new Penal Code, sexual perversion, as it is regulated today, is not found in its content but the lawmaker decided to incriminate, in article 219 the crime of sexual aggression. Sexual aggression is realized through some sexual acts that at the present correspond to sexual perversion, as we have seen. From the comparative analysis of the texts of articles 201 and 219 of the Penal Code stands out the fact that the lawmaker provisioned specific conditions for the existence of sexual aggression, conditions which we cannot find in the current provisioning of the crime

regulated at article 201, in its simple form. That which has a correspondent in the current provisioning is the perpetration of sexual acts with a person through her or his constraint or with a person who is in an impossibility to defend oneself or to express one's will (dispositions which correspond to article 201 paragraph 4 of the current Penal Code). If we relate to article 201 of the current code, we ascertain the fact that most of the aggravating conditions provisioned in the case of sexual aggression are not found in the aforementioned text and those that are present were reformulated by the lawmaker.

Title six covers, within four chapters, the analysis of sexual corruption, from the introduction and legal precedents, to the analysis of the crime related to the current and future provisioning.

Any form of sexual abuse has a severe psychological impact on the victim, the sexual abuse of the minor possibly leading to social effects, manifested through the loss of faith in people, school absence, lack of social and professional adaptation etc.

Sexual corruption, as a distinct crime, is the work of the 1968 lawmaker, who introduced it in the 1969 Penal Code, in a chapter destined to sex crimes.

As the majority of sex crimes, sexual corruption of minors suffered modifications and significant amendments beginning with the year 2000.

As one of the unwritten laws of morals requires the adults to abstain themselves in front of children from any sexual allusions and manifestation of any aspects related to their sexual live, imposing on the other members of society, including family members, the obligation to abstain themselves from these actions directed at minors or in their presence.

The active subject of the crime can be both a person of legal age and a minor who has penal responsibility, regardless of sex and the passive subject can only be a minor, regardless of sex.

Taking in account that young people take interest in sexual life from early ages, that they hold information on what sexual life means, that they permit themselves certain sexual themed manifestations which they consider to be normal between themselves and to which they do not react in any way, we do not think that one can talk about the fact that a minor can corrupt another minor, unless when between them there is a certain age difference and life experience.

The Romanian lawmaker did not define, within the Penal code, "the acts with obscene character", as we have seen that he also did not define other expressions. In the absence of a legal definition, doctrine and practice had to delineate its meaning. As in the text of Law No. 196/2003 regarding the prevention and combating of pornography is

shown what is considered to be obscene acts, together with other authors, we consider that this definition can be also used to designate the meaning of "acts of an obscene character" that constitute the material element of sexual corruption.

For the acts of an obscene character to constitute the material element of sexual corruption, it is necessary that they be perpetrated on a minor or in the presence of a minor. Acts of an obscene character are perpetrated on the minor when the action of the perpetrator is directly channelled on the body of the minor, while the "presence" of the minor to the perpetration of the acts of an obscene character presume that the minor is at the place of the perpetration of the act or in the proximity of that place, where the minor has the possibility of the perception of the act, in one way or another.

There will be no sexual corruption when the author is in error as the state of minority of the victim is concerned.

Issues of interpretation also come up regarding the regulation of the aggravating forms of the crime, especially regarding the perpetration of the crime within family (expression never met before in the case of the other sex crimes) as is the beguilement of a person for the purpose of committing the sexual intercourse with a minor with a minor of a different or of the same sex. The latter, although it is treated as an aggravated form, in our opinion it actually represents another modality of perpetrating sexual corruption.

Comparatively analyzing the current dispositions and those of the future code, we observer the fact that, the modifications and amendments brought to the current regulation are significant, starting from the name of the crime, once with the entering in effect of the new code it will be called "sexual corruption of minors".

This time again, one must underline the necessary age difference of three years between the active and passive subjects, difference which is not acknowledged in the present provisioning. Also, it is also important imposing an age limit for the passive subject, who can only be a minor, regardless of sex, who has not yet turned 13 years of age.

In the new provisioning, the lawmaker approached the matter in a different manner, in distinct paragraph, sanctioning the perpetration of sexual acts against or in the presence of minors differently. The differences between the two hypothesis are significant. In order for the crime to fall within the provisions of paragraph 1, the perpetration of a sexual act against a minor is required, other than a penetration one, which is specific to the sexual intercourse with a minor. In order for the act to be registered in the dispositions of paragraph 3 it is necessary that "a sexual act of any nature is committed by a person of age

in the presence of a minor that did has not turned 13 years of age".

The second assimilated variant provisions the possibility of the perpetration of the crime through two distinct modalities. In a first approach, sexual corruption of minors can be perpetrated through the determination, on behalf of a person of age, of a minor that did not turn 13 years of age, to assist to acts with an exhibitionist character or to assist to spectacles or representations within sexual acts of any nature are committed. The second modality of perpetrating the crime, in this variant, resides in placing pornographic material at the disposal of the minor who did not turn 13 years of age.

Thus regulated, sexual corruption of minors is in accord with the dispositions of article 22 of the Lanzarote Convention regarding the "corruption of children", through which the signing states are obligated to take legislative measures or any other measures necessary for the incrimination of the act of purposefully determining a child below the age of sexual consent to assist to the perpetration of a sexual abuse or to the performance of sexual activities, even if the minor is not obligated to participate.

Within the seventh title we have analyzed the introduction aspects regarding incest, the legal precedents, the incrimination of the crime in the current code and its provisioning in the new Penal Code.

Given its social and moral implications, incest remained in the attention of the specialists from several domains. The moral and religious perceptions consider that mixing blood is a sin, the main cause of the interdiction of sexual relations between close relatives being the conviction that these kind of relations affect the conception product, the resulted children risking to suffer from grave deficiencies. From an anthropological point of view, a series of theories were elaborated, which seek to explain the causes of incest's taboo and the psychological approach to in incestuous relations was founded on the identification and explanation of their causes and effects.

We can find referrals to incest even since the period of the primitive commune, when the norms of behaviour regulated, among others, interdictions regarding the relations between relatives. In Feudalism, incest was considered as a grave sin and was punished by death. The 1864 Penal Code did not expressly incriminate incest but the quality of ascendant of descendant of the perpetrator aggravated rape and the offense of attempt to shame without violence. In the 1936 Penal code, incest was provisioned within the crimes against family, next to bigamy and adultery, not among crimes against shame.

Aiming at protecting the human race from the peril of degenerations, as well as the moral norms that ground the basis of family, the lawmaker incriminated incest in the

current Penal Code, in the group of crimes against sexual life, establishing that "sexual rapport between direct relatives or brothers and sisters is punished with detention from 2 to 7 years".

The active subject of the crime is qualified, being only the physical person that has the capacity of penal responsibility and that is a direct relative, brother or sister. Through these dispositions, the sphere of the authors and victims of incest is limited. The regulation is aimed at both the normal kinship and kinship resulted from adoption. One can observe that the lawmaker did not correlate the dispositions that incriminate incest with those of the Civil Code regarding marriage impediments, the interdiction of marriage between direct relatives, as well as that of collateral relatives up to and including the IVth grade being a known fact.

For the existence of incest, direct kinship relations or brother-sister ones must be established.

The crime of incest is realized through a "sexual rapport" as the material element is concerned. The sexual rapport presumes a physiological act, susceptible to produce procreation, even if it did not occur, thus, the simple touch, the simple contact of the sexual organs does not constitute sexual rapport. At the same time, if between direct relatives or brothers and sisters take place sexual relations between persons of the same sex or any other acts of sexual penetration, anal or oral, their acts will not constitute the crime of incest, the lawmaker expressly referring to the necessity of a sexual rapport. We believe that we are in the presence of an omission of the lawmaker because, even if these sexual acts are not dangerous for the society's biological fund, their danger to the morality of sexual life and the principles that guide the family cannot be denied.

The new penal code includes incest in the group of crimes against family, being obvious that it does not breach the person's sexual liberty but the values specific to family life. In the category of crimes against sexual liberty and integrity only the aggressive incest remained, provisioned as an aggravated form of certain crimes and the consented ones was regulated in the category of crimes against family. Still, a "non-aggressive" form of incest can also be found to be incriminated in the case of the sexual intercourse with a minor within the provisioning of the new code, in the hypothesis in which the minor is a direct relative, brother or sister.

To this date, the sexual relations between persons of the same sex that take place between direct relatives or brothers and sisters, as well as acts of anal or oral penetration perpetrated between direct relatives or brothers or sisters are outside the provisions of the

crime of incest, even though we cannot see why the lawmaker considers them less dangerous for family and society than a consented sexual rapport in the aforementioned situations.

The eighth title is dedicated to the analysis of sexual harassment. The introduction, legal precedent, sexual harassment in the provisioning of the current penal code and its provisioning in the new Penal code represent the theme approached in the forth chapters in which this title is structured.

The promotion of equality of chances and non-discrimination constitute one of the priorities of the EU member states and is incorporated in the numerous directives that regulate gender equality.

Traditionally, sexual harassment consists of an unwanted behaviour, of sexual nature, behaviour that affects the dignity of the victims. The victims of sexual harassment can be both women and men, the harassing person can be of both sexes but in the great majority of cases, as it stands out from the performed studies, implicates women as victims.

In Romania, sexual harassment was considered a trifle of feminists that want to attract attention to themselves and was sometimes treated as a normal behaviour, thus its incrimination in the Romanian legislation represented an obvious progress, having as a purpose repressing the behaviours through which the occupation, sustentation, promotion in a given office are conditioned by obtaining sexual satisfaction.

Sexual harassment was incriminated for the first time in the Romanian penal legislation in 2002, being introduced within the crimes regarding sexual life, through Law No. 61/2002, of approving the Urgent Government Decree No. 89/2001 for the modification and amendment of some dispositions of the Penal Code referring to sex crimes.

Through sexual harassment one understands harassing a person through threat or constraint to the purpose of obtaining sexual satisfaction, by a person who abuses the authority or influence conferred by one's office in the workplace. As underlined in the provisions of article 203^1 of the Penal Code, for the crime to exist, the following conditions must be met: the existence of harassment consisting of repeated acts that indicate the habitual nature; the harassment is to be committed through threat or constraint; the harassment through threat or constraint to be realized to the purpose of obtaining sexual satisfaction; the author is to abuse the authority or influence which one's workplace office confers one.

Starting from the idea that the rapport of authority to which the law refers to, necessarily presumes a professional rapport, in the doctrine it was shown by some authors that sexual harassment can only be conceived within the workplace, while others consider that acts can be sanctioned when they surpass the framework of the work hierarchic relations, such an approach being much more realistic and at the same time more in tune with the legislations of other states.

There are numerous problems raised, the expression of "sexual harassment", the possibility of committing the crime through physical constraint, the lack of definition of "sexual satisfaction", the absence of a lawmaker's indication as to who would be the beneficiary of this satisfaction, among others, are the subjects of debates.

We believe that the crime of sexual harassment will exist each and every time a person which holds an office which confers one authority and influence over the victim, repeatedly manifests an unwanted behaviour, expressed physically, verbally or nonverbally, using threat or constraint, to the purpose of obtaining satisfaction of a sexual nature.

As it happened in other states, the role of concretely establishing the components which implicate the responsibility of their author for the crime of sexual harassment falls on the courts of law.

The crime suffered a renewal in the new Romanian Penal Code, through the creation of two texts, the first comprising of the per-se sexual harassment, included in the crimes against sexual liberty and integrity and the other, referring to the so-called "vertical harassment" committed through an abuse of authority, being included in a chapter destined to work related crimes.

Comparatively analyzing the current and future text of the law, we observe the fact that the lawmaker will give up the current regulation of the crime, giving it a new content. One of the main modifications brought consists of giving up the notion of harassment, which has determined ample discussions in the specialized doctrine, being changed to the expression "repeatedly claiming sexual favours". The current imposed conditions that the harassment takes place through constraint to the purpose of obtaining sexual satisfaction has also been discarded. At the same time, the aspects of the current code regarding the active subject of the abuse of authority of influence granted by the workplace office do not correspond to the new legal text. Once again, the lawmaker does not specify who is the beneficiary of the sexual favours, inclining towards the opinion that the dispositions of article 223 of the new code must be interpreted in the sense that, claiming the above can be made both in the benefit of the author of the claimed acts and in the benefit of another

person.

Nevertheless, the new definition of sexual harassment better corresponds to the current social realities, being in measure to eliminate some of the controversies determined by the current provisioning. At the same time, the dispositions of article 223 are closer to the definition of sexual harassment in other legislations.

In the contents of the ninth title, our last demarche, we analyze the crime of recruiting minors to sexual purposes in two chapters, a crime that will be a part of the Romanian juridical landscape starting with the entering in effect of the new Penal Code.

The incrimination of recruiting minors to sexual purposes through Law No. 286/2009 (the new Penal Code) represents a novelty for the Romanian penal legislation, not having a correspondent in the previous penal provisions, being a consequence of the obligations assumed by Romania through the signing of the Lanzarote Convention. The signing of the Convention was determined, among other things, by the assessments regarding the rise of sexual exploitation and abuses committed on children to alarming rates both at the national and international levels, especially through the ever more expanded use of communication and information technologies.

The Romanian legislator decided to incriminate the act through a distinct article of the new Penal Code and to name it "Recruiting minors to sexual purposes", unlike the term used in other European legislations and in the content of the Convention that provisions the obligation to incriminate the acts of "waylaying minors to sexual purposes".

As it stands out from the legal text, only a physical person of legal age can be the active subject of the crime, who is known or unknown to the minor that did not turn 13 years of age and thus has the quality of being a special, qualified passive subject. We must underline the fact that, although the Romanian lawmaker limits the sphere of the author to the physical person of age, in the dispositions of article 26 of the Lanzarote Convention it is provisioned that each state is to take legislative measures, including penal ones or ones of any other nature, necessary in order for the juridical person to be liable for responsibility for the crimes provisioned in conformity with the Convention, when they were committed in its benefit by any physical person that acted either individually or as a member of an organ of the juridical person, who exercises an office of leadership within the juridical person.

For the existence of the crime it is necessary that: a proposal to meet be made in any way, addressed to a minor that did not turn 13 years of age; the proposal to meet to be made in the purpose of committing a sexual rapport, anal, oral or any other act of vaginal

or anal penetration or another act of a sexual nature. It is of no importance if a single proposal to meet was made in order to commit sexual acts or many such proposals were made, as it of no relevance whether the proposal is addressed to one or several determined minors. At the same time, it is not necessary that the meeting takes place and its purpose to be realized (the enumerated sexual acts to be committed) for the crime to exist.

As long as the lawmaker provisioned the necessity that the proposal to meet would follow a certain purpose, the act can only be committed with a direct intention, albeit the error regarding the minor's age leads to the abolishment of the penal character of the act.

Whether or not the new regulations provided by the Romanian lawmaker to sex crimes are good or not, we will surely see after the entering in effect of these norms on the 1st of February 2014, once with the new Penal Code, following which their efficiency will best be assessed from the practice of the courts of law.

BIBLIOGRAPHY

A. TREATIES, COURSES, MONOGRAPHS

1. N. Ambrozie, *Îngerii şi demonii sexualităţii. Sexualitatea normală şi patologică, pas cu pas*, Ed. Antet, Bucureşti, f. a.;
2. T. Amza, *Satanismul. Copii străzii şi piaţa sexului. Criminalitatea economico-financiară a „gulerelor albe”*, Ed. Lumina Lex, Bucureşti, 1997;
3. G. Antoniu, A. Boroi, B. N. Bulai, C. Bulai, Şt. Daneş, C. Duvac, M. K.Guiu, C. Mitrache, Cr. Mitrache, I. Molnar, I. Ristea, C. Sima, V. Teodorescu, I. Vasiu, A. Vlăsceanu, *Explicaţii preliminare ale noului Cod penal,* vol. II, Ed. Universul Juridic, Bucureşti, 2011;
4. G. Antoniu, G. Bulai, C. Duvac, I. Griga, Ghe. Ivan, C. Mitrache, I. Molnar, I. Pascu, V. Paşca, O. Predescu, *Explicaţii preliminare ale noului Cod penal, vol. I*, Ed. Universul Juridic, Bucureşti, 2010;
5. G. Antoniu, C. Mitrache, R. M. Stănoiu, I. Molnar, V. Paşca, A. Filipaş, I. Ionescu, N. Iliescu, M. Basarab, *Noul Cod penal comentat*, vol. I (art. 1-56), Ed. C. H. Beck, Bucureşti, 2006;
6. G. Antoniu, *Tentativa*, Ed. Societăţii Tempus, Bucureşti, 1996;
7. G. Antoniu, C. Bulai, Gh. Chivulescu, *Dicţionar juridic penal*, Ed. Ştiinţifică şi Enciclopedică, Bucureşti, 1976;
8. E. Archibald, *Incest and the Medieval Imagination*, Clarendon Press, Oxford, 2001;
9. D. Banciu, S. M. Rădulescu, V. Teodorescu, *Tendinţe actuale ale crimei şi criminalităţii în România*, Ed. Lumina Lex, Bucureşti, 2002;
10. M. Banciu, *Dreptul familiei. Teorie şi practică*, Ed. Argonaut, Cluj- Napoca, 1998;
11. M. Basarab, V. Paşca, Ghe. Mateuţ, T. Medeanu, C-tin. Butiuc, M. Bădilă, R. Bodea, P. Dungan, V. Mirişan, R. Mancaş, C. Miheş, *Codul penal comentat, vol. II, Partea specială*, Ed. Hamangiu, 2008;
12. M. Basarab, *Drept penal, Partea generală, Tratat,* vol. I şi II, Ed. Lumina Lex, Bucureşti, 2005;
13. M. Basarab, *Drept penal, Partea generală, vol. I şi II,* Ed. Lumina Lex, Bucureşti, 2002;
14. M. Basarab, L. Moldovan, V. Suian*, Drept penal. Partea specială, vol. II,* Universitatea Cluj, Facultatea de Drept, Cluj-Napoca, 1985;
15. C. Barbu, *Ocrotirea persoanei în dreptul penal*, Ed. Scrisul Românesc, Craiova, 1977;
16. A. Batteur, *Droit de personnes, de la famille et de incapacités*, Ed. L.G.D.J, Paris, 2007;
17. V. Beliş, *Medicină legală. Curs pentru facultăţile de Ştiinţe Juridice*, Casa editorială Odeon, Bucureşti, 1999;
18. C. Bîrsan, *Convenţia Europeană a Drepturilor omului*, ediţia 2, Ed. C. H. Beck, Bucureşti, 2010;
19. S. Bogdan, *Drept penal. Partea specială*, Ed. Universul Juridic, Bucureşti, 2009;

20. S. Bogdan, *Eroarea în dreptul penal*, Ed. Universul Juridic, Bucureşti, 2008;
21. S. Bogdan, *Drept penal. Partea Specială, vol. I*, Ed. Sfera juridică, Cluj-Napoca, 2007;
22. G. Bonnet, *Perversiunile sexuale*, Ed. Ştiinţifică, Bucureşti, 1999;
23. Al. Boroi, *Drept Penal. Partea specială*, Ed. C. H. Beck, Bucureşti, 2011;
24. Al. Boroi, *Drept penal. Partea generală*, Ed. C. H. Beck, Bucureşti, 2010;
25. A. Boroi, Gh. Nistoreanu, *Drept penal. Partea specială*, ed. a III-a, Ed. All Beck, Bucureşti, 2005;
26. Al. Boroi, *Infracţiuni contra vieţii*, Ed. Naţional, Bucureşti, 1996;
27. J. A. Brundage, *Law, Sex and Christian Society in medieval Europe*, University of Chicago Press, Chicago, 1987;
28. C. Bulai, A. Filipaş, C. Mitrache, *Instituţii de drept penal*, Ed. Trei, Bucureşti, 2001;
29. C. Bulai, *Manual de Drept penal. Partea generală*, Ed. All, Bucureşti, 1997;
30. C. Bulai, *Curs de Drept penal. Partea specială*, vol. I, Bucureşti, 1975;
31. C. Butiuc, *Infracţiunea complexă*, Ed. All Beck, Bucureşti, 1999;
32. N. V. Cătună, *Metodica cercetării infracţiunii de viol*, Ed. C. H. Beck, Bucureşti, 2007;
33. C. Căşuneanu, M. Murea, M. A. Hotca, N. Neagu, V. Dobrinoiu, *Legea 78/2000 pentru prevenirea, descoperirea şi sancţionarea faptelor de corupţie*, Ed. Wolters Kluwer, Bucureşti, 2009;
34. E. Chelaru, *Drept civil. Persoanele*, ediţia 3, Ed. C. H. Beck, Bucureşti, 2012;
35. R. Chiriţă, I. Seuche, A. Gaje, M. Farcău, B. Pantea, R. M. David, R. Mariş, O. Bordea, *Dreptul la viaţă privată şi de familie. Jurisprudenţă* C.E.D.O., Ed. Hamangiu, Bucureşti, 2013;
36. R. Chiriţă, *Convenţia Europeană a drepturilor omului. Comentarii şi explicaţii*, ed. a 2-a, Ed. C. H. Beck, Bucureşti, 2008;
37. V. Cioclei, *Drept penal. Partea specială. Infracţiuni contra persoanei*, Bucureşti, Ed. C. H. Beck, 2009;
38. V. Cioclei, *Drept penal. Partea specială. Infracţiuni contra persoanei*, Ed. Universul Juridic, Bucureşti, 2007;
39. V. Cioclei, *Viaţă sexuală şi politică penală*, Ed. Holding Reporter, Bucureşti, 1994;
40. G. Cornu, *Droit civil. Introductions. Les personnes. Les biens*, Ed. L.G.D.J Montcrestien, Paris, 2005;
41. G. Cronţ, I. Floca, V. Al. Georgescu, N. Grigoraş, V. Hanga, Al. Herlea, P. Marcu, I. Matei, D. Mioc, O. Sachelarie, N. Stoicescu, P. Strihan, V. Şotroapa, R. Vulcănescu, *Istoria Dreptului Românesc*, vol. I, Ed. Academiei Republicii Socialiste România, Bucureşti, 1980;
42. L. Delpino, *Diritto penale. Parte speciale*, XV Edizione, Gruppo Editoriale Esselibri-Simone, 2006;
43. H. Diaconescu, Gh. Dănişor, A. Oroveanu-Hanţiu, R. Răducanu, *Timpul şi legea penală*, Ed. C. H. Beck, Bucureşti, 2007;
44. G. Diaconescu, *Infracţiunile în Codul penal român*, Ed. Oscar Print, Bucureşti, 1997;
45. *Dicţionarul explicativ al limbii române*, Ed. Academiei R.S.R., Bucureşti, 1975;
46. V. Dobrinoiu, I. Pascu, M. A. Hotca, I. Chiş, M. Gorunescu, C. Păun, M. Dobrinoiu, N. Neagu, M. C. Sinescu, *Noul Cod penal comentat. Partea specială, vol. II,* Ed. Universul Juridic, Bucureşti, 2012;

47. V. Dobrinoiu, N. Neagu, *Drept penal. Partea specială (Teorie şi practică judiciară. Conform noului Cod penal), Tratat*, Ed. Universul Juridic, Bucureşti, 2011;
48. V. Dobrinoiu, *Drept penal. Partea specială*, vol. I, Ed. Lumina Lex, Bucureşti, 2004;
49. V. Dongoroz, S. Kahane, I. Oancea, I. Fodor, N. Iliescu, C. Bulai, R. M. Stănoiu, V. Roşca, *Explicaţii teoretice ale Codului penal român*, vol. III, ed. a II-a, Ed. Academiei Române, Ed. All Beck, Bucureşti, 2003;
50. V. Dongoroz, Gh. Dărîngă, S. Kahane, D. Lucinescu, A. Nemeş, M. Popovici, P. Sîrbulescu, V. Stoican, *Noul Cod penal şi Codul penal anterior. Prezentare comparativă*, Ed. Politică, Bucureşti, 1968;
51. P. Dungan, T. Medeanu, V. Paşca, *Manual de drept penal. Partea specială. Infracţiuni contra persoanei. Infracţiuni contra patrimoniului*, Ed. Universul Juridic, Bucureşti, 2010;
52. C. Elliot, F. Quin, *Criminal Law*, IIIrd edition, Pearson Education Limited, Edinburgh Gate, 2000;
53. M. Erikson, *Defining Rape: Emerging obligations for State under International Law?*, Örebro University, 2010;
54. M. Foucault, *Istoria sexualităţii*, Editura de Vest, Timişoara, 1995;
55. S. Freud, *Psihanaliză şi sexualitate*, Ed. Ştiinţifică, Bucureşti, 1994;
56. Gaius, *Instituţiunile*, traducere, studiu introductiv, note, adnotări de A. Popescu, Ed. Academiei R. S. R., Bucureşti, 1982;
57. P. Gattegno, *Droit pénal special*, Ed. Dalloz, Paris, 2001;
58. M.-O. Geraud, O. Leservoisier, R. Pottier, *Noţiunile-cheie ale etnologiei. Analize şi texte*, Ed. Polirom, Iaşi, 2001;
59. N. Giurgiu, *Legea penală şi infracţiunea,* Ed. Gama, Iaşi, 1996;
60. F. Gyula, *Drept Instituţional Comunitar*, ediţia a II-a, Ed. Sfera Juridică, Cluj-Napoca, 2006;
61. V. Hanga, *Instituţiile lui Iustinian,* Ed. Lumina Lex, Bucureşti, 2002;
62. V. Hanga, *Mari legiuitori ai lumii. Hammurapi. Iustinian. Napoleon*, Ed. Lumina Lex, Bucureşti, 1994;
63. V. Hanga, *Istoria dreptului românesc. Dreptul cutumiar*, Ed. Fundaţiei Chemarea, Iaşi, 1993;
64. M. A. Hotca, *Noul Cod penal şi Codul penal anterior. Aspecte diferenţiale şi situaţii tranzitorii*, Ed. Hamangiu, Bucureşti, 2009;
65. M. A. Hotca, *Codul penal. Comentarii şi explicaţii*, Ed. C. H. Beck, Bucureşti, 2007;
66. I. Ifrim, *Ocrotirea penală a vieţii intime a persoanei,* Ed. Universul Juridic, Bucureşti, 2012;
67. Gh. Ivan, *Drept penal. Partea specială*, ediţia 2, Ed. C. H. Beck, Bucureşti, 2010;
68. Al. Ionaş, *Drept penal român. Partea specială*, vol. I, Ed. Romprint, Braşov, 2005;
69. X. Labbée, *Le droit commun du couple*, Preses Universitaires du Septentrion, 2012;
70. J. Larquier, A.-M. Larquier, *Droit pénal spécial*, Dalloz, 1998;
71. V. Lazăr, *Drept penal. Partea specială*, Ed. Universitară, Bucureşti, 2006;
72. J. Le Goff, *Omul medieval*, Ed. Polirom, Iaşi, 1999;
73. O. Loghin, T. Toader, *Drept penal român. Partea specială*, ed. a IV-a revăzută şi adăugită, Casa de Editură şi Presă SANSA, Bucureşti, 2001;

74. G. Lopez, *Violenţele sexuale asupra copiilor*, Ed. Dacia, Cluj-Napoca, 2001;
75. E. Lupan, D. A. Popescu, *Drept civil. Persoana fizică*, Ed. Lumina Lex, Bucureşti, 1993;
76. V. Malabat, *Droit pénal spécial*, 6e edition, Édition Dalloz, Paris, 2013;
77. B. Malinowschi, *La séxualite et sa répression dans la sociétés primitives*, Ed. Payot, Paris, 1990;
78. Gh. Mateuţ, *Drept penal special*, Ed. Lumina Lex, Bucureşti, 1999;
79. I. Mircea, *Vinovăţia în dreptul penal român*, Ed. Lumina Lex, Bucureşti, 1998;
80. C-tin Mitrache, Cr. Mitrache, *Drept penal. Partea generală*, Ed. Universul Juridic, Bucureşti, 2009;
81. N. Mitrofan, V. Zdrenghea, T. Butoi, *Psihologie Judiciară*, Casa de Editură şi Presă „ŞANSA" S.R.L., Bucureşti, 1992;
82. A. Moralis -Daninnos, *Sociologie des relations sexuelles*, PUF, Paris, 1982;
83. M. Mureşan, J. Kocsis, *Drept civil. Succesiunile*, Ed. Cordial Lex, Cluj-Napoca, 1995;
84. A. Negoiţă, *Gândirea asiro-babiloniană în texte,* Ed. Ştiinţifică, Bucureşti, 1975;
85. G. Nistoreanu, Al. Boroi, *Drept penal. Partea specială*, Ed. All Beck, 2005;
86. G. Nistoreanu, A. Boroi, I. Molnar, V. Dobrinoiu, I. Pascu, V. Lazăr, *Drept penal. Partea specială*, Ed. Europa Nova, Bucureşti, 1997;
87. V. Niţescu, *Procrearea umană. Vol. I. Sexualitate între normal şi patologic*, Ed. Didactică şi pedagogică, Bucureşti, 1999;
88. I. Oancea, *Drept penal. Partea generală*, Ed. Didactică şi pedagogică, Bucureşti, 1971;
89. T. Pamfile, *Dragostea în datina tineretului roman*, Ed. Saeculum I. O, Bucureşti, 1998;
90. G. Paraschiv, *Drept penal al Uniunii Europene*, Ed. C. H. Beck, Bucureşti, 2008;
91. I. Pascu, M. Gorunescu, *Drept penal. Partea specială*, Ed. Hamangiu, Bucureşti, 2008;
92. Şt. Pascu, V. Hanga, *Crestomaţie pentru studiul istoriei şi dreptului R. P. R.*, Ed. Ştiinţifică, Bucureşti, 1958;
93. V. Păvăleanu, *Drept penal special. Infracţiunile contra persoanei, patrimoniului şi autorităţii*, vol. I, Ed. Lumina Lex, Bucureşti, 2009;
94. D. Perju-Dumbravă, V. Mărgineanu, *Teorie şi practică medico-legală*, Ed. Argonaut, Cluj-Napoca, 1996;
95. I. Poenaru, *Problemele legislaţiei penale,* Ed. Lumina Lex, Bucureşti, 1999;
96. S. Pop, A. Savin, L. Niţă, M. Vrabie, G. Ilie, *Codul Civil pe înţelesul tuturor*, Adevărul Holding, Bucureşti, 2011;
97. T. Pop, *Comentare, Codul penal adnotat*, vol. II, Bucureşti, 1937;
98. T. Pop, *Drept Penal comparat. Partea generală,* Vol. II, Institutul de Arte Grafice „Ardealul", Cluj, 1923;
99. T. Pop, *Drept penal. Introducere. Chestiuni de istorie şi filosofie penală. Criminologie*, vol. I, Tipografia "Libertatea ", Orăştie, 1921;
100. D. D. Popa, *Obiectul material al infracţiunii*, Ed. Universul juridic, Bucureşti, 2010;
101. J. H. Pozo, *Droit pénal. Partie spéciale II*, Schulthess Polygraphischer Verlag, Zurich, 1998;
102. J. Pradel, M. Danti-Juan, *Droit pénal spécial*, Edition CUJAS, Paris, 2010;
103. O. Predescu, A. Hărăstăşanu, *Drept penal. Partea specială*, Ed. Universul Juridic, Bucureşti, 2012;

104. O. Predescu, *Convenţia Europeană a Drepturilor Omului. Implicaţiile ei asupra dreptului penal român*, Ed. Lumina Lex, Bucureşti, 1998;
105. M. L. Rassat, *Droit pénal spécial*, Ed. Dalloz, Paris, 1997;
106. R. Răducan, *Drept penal. Partea specială*, Ed. Universul Juridic, Bucureşti, 2009;
107. S. M. Rădulescu, *Sociologia şi istoria comportamentului sexual deviant*, Ed. Nemira, Bucureşti, 1996;
108. J.-F. Renucci, *Tratat de drept european al drepturilor omului*, Ed. Hamangiu, Bucureşti, 2009;
109. M. Roth-Szamoskozi, *Copii şi femei victime ale violenţei*, Ed. Presa Universitară Clujeană, Cluj-Napoca, 2005;
110. E. Safta Romano, *Arhetipuri juridice în Biblie*, Ed. Polirom, Iaşi, 1997;
111. L. M. Stănilă, *Răspunderea penală a persoanei juridice*, Ed. Hamangiu, Bucureşti, 2012;
112. Fl. Streteanu, *Tratat de drept penal. Partea generală*, vol. I, Ed. C. H. Beck, Bucureşti, 2008;
113. Fl. Streteanu, R. Chiriţă, *Răspunderea penală a persoanei juridice*, ed. a II-a, Ed, C. H. Beck, Bucureşti, 2007;
114. Fl. Streteanu, D*rept penal. Partea generală*, vol. I, Ed. Rosetti, Bucureşti, 2003;
115. Fl. Streteanu, *Concursul de infracţiuni,* Ed. Lumina Lex, Bucureşti, 1999;
116. O. A. Stoica, *Drept penal. Partea specială*, Ed. Didactică şi pedagogică, Bucureşti, 1976;
117. M. Şelaru, *Comportamentul sexual aberant*, Ed. Moldova, Iaşi, 1998;
118. T. Toader, *Drept penal român. Partea specială*, ediţia a 5-a revizuită şi actualizată, Ed. Hamangiu, Bucureşti, 2011;
119. T. Toader, O. Loghin, *Drept penal român. Partea specială*, Casa de editură şi presă SANSA, Bucureşti, 1996;
120. M. Udroiu, *Drept penal. Partea generală. Partea specială*, ediţia 3, Ed. C. H. Beck, Bucureşti, 2011;
121. M. Udroiu, O. Predescu, *Protecţia Europeană a Drepturilor Omului şi procesul penal român*, Ed. C. H. Beck, Bucureşti, 2008;
122. V. Ursa, *Criminologie*, Ed. Argonaut, Cluj-Napoca, 1996;
123. A. Van Gennep. *Riturile de trecere*, Ed. Polirom, Iaşi, 1998;
124. T. Vasiliu, D. Pavel, G. Antoniu, D. Lucinescu, V. Papadopol, V. Rămureanu, *Codul penal al R.S.R. Comentat şi adnotat. Partea specială*, vol. I, Ed. Ştiinţifică şi Enciclopedică, Bucureşti, 1975;
125. T. Vasiliu, D. Pavel, G. Antoniu, D. Lucinescu, V. Papadopol, V. Rămureanu, *Codul penal al R.S.R. Comentat şi adnotat. Partea specială, vol. II*, Ed. Ştiinţifică şi Enciclopedică, Bucureşti, 1977;
126. I. Vasiu, *Drept penal. Partea specială. Cu referiri la noul Cod penal,* ed a V-a, Ed. Albastră, Cluj-Napoca, 2011;
127. I. Vasiu, *Drept penal. Partea specială*, ed a V-a, Ed. Argonaut, Cluj-Napoca, 2003;
128. I. Vasiu, *Istoria vechiului drept românesc. Note de curs*, Ed. Albastră, Cluj-Napoca, 1997;
129. G. Vigarello, *Istoria violului, secolele XVI-XX*, Ed. Amarcord, Timişoara, 1998;

130. R. K. Westheimer, *Enciclopedia sexului*, Ed. Lucman, Bucureşti, fără an;
131. A. P. Wolf, W. H. Durham, *Inbreeding, incest and the incest taboo,* Stanford University Press, Stanford, California, 2005.

B. NOTES. ARTICLES. STUDIES

1. E. Albuţiu, *Tragedia dezincriminării incestului,* disponibil la: http://elenaalbutiu.blogspot.ro/2012/04/tragedia-dezincriminarii-incestului.html, accesat la 09.09.2013;
2. S. A. Aldeeb Abu-Sahlieh, *L'éthique sexuelle en droit musulman et arabe. Cas de l'Egypte, passé, present et avenir*, în Revue de science criminelle et de droit pénal comparé, Edit. Dalloz, Paris, no. 1/1999;
3. C. Ambroise-Casterot, *Les infractions parentales*, Recueil Dalloz 2013, disponibil la: http://www.dalloz.fr/documentation/lien?famille=revues&dochype=RECUEIL/CHRON, accesat la 03.10.2013;
4. L. Aninoşanu, *Hărţuirea sexuală la locul de muncă,* CPE 2006, disponibil la: http://www.cpe.ro/managementul_diferentelor/ghiduri/hartuiresexuala.pdf, accesat la 01.08.2013;
5. I. Antal, C. Voicu, M. Elemer, A. David-Kacso, M. Roth, *Rezultatele cercetării BECAN (Balcan Epidemiologic Survey on Child Abuse and Neglect) în România*, în M. Iovu, M. Roth, *Drepturile copiilor, bunăstarea şi protecţia lor*, Ed. Casa Universitară Clujană, Cluj-Napoca, 2012;
6. G. Antoniu, *Observaţii cu privire la anteproiectul unui al doilea nou Cod penal (II)*, în Revista de Drept Penal nr. 1/2008;
7. G. Antoniu, *Infracţiunile săvârşite cu intenţie depăşită şi tratamentul lor penal*, în Revista de Drept Penal, nr. 3/2003;
8. G. Antoniu, *Ocrotirea penală a vieţi persoanei*, în Revista de Drept Penal nr. 1/2002;
9. G. Antoniu, *Urmarea imediată. Contribuţii la clarificarea conceptului*, în Revista de Drept Penal nr. 1/1999;
10. S. Balemba, E. Beauregard, T. Mieczkowski, *To Resist or Not to Resist? The Effect of Context and Crime Characteristics on Sex Offenders' Reaction to Victim Resistance*; în Crime & Delinquency (58/4) 2012;
11. R. G. Barroso, A. L. Leite, C. Manita, P. Nobre, *Between public agenda and the emergence of intervention programmes: sexual offenders within the Portuguese context*, Sexual Offender Treatment, Volume 6 (2011), Issue 2, disponibil la: http://www.sexual-offender-treatment.org/index.php?id=98&type=123, accesat la 30.08.2013;
12. R. Bodea, B. Bodea, *Controverse referitoare la conţinutul constitutiv al infracţiunii de profanare de morminte*, în Revista Dreptul nr. 8/2013;
13. M. Bohlander, *The Sexual Offences Act 2003 and the Tyrrell Principle- criminalising the victims?*, Criminal Law Review, september 2005;
14. M. A. Boldova Pasamar, *Pornografia infantilă pe internet: fundamentul şi limitele intervenţiei dreptului penal*, în Caiete de Drept penal nr. 2/2008;

15. M. A. Boldova Pasamar, *Asupra conţinutului material al infracţiunii de corupere de minori sau incapabili în dreptul spaniol*, în Caiete de Drept Penal, nr. 1/2006;
16. O. Borlan, I. Borlan, *Exigenţele coautoratului la infracţiunile praeterintenţionate*, în Revista Dreptul nr. 8/2013;
17. I. Borlan, *Critica teoriei actelor indispensabile în materia participaţiei penale*, în S.U.B.B., Iurisprudentia, nr. 1/2013, disponibil la: http://studia.law.ubbcluj.ro/articol.php?articolId=532, accesat la 17.08.2013;
18. R. Brăileanu, *Actele sexuale între persoane de acelaşi sex. Abrogarea incriminării. Efecte*, în Revista de Drept Penal nr. 2/2007;
19. O. Brezeanu, A. Constantinescu, *Violenţa domestică. Reflecţii*, Revista de Drept Penal nr. 2/2007;
20. I. V. Brisc, *Infracţiuni privind viaţa sexuală. Modificările şi completările aduse acestor infracţiuni prin Legea nr. 197/2000 şi Ordonanţa de urgenţă a guvernului nr. 89/2001*, în Dreptul, nr. 11/2002;
21. M. M. Brousseau, M. He´bert, S. Bergeron, *Sexual Coercion within Mixed-Sex Couples: The Roles of Sexual Motives, Revictimization, and Reperpetration,* in Journal of sex research, 49(6), 533–546, 2012;
22. R. Burduşel, D-R. Hurmuz, *Necesitatea menţinerii incriminării incestului,* disponibil la: http://www.aafdutm.ro/revista/anul-i/nr-1/necesitatea-men%C8%9Binerii-incriminarii-incestului/, accesat la 08.09.2013;
23. R. Burduşel, *Unele aspecte de detaliu privind infracţiunea de hărţuire sexuală*, în Caiete de Drept penal, nr. 4/2006;
24. M. G. Buta, L. Buta, *Perspectivele teologice ale bioeticii*, Revista Română de Bioetică, vol. 10, nr. 1/2012, p. 27-33;
25. C. Căşuneanu, M. Murea, M. A. Hotca, N. Neagu; V. Dobrinoiu, *Legea 78/2000 pentru prevenirea, descoperirea şi sancţionarea faptelor de corupţie*, Ed. Wolters Kluwer, Bucureşti, 2009;
26. A. Cerf-Hollender, *Responsabilité pénale des personnes morales: confirmation du retour a l'orthodoxie*, Revue de Science Criminelle et de Droit pénal comparé, no. 2, 2012;
27. I.-P. Cernat, R. Achimescu, D. Ciuncan, *Ultraj contra bunelor moravuri şi tulburarea liniştii publice. Tâlhărie în dauna avutului particular. Diferenţiere. Latura subiectivă*, în Revista română de Drept nr. 1/1986;
28. D. Chilea, *European legislation regarding the sexual and moral harrasment*, în Curentul Juridic nr. 4/2011, Ed. Universităţii Petru Maior, Tărgu-Mureş;
29. R. Chiriţă, *Violul conjugal în dreptul comparat*, Revista de Drept Penal nr. 2/2002;
30. R. Chiriţă, *Tentativa la infracţiunile complexe praeterintenţionate*, Revista de Drept Penal, nr. 1/2000;
31. V. Cioclei, *Incestul fără victimă: Crimă sau Pedeapsă?*, disponibil la: http://www.juridice.ro/39465/incestul-fara-victima-crima-sau-pedeapsa.html, accesat la 09.09.2013;

32. V. Cioclei, *Despre necesitatea abrogării art. 201 C. pen. – „Perversiunea sexuală”*, în Analele Universităţii Bucureşti nr. 1/2002;
33. P. Cioia, *Modificarea conţinutului infracţiunii de viol prin Legea nr. 197/2000*, în Revista Dreptul nr. 3/2001;
34. M. O. Constantinescu, *Clauza culturală în jurisprudenţa penală din România. Cazul mariajelor timpurii în comunităţile rome tradiţionale*, în Noua Revistă de Drepturile Omului nr. 3/2011, Ed. C. H. Beck, 2011;
35. I. M. Constantinescu, *Problema actuală a unirilor incestuoase ca impedimente la căsătorie în contextul legislaţiei canonice şi de stat*, disponibil la: http://iulianmihaiconstantinescu.blogspot.ro/2009/05/problema-actuala-unirilor-incestuoase.html, accesat la 08.09.2013;
36. S. Corlăţeanu, B. Simion, *Unele aspecte controversate privind infracţiunile de trafic de persoane şi proxenetism*, în Revista Dreptul nr. 4/2005;
37. A. Cornilă, *Hărţuirea sexuală*, în Revista română de Dreptul muncii nr. 4/2002;
38. O. R. Cotoară, *Hărţuirea sexuală,* în Revista de Drept Penal nr. 2/2003;
39. L. M. Crăciunean, *Violenţa în familie. Circumstanţă agravantă*, în Revista de Drept Penal nr. 4/2005;
40. C. Danileţ, *Evoluţia incriminării violului în dreptul românesc*, didponibil la: http://cristidanilet.ro/continut/carti-monografii/2002-disertatie-masterat/78-02-evoluia-incriminrii-violului-in-dreptul-romanesc, accesat la 03.09.2013;
41. H. Diaconescu, *Consideraţii cu privire la structura juridică şi conţinutul constitutiv al infracţiunii de corupţie sexuală în reglementarea noului cod penal,* în Revista Dreptul nr. 1/2006;
42. H. Diaconescu, *Un alt punct de vedere cu privire la structura juridică şi conţinutul constitutiv al infracţiunii de hărţuire sexuală*, Revista Dreptul nr. 1/2004;
43. H. Diaconescu, *Cu privire la absorbirea infracţiunii de incest în infracţiunea de viol calificat prevăzută de art. 197 alin. 2 lit. b^1 din Codul penal,* în Revista Dreptul nr. 10/2003;
44. H. Diaconescu, *Structura juridică şi conţinutul constitutiv al infracţiunii de viol ca urmare a modificării prevederilor art. 197 din Codul penal prin legea nr.197 din 13 noiembrie 2000*, în Revista Dreptul, nr. 10/2001;
45. M. Dempsey, *Rethinking Wolfenden: Prostitute-Use, Criminal Law, and Remote Harm*, Criminal Law Rewiew, june 2005;
46. V. Dobrinoiu, W. Brânză, *Consideraţii privind infracţiunea de hărţuire sexuală*, în Revista de Drept Penal nr. 4/2002;
47. V. Dobrinoiu, I. Pascu, *Viol agravat. Incest*, în Revista de Drept Penal nr. 4/1995;
48. V. Drăghici, *Obiectul juridic al infracţiunii*, Revista de Drept Penal nr. 4/2002;
49. I. Dumitru, *Infracţiuni privitoare la viaţa sexuală. Modificări recente*, în Revista de Drept Penal, nr. 3/2002;
50. C. Duvac, *Infracţiunile contra persoanei din perspectiva noului Cod penal şi a Codului penal în vigoare,* RDP, nr. 4/2012;

51. D. Ellis, *Toward a Consistent Recognition of the Forbidden Inference: The Illinois Rape Shield Statute, în The Journal of Criminal Law & Criminology*, vol. 83, number. 2, summer 1992;
52. N. Fayard, Y. Rocheron, *"Moi quand on dit qu'une femme ment, eh bien, elle ment"***.** *The Administration of Rape in Twenty-FirstCentury France and England & Wales*, French Politics, Culture & Society, Vol. 29, No. 1, Spring 2011;
53. E. Finch, V. E. Munro, *The Sexual Offences Act 2003: Intoxicated consent and drug assisted rape revisited*, Criminal Law Review, october 2004;
54. K. Fitch, K. Spencer Chapman, Z. Hilton, *Protecting children from sexual abuse in Europe: Safer recruitment of workers in a border-free Europe*, November 2007, disponibil la: http://www.nspcc.org.uk/inform/publications/downloads/protectingchildrenfromsexualabuseineuropesummary_wdf51230.pdf, accesat la 03.10.2013;
55. D. B. Garrie, *Sexual harassment: limiting the affirmative defense in the digital workplace*, disponibil la: http://www.juridicaljournal.univagora.ro/download/pdf/SH2011II20.pdf, accesat la 27.07.2013;
56. V. E. Georgescu, *Reglementarea infracţiunii de seducţie în sistemul de drept penal american*, în RDP nr. 3/2008;
57. V. E. Georgescu, *Hărţuirea sexuală în dreptul penal francez*, în Revista de Drept Penal nr. 2/2008;
58. D. Germain, *Le consentement des mineurs victimes d'infractions sexuelles*, Revue de Science Criminelle et de Droit pénal comparé, no. 4/2011;
59. D. Germain, *L'inceste en droit pénal: de l'ombre a la lumiere*, Revue de Science Criminelle et de Droit pénal comparé, no. 3/2010;
60. C. C. Ghigheci, *Referinţe de drept comparat în legătură cu infracţiunea complexă*, Revista Dreptul nr. 1/2012, 271-285;
61. C. C. Ghigheci, *Tentativa în cazul infracţiunii complexe praeterintenţionate,* în Revista de Drept Penal nr. 4/2012;
62. A. A. Gileespie, *"Up-Skirts" and "Down-Blouses": Voyeurism and the Law*, Criminal Law Review, issue 5/2008;
63. R. Glăvan, *Violul săvârşit asupra unei "rude apropiate"şi incestul "agresiv"*, în Revista Dreptul nr. 6/2001;
64. T.-C. Godâncă-Herlea, *Hărţuirea sexuală. Aspecte controversate,* Caiete de Drept penal nr. 1/2006;
65. M. S. Godea, R.-B. Godea, *Probleme de drept din activitatea secţiei penale a Curţii de Apel Timişoara*, în Revista de Drept Penal, nr. 1/2005;
66. M. Gorunescu, *Infracţiunile privitoare la viaţa sexuală – între Codul penal în vigoare şi noul Cod*, în Analele Universităţii "Constantin Brâncuşi" din Târgu Jiu, Seria Ştiinţe Juridice, nr. 2/2010;
67. M. Gorunescu, S. Corlăţeanu, *Infracţiuni privitoare la viaţa sexuală. Probleme de aplicare a legii*, în Revista de Drept Penal nr. 3/2006;
68. N. Grofu, *Scandal public. Contribuţii la clarificarea conceptului*, în Revista de Drept Penal nr. 1/2000;

69. H. Gross, *Rape, Moralism and Human rights*, *Criminal Law Review*, march 2007;
70. Y.-H. L. Haesevoets, *L'enfant victime d'inceste – de la séduction traumatique à la violence sexuelle*, "De Boeck & Larcier s. a.", Paris, Bruxelles, 1999;
71. L. Hecser, *Homosexualitate: Determinism biologic şi intoleranţă socio-juridică*, în Revista Dreptul nr. 4/2001;
72. J. Herring, M. M. Dempsey, *Rethinking the criminal law's response to sexual penetration: on theory and context*, in *Rethinking Rape Law: International and Comparative Perspectives*, editat de C. McGlynn,V. E. Munro, a GlassHouse book, Abingdon, 2010;
73. J. Herring, *Human rights and rape: a reply to Hyman Gross*, Criminal Law Review, march 2007;
74. J. Herring, *Mistaken sex*, Criminal Law Rewiew, july 2005;
75. M. A. Hotca, *Condiţiile angajării răspunderii penale a persoanei juridice în lumina noului Cod penal*, disponibil la: http://e-juridic.manager.ro/articole/conditiile-angajarii-raspunderii-penale-a-persoanei-juridice-in-lumina-noului-cod-penal-6944.html, accesat la 17.07.2013;
76. J. S. Hyde, *Understing Human sexuality*, New York, McGraw - Hill Publishing Company, 1990;
77. Ş. Ionescu, C. Jourdan-Ionescu în *Copilul maltratat. Evaluare, prevenire, intervenţie*, "Fundaţia Internaţională Pentru Copil şi Familie", Bucureşti, 2001;
78. Gh.-I. Ioniţă, *Infracţiunea de incest în lumina actualelor reglementări şi a noului Cod penal*, Revista Dreptul nr. 2/2012;
79. Gh.-I Ioniţă, *Aspecte controversate referitoare la infracţiunile de viol şi de perversiune sexuală în lumina dispoziţiilor actualului şi viitorului Cod penal*, în Revista Dreptul nr. 11/2011;
80. Gh.-I. Ioniţă, *Unele consideraţii în legătură cu infracţiunile privitoare la viaţa sexuală*, în Revista Dreptul nr. 3/2003;
81. M. Iordache, *Absorbţia infracţiunii de lipsire de libertate în mod ilegal în infracţiunea de viol*, în Revista Dreptul nr. 6/2006;
82. Gh. Ivan, M. C. Ivan, *Seduction. past, present and future*, disponibil la: http://www.juridicaljournal.univagora.ro/download/pdf/SPPF2011II5.pdf, accesat la 17.07.2013;
83. Gh. Ivan, *O nouă circumstanţă agravantă legală,* în Revista Dreptul nr. 4/2002;
84. Gh. Ivan, *Complicitatea la infracţiunile bilaterale*, în Revista de Drept Penal nr. 1/2001;
85. C. Jugastru, *Respectul vieţii private-delimitări conceptuale, precizări privind domeniul protecţiei legale*, disponibil la: www.humanistica.ro/anuare/2004/Anuare%202004/Art.21.pdf, accesat la 17.07.2013;
86. C. Lazerges, *Politique criminelle et droit de la pédophilie*, Revue de Science Criminelle et de Droit pénal comparé, no. 3, 2010;
87. E. Langenaken, *À propos de l`intervention du droit pénal dans les pratiques sexuelles minoritaires par delà le consentement des partenaires*, în Revue de Droit Pénal et de Criminologie, no. 4/2003;

88. A. Liiceanu, D. Şt. Saucan, M. I. Micle, *Violenţa domestică şi criminalitatea feminină*, Institutul Naţional de Criminologie, Bucureşti, 2004, disponibil la: www.criminologie.ro/SRCC/.../Violenta%20domestica%20-%20Studiu, accesat la 16.07.2013;
89. O. Loghin, *Unele consideraţii asupra reglementării, în Codul penal în vigoare, a infracţiunii de perversiune sexuală*, în Analele Ştiinţifice ale Universităţii „Al. I. Cuza" din Iaşi, (serie nouă), secţiunea III-a Ştiinţe juridice, tomul XXVI, 1980;
90. C. Lupea, *Evoluţia istorică a reglementării răspunderii penale pentru infracţiunile privitoare la viaţa sexuală pe teritoriul românesc*, disponibil la: http://www.uab.ro/reviste_recunoscute/reviste_drept/annales_10_2007/lupe_ro.pdf; accesat la 01.09.2013;
91. T. Manea, *Soluţii ale instanţelor din raza Curţii de apel Galaţi în domeniul penal şi procesual penal. Examen critic*, Revista Dreptul, nr. 8/2002;
92. Ghe. Mateuţ, *Reflecţii asupra infracţiunii de hărţuire sexuală introdusă în Codul penal român prin Legea nr. 61 din 16 ianuarie 2002*, Revista Dreptul, nr. 7/2002;
93. Ghe. Mateuţ, *Consecinţele abrogării art. 200 din Codul penal privind incriminarea relaţiilor sexuale între persoanele de acelaşi sex asupra noii reglementări a infracţiunii de viol*, în Revista Dreptul, nr. 11/2002;
94. Ghe Mateuţ, *Infracţiunea de omor şi alte infracţiuni,* în Revista de Drept Penal, nr. 1/2000;
95. Y. Mayaud, *Le délit de harcèlement sexuel: histoire d'une abrogation fatale! (Cons. Const., 4* mai 2012, no 2021-240 QPC, JO 5 mai), Revue de Science Criminelle et de Droit pénal comparé, no. 2, 2012;
96. J. McEvwan, „*I Thought She Consented": defeat of the rape shield or the defence that shall not run?*, Criminal Law Review, november, 2006;
97. P. Mirgen, *Dreptul la demnitate în Carta Drepturilor Fundamentale ale Uniunii Europene*, în Curentul Juridic, disponibil la: http://www.oamr-iasi.ro/articole/ARTICOLE_STIINTIFICE_dreptul_la_demnitate.pdf, accesat la 25.07.2013;
98. L. Mocanu, *Legislaţie referitoare la egalitatea de gen*, în Exercitarea Dreptului la nediscriminare şi egalitate de şanse în societatea contemporană, Ed. Pro Universitaria, Bucureşti, 2011;
99. E. Moldovan, *Hărţuirea Sexuală: ce înseamnă să cauţi dragostea în locuri nepotrivite*, disponibil la: http://www.dmwlawfirm.com/resources/Hartuirea%20Sexuala%20prima%20parte.pdf, accesat la 27.07.2013;
100. V. E. Munro, *Dev'l-in disguise? Harm, privacy and the Sexual Offences Act 2003*, in V. E Munro, C. F Stychin, Sexuality and the Law. Feminist Engagements, a Glasshouse book, 2007;
101. I. Mureşan, *Unele aspecte penale ale violenţei în familie*, disponibil la: http://revcurentjur.ro/arhiva/attachments_200612/recjurid061_27F.pdf, accesat la 22.07.2013;

102. A. De Nauw, *L'évolution jurisprudentielle de la notion de responsabilité pénale dérivée des personnes morales en droit francais, vue par un pénaliste belge*, Revue de Droit pénal et de Criminologie, aprilie 2011;
103. V. Nicolcescu, *Unele consideraţii asupra infracţiunii de perversiune sexuală*, în „Dreptul" nr. 11/1999;
104. C. Niculeanu, *Aspecte referitoare la răspunderea penală a persoanei juridice în noul Cod penal*, în Revista Dreptul nr. 8/2013;
105. C. Niculeanu, *Consimţământul persoanei vătămate-cauză justificativă în reglementările noului Cod penal*, în Revista Dreptul nr. 4/2011;
106. C. Niculeanu, *Opinie privind încadrarea juridică a faptei constând în deflorarea victimei minore cu degetul având ca urmare punerea în primejdie a vieţii acesteia*, în Revista Dreptul, nr. 3/2001;
107. D. Niţu, *Unele consideraţii privind infracţiunea de hărţuire introdusă de noul Cod penal*, în Caiete de Drept penal nr. 1/2011;
108. D. Niţu, *Viol. Decesul victimei. Lipsa plângerii prealabile a persoanei vătămate. Consecinţe*, în Caiete de Drept penal nr. 4/2006;
109. D. Niţu, *Perversiunea sexuală, corupţia sexuală şi incestul. Infracţiuni contra persoanei sau contra moralei?*, în S.U.B.B. nr. 1-2/2004;
110. D. Niţu, *Unele delimitări privind infracţiunea de viol*, în Revista de Drept Penal, nr. 2/2004;
111. Guy A. Norfolk, *Leda and the Swan and other myths about rape*, Journal of Forensic and Legal Medicine 18 (2011) 225-232;
112. B. Olaru, *Moralitate comună, dileme morale, spirit interpretativ*, Revista Română de Bioetică, vol. 8, nr. 2/2010;
113. A. Oprea, *Despre recunoaşterea statutului matrimonial dobândit în străinătate şi protecţia europeană a dreptului la viaţă familială,* în S.U.B.B. nr. 4/2012, disponibil la: studia.law.ubbcluj.ro/articol.php?articolId=522, accesat la 07.08.2013;
114. M. L. Pamfil, *Protecţia copiiilor împotriva exploatării sexuale şi a abuzului sexual*, în Revista de Drept Penal, nr. 2/2008;
115. E. Paraschiv, R. G. Paraschiv, *Drepturile omului – problemă fundamentală a umanităţii*, în Culegere de Studii Juridice, Ed. SITECH, Craiova, 2010;
116. G. Paraschiv, *Consideraţii asupra unei noi incriminări: „folosirea abuzivă a funcţiei în scop sexual",* în Revista Dreptul nr. 5/2012;
117. G. Paraschiv, D.-Şt. Paraschiv, *Noul Cod penal şi infracţiunile contra persoanei. Reflecţii*, în Revista de Drept Penal, nr. 1/2010;
118. C. Pasere, *Studiu asupra infracţiunii de hărţuire sexuală*, în Revista Dreptul nr. 8/2002;
119. V. Paşca, *Unele consideraţii în legătură cu incriminarea infracţiunii de viol în Noul Cod penal*, în Revista de Drept Penal nr. 10/2010;
120. V. Păvăleanu, *Răspunderea penală a persoanei juridice în România şi în Dreptul comparat*, în Revista de Drept Penal nr. 2/2013;
121. V. Păvăleanu, *Noua reglementare privind violul şi actul sexual cu un minor*, în Pro Lege nr. 1/2001;

122. M. Petrovici, *Noi aspecte referitoare la conexiunea infracţiunilor de viol şi lipsire de libertate în mod ilegal*, Revista Dreptul nr. 12/2007;
123. I. Poenaru, *Reglementări şi soluţii greşite în legea penală*, Revista Dreptul nr. 7/2001;
124. N. D. Popa, *Conceptul de obiect material al infracţiunii şi tentativa*, Revista Dreptul nr. 2/2011;
125. N. D. Popa, *Exploatarea sexuală a minorilor*, în Revista de Drept Penal nr. 4/2007;
126. A. M. Popescu, *Reticenţa Curţii Europene a Drepturilor Omului în soluţionarea plângerilor minoritarilor sexuali*, Revista de Drept Public nr. 4/2012;
127. A. M. Popescu; L. Olah, *Homosexuality, religion, law,* disponibil la*:* http://heinonline.org/HOL/LandingPage?collection=journals&handle=hein.journals/agoraijjs2011&div=48&id=&page=, accesat la 09.09. 2013;
128. M. N. Radu, *Precedente legislative privind infracţiunea de viol,* în Acta Universitatis Bogdan Vodă, Series Pro Iure nr. 1/2012;
129. M. N. Radu, *The incrimination of sexual intercourse with a minor along time*, în Valahia University. Law Study, vol. XX, nr. 2/2012, Ed. Bibliotheca, Târgovişte, 2012;
130. M. N. Radu, *Hărţuirea sexuală în reglementarea noului Cod penal român*, în Studii şi cercetări din domeniul ştiinţelor socio-umane, Ed. Argonaut, Cluj-Napoca, 2012;
131. M. N. Radu, M. D. Radu, *The incest – a complex problem*, în Revista Calitatea-acces la succes. Supliment, disponibil la: http://calitatea.srac.ro/arhiva/supliment/Q-as_Vol.13_S2_May-2012_Contents.pdf, accesat la 17.07.2013;
132. M. N. Radu, T. Ban, *The offence of sexual sexual corruption in the regulation of the new Romanian Criminal Code*, în Revista Calitatea-acces la succes. Supliment, disponibil la: http://calitatea.srac.ro/arhiva_suplimente.html, accesat la 17.07.2013;
133. M. N. Radu, *Obiectul infracţiunii de incest,* în Acta Universitatis Bogdan Vodă, Series Pro Jure nr. 3/2011;
134. M. N. Radu, M-D. Radu, *The Concept of „Family Member" in the Romanian Penal legislation*, Analele Facultăţii de Sţiinţe juridice a Universităţii Valahia Târgovişte, nr. 18/2011;
135. M. N. Radu, *Infracţiunea de agresiune sexuală în reglementarea noului Cod penal român*, în Studii şi Cercetări din domeniul Ştiinţelor Socio-Umane, vol. 22, Ed. Argonaut, Cluj-Napoca, 2011;
136. M. N. Radu, *Unele consideraţii privind infracţiunea de viol în reglementarea noului Cod penal*, în Studii şi Cercetări din domeniul ştiinţelor socio-umane, vol. 19, Ed. Argonaut, Cluj-Napoca, 2010;
137. M. N. Radu, *Tentativa în cazul infracţiunii de act sexual cu un minor*, în volumul Societate, Cultură, Valoare, coordonator C. Jugastru, Ed. Argonaut, Cluj, 2010
138. M. N. Radu, *Subiecţii infracţiunii de corupţie sexuală,* în Pandectele Române, Supliment, 2008;
139. M. N. Radu, *Infracţiunea de corupţie sexuală. Aspecte controversate*, în volumul Integrarea Europeană, economia de piaţă şi statul de drept, Ed. Dacia, Cluj-Napoca, 2007;
140. M. N. Radu, *Subiectul activ al infracţiunii de viol* în volumul Statul de Drept şi Economia de piaţă în perspectiva aderării la Uniunea Europeană, vol. II, Edit. Risoprint, Cluj-Napoca, 2005;

141. M. N. Radu, *Latura obiectivă a infracţiunii de viol,* în volumul „Studii şi cercetări din domeniul ştiinţelor socio-umane”, vol. 14, Ed. Argonaut, Cluj-Napoca, 2005;
142. M. N. Radu, *Subiectul activ al infracţiunii de act sexual cu un minor,* în Revista Fiat Justitia, nr. 2/2004;
143. S. M. Rădulescu, *Incidenţa şi prevalenţa abuzului sexual asupra copiilor în lumea contemporană,* în Revista Română de Sociologie**,** serie nouă, anul XXI, nr. 3–4, Bucureşti, 2010, disponibil la: http://www.revistadesociologie.ro/pdf-uri/nr.3-4-2010/02-Radulescu.pdf, accesat la 13.08.2013;
144. S. Rădulescu, *Perspective teoretice şi testări empirice în domeniul abuzului sexual împotriva minorilor*, în „Revista Română de Sociologie”, serie nouă, anul XX, nr. 1–2, Bucureşti, 2009, disponibil la: http://www.revistadesociologie.ro/pdf-uri/nr.1-2-2009/06-SRadulescu.pdf, accesat la 13.08.2013;
145. R. P. Răileanu, *Consideraţii privind noile reglementări ale codului penal şi codului de procedură penală*, disponibil la: www.grefieri.ro/.%5CDocs%5C20100106Noile_ reglementari_ale_Codul... , accesat la 08.09.2013;
146. Al. Rîşniţă, *Persoana juridică -subiect al infracţiunii de omor*, în Caiete de Drept Penal nr. 1/2013;
147. V. Rujoiu, *Legislaţia privind violul marital. O abordare comparativă*, în Sociologie românească, vol. VII, nr. 1/2009;
148. I. Rusu, *Combaterea prin intermediul dreptului penal a abuzului sexual asupra copiilor, a exploatării sexuale a acestora şi a pornografiei infantile în Uniunea Europeană*, în Caiete de Drept penal nr. 4/2012;
149. G. V. Sabău, P. Cioia, *Unele consideraţii referitoare la protecţia juridică a vieţii private prin mijloace de drept penal*, Revista Dreptul nr. 9/2012;
150. Gr. Soare, *Infracţiunea continuată. Elemente de drept comparat*, în Revista de Drept Penal nr. 3/2008;
151. D. Soare, *Subiecţii infracţiunii în dreptul penal român*, în Revista de Drept Penal nr. 2/2011;
152. J. R. Spencer, *The Sexual Offences Act 2003. Child and family offences*, Criminal Law Review, mai 2004;
153. Fl. Streteanu, R. Chiriţă, *Răspunderea penală a persoanelor juridicee în dreptul belgian*, în Revista de Drept Penal nr. 1/2000;
154. Fl. Streteanu, *Modificări recente ale legii penale. Reflecţii*, în Revista de Drept Penal, nr. 2/2001;
155. Fl. Streteanu, D. Niţu, *Viol. Perversiuni sexuale. Înţelesul expresiei „act sexual de orice natură”*, în Caiete de Drept penal nr. 1/2005;
156. V. Suian*, Agresiunile sexuale în Codul penal al Federaţiei Ruse,* Acta Universitatis Bogdan Vodă, Series Pro Iure, nr. 3/2011;
157. V. Suian, *Incriminarea incestului în noul Cod penal*, în vol. Calitate şi performanţă în serviciile educaţionale, Ed. Dacia, Cluj-Napoca, 2010;
158. V. Suian, *Incriminarea agresiunilor sexuale în Codul penal Italian, în volumul Integrarea Europeană- Economia de piaţă şi statul de drept,* Ed. Dacia, Cluj-Napoca, 2007;

159. I. Şandru, *Câteva consideraţii privitoare la infracţiunile contra vieţii sexuale*, în Revista Dreptul, nr. 9/2004;
160. E. Tanislav, E. Tanislav jr., *Infracţiunea de hărţuire sexuală a angajatului. Propuneri de „lege ferenda" privind forma agravantă*, în Revista Română de Dreptul muncii, nr. 1/2003;
161. J. Temkin, A. Ashworth, *The Sexual Offences Act 2003. Rape, Sexual Assault and the problems of consent*, Criminal Law Review, mai 2004;
162. R. Teşiu, *European network of legal experts in the field of gender equality Harassment related to Sex and Sexual Harassment Law in 33 European Countries. Discrimination versus Dignity*, disponibil la: http://ec.europa.eu/justice/gender-equality/files/your_rights/final_harassement_en.pdf, accesat la 06.08.2013;
163. T. Toader, *Partea specială a Codului penal într-o perspectivă europeană*, în Revista de Drept Penal nr. 1/2004;
164. A. Truichici, *Hărţuirea sexuală*, în Revista de Drept Penal nr. 3/2007;
165. A. Truichici, *Perversiunea sexuală*, în Revista de Drept Penal nr. 2/2007;
166. I. Urban, *Şocant- Noul Cod penal apără violatorii în grup şi violatorii de minori*, disponibil la: http://www.urbaniulian.ro/2009/03/19/socant-noul-cod-penal-apara-violatorii-in-grup-si-violatorii-de-minori/, accesat la 09.09.2013;
167. I. Urban, *Noul Cod penal promovează turismul pedofil în România*, disponibil la: http://www.urbaniulian.ro/2009/04/02/noul-cod-penal-promoveaza-turismul-pedofil-in-romania/, accesat la 09.09.2013;
168. I. Urban, *Incestul este pedepsit în peste 20 de ţări europene; Argumentul „european" al Ministerului Justiţiei este fals*, disponibil la: http://www.urbaniulian.ro/2009/03/17/incestul-este-pedepsit-in-peste-20-de-tari-europene-argumentul-european-al-ministerului-justitiei-este-fals/, accesat la 09.09.2013;
169. C. F. Uşvat, *Unele modificări şi completări aduse Codului penal prin L. 197/2000*, în Revista Dreptul, nr. 4/2001;
170. A. Vlăsceanu, *Infracţiuni privitoare la viaţa sexuală*, în Revista de Drept Penal nr. 1/2006;
171. N. Westmarland, G. Gangoli, *Introduction: approaches to rape*, in International approaches to rape, The Policy Press, Bristol, 2012;
172. M. Zolyneak, *Aspecte ale coautoratului şi complicităţii în literatura şi practica judiciară penală*, în Revista Dreptul nr. 1-2/1990.

C. NORMATIVE ACTS AND JUDICIAL PRACTICE

1. N. Alexandru, V. Costiniu, R. Găgescu, C. Jipa, *Culegere de jurisprudenţă penală şi procesual penală a Tribunalului Bucureşti*, 1998, „Regia Autonomă Monitorul Oficial", Bucureşti, 1999;
2. A. Andone-Bontaş, *Infracţiuni privitoare la viaţa sexuală,. Practică judiciară,* Ed. Hamangiu, Bucureşti, 2010;

3. G. Antoniu, V. Brutaru, *Revista de Drept penal. Studii şi practică judiciară 1994-2007*, Ed. Hamangiu, Bucureşti, 2008;
4. G. Antoniu, C. Bulai, *Practică judiciară penală, vol. III,* Ed. Academiei Române, Bucureşti, 1992;
5. M. Bădilă, *Unele aspecte din practica în materie penală a Curţii de Apel Alba Iulia pe trim. I/2003*, în Revista Dreptul, nr. 8/2004;
6. G. S. Bădulescu, G. T. Ionescu, *Codul penal adnotat. Jurisprudenţă şi doctrină română şi franceză*, Bucureşti, 1911;
7. N. Cazé-Gaillarde, *Vie privée (Atteintes à la), Code pénal, Edition 2013,* Collectif (Auteur) - Etude (relié), Dalloz, 2012;
8. *Code Pénal. Nouveau Code Pénal. Ancien Code Pénal*, Dalloz, Paris, 2000;
9. Conseil constitutionnel, Décision n° 2011-163 QPC du 16 septembre 2011, disponibil la: http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2011/2011-163-qpc/decision-n-2011-163-qpc-du-16-septembre-2011.99681.html, accesat la 17.07.2013;
10. Conseil constitutionnel, Décision n° 2011-222 QPC du 17 février 2012, disponibil la: http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2012/2011-222-qpc/decision-n-2011-222-qpc-du-17-fevrier-2012.104829.html, accesat la 27.08.2013;
11. A. Darsonville, *Viol, Code pénal*, Edition 2013, Colectif (Auteur) – Etude (relié), Dalloz, 2012;
12. Décision n° 2012-240 QPC du 4 mai 2012, le Conseil constitutionnel, Journal officiel du 5 mai 2012, disponibil la: http://www.conseil-constitutionnel.fr/conseil-constitutionnel/francais/les-decisions/acces-par-date/decisions-depuis-1959/2012/2012-240-qpc/decision-n-2012-240-qpc-du-04-mai-2012.105618.html, accesat la 27.08.2013;
13. C. Gall, N. Hogaş, *Repertoriu de practică judiciară*, Ed. Ştiinţifică, Bucureşti, 1963;
14. M. S. Godea, R.-B. Godea, *Probleme de drept din activitatea secţiei penale a Curţii de Apel Timişoara*, în Revista de Drept Penal, nr. 1/2005;
15. A. Hărăstăşanu, *Unele soluţii adoptate de Curtea de Apel Braşov, referitoare la infracţiuni privitoare la viaţa sexuală*, în Revista Dreptul, nr. 12/2003;
16. I. C. Ilieş, *Infracţiuni privitoare la viaţa sexuală. Examen de practică judiciară*, în S.U.B.B Iurisprudetia, 2004, disponibil la: http://studia.law.ubbcluj.ro/articol.php?articolId=146, accesat la 16.07.2013;
17. *Îndreptarea legii 1652*, Ed. Academiei R.S.R., Bucureşti, 1962;
18. Gh. Josan, *Probleme de drept rezolvate în semestrul I al anului 2002 de Curtea de Apel Suceava, Secţia penală*, în Revista Dreptul nr. 12/2002;
19. V. Malabat, *Infractions sexuelles*, *Code pénal, Edition 2013,* Collectif (Auteur) - Etude (relié), Dalloz, 2012;
20. Ministerul Justiţiei, *Culegere de practică judiciară pe anul 2003*, Ed. All Beck, Bucureşti, 2004;
21. C. Niculeanu, *Sinteze de practică judiciară a Curţii de Apel Craiova în materie penală pe trim. IV 2002*, în Revista Dreptul, nr. 6/2003;

22. C. Niculeanu, *Practică judiciară rezumată şi comentată*, nota I, în Revista Dreptul nr. 10/2003;
23. C. Păun, *Comentariu la Hotărârea CEDO, 22 noiembrie 1995*, cauza *S.W. contra Anglia*, în Revista de Drept Penal nr. 2/1996;
24. V. Papadopol, St. Daneş, *Repertoriu de practică judiciară în materie penală pe anii 1981-1985*, Ed. Ştiinţifică şi Enciclopedică, Bucureşti, 1989;
25. V. Papadopol, M. Popovici, *Repertoriul pe anii 1969 –1975*, Ed. Ştiinţifică şi enciclopedică, Bucureşti, 1977;
26. I. I. Predoviciu, *Codul penal din Transilvania (Ungaria)*, Oradea, 1920;
27. C. G. Rătescu, I. Ionescu-Dolj, I. Gr. Perieţeanu, V. Dongoroz, H. Asnavorian, T. Pop, M. I. Papadopolu, N. Pavelescu, *Codul Penal Carol al II-lea*, vol II, partea specială I. Adnotat, Ed. Librăriei Socec & Co. S. A., Bucureşti, 1937;
28. C. Turianu, *Practică judiciară rezumată şi comentată*, nota II, în Revista Dreptul nr. 10/2003;
29. A. Ungureanu, *Jurisprudenţă penală a Curţii de Apel Bacău, pe anul 1997,* Ed. Lumina Lex, Bucureşti, 1998;
30. C. Viforeanu, E. Petit, N. I. Tanoviceanu, *Codul Penal Regele Carol al II-lea,* Ed. Adevărul S. A., Bucureşti, f. a.

D. ELECTRONIC RESOURCES

1. cad.sagepub.com, accesat la 11.01.2013
2. jurisprudentacedo.com, accesat la 10.07.2013
3. lex.justice.md/index.php?action=view&view=doc&id=331268, accesat la 22.07.2012
4. legislationline.org/documents/action/.../preview, accesat la 22.07.2013
5. http://actu.dalloz-etudiant.fr/fileadmin/actualites/pdfs/NOVEMBRE_2011/ Crim.992.pdf, accesat la 26.09.2013
6. http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=002-6215, accesat la 30.09.2013
7. http://portal.just.ro/256/Lists/Jurisprudenta/DispForm.aspxID=1&ContentTypeId=0x010017854362C029DA4EB7A0C1650A0C0651, accesat la 26.09.2013
8. http://idrept.ro/DocumentView.aspx?DocumentId=17342585, accesat la: 19.09.2013
9. http://www.curteadeapelcluj.ro/Jurisprudenta/sectia%20penala/Penal%20trim%202%202011.pdf, accesat la 23.09.2013
10. http://www.just.ro, accesat la 16.07.2013
11. www.just.ro/.../Coduri/Expunere%20motive%20-%20proiect%20-%20C..., accesat la 27.07.2013
12. http://legeaz.net/spete-penal/act-sexual-cu-un-minor-70-2011, accesat la 22.09.2013
13. http://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000026263463&dateTexte&categorieLien=id, accesat la 02.08.2013
14. http://portal.just.ro/256/Lists/Jurisprudenta/DispForm.aspx?ID=1&ContentTypeId=0x010017854362C029DA4EB7A0C1650A0C0651, accesat la 22.07.2013
15. http://www.scj.ro/cautare_decizii.asp, accesat la 11.09.2013
16. http://www.ziarulfaclia.ro/profesorul-ilie-parpucea-de-le-fsega-cercetat-penal-pentru-hartuire-sexuala/, accesat la 26.09.2013

17. http://www.zcj.ro/pagini/detalii-stire/browse/2/inapoi/de-veghe-in-lanul-de-cucuruz/articol/spectacole-fara-bani-cu-ex-profesorul-parpucea.html, accesat la 26.09.2013
18. http://www.evz.ro/detalii/stiri/un-profesor-universitar-clujean-filmat-cand-negocia-sex-contra-note-934861.html, accesat la 26.09.2013
19. http://www.9am.ro/stiri-revista-presei/Social/214054/VIDEO-Un-profesor-de-la-UBB-a-hartuit-sexual-o-studenta.html, accesat la 26.09.201
20. www.arsociologie.ro/ro/.../arhiva/21.../72-rezumat-rujoiu-1-2009, accesat la 28.07.2013
21. www.echr.coe.int, accesat la 12.07.2013

E. OTHER BIBLIOGRAPHIC SOURCES

1. C. Axenie, Declaraţia politică "Despre acurateţea terminologică şi morală a noului Cod penal", din 17.03.2009, disponibilă la: http://www.cdep.ro/pls/steno/steno.stenograma?ids=6604&idm=1,19&idl=1, accesat la 27.08.2013
2. CEOP (2007) Strategic overview 2006-7: Making every child matter ... everywhere. London: Child Exploitation and Online Protection Centre"(p. 12), apud Protecting children against sexual violence: The criminal law benchmarks of the Budapest and Lanzarote Conventions, disponibil la: http://www.coe.int/t/dghl/cooperation/economiccrime/cybercrime/documents/reports-presentations/2571_Child_benchmark_study_V32_pub_4_Dec12.pdf, accesat la 22.08.2013
3. Codul penal din Bosnia-Herţegovina, disponibil la: http://www.coe.int/t/dlapil/codexter/Source/country_profiles/legislation/CT%20Legislation%20-%20BiH%20RS%20Criminal%20Code.pdf, accesat la: 22.07.2013
4. Codul penal Republicii Franceze, disponibil la: http://legislationline.org/documents/section/criminal-codes, accesat la 22.07.2013
5. Codul penal al Republicii Federale Germania, disponibil la: http://legislationline.org/documents/section/criminal-codes, accesat la 22.07.2013
6. Codul penal din Italia, disponibil la: http://www.altalex.com/index.php?idnot=36774, accesat la 22.07.2013
7. Codul penal al Republicii Moldova (publicat în 14.04.2009, M. Of. nr. 72-74), disponibil la: lex.justice.md/index.php?action=view&view=doc&id=331268, accesat la 21.07.2013
8. Codul penal al Republicii Polonia, disponibil la: http://legislationline.org/documents/section/criminal-codes, accesat la 22.07.2013
9. Codul penal al Republicii Portugalia, disponibil la : http://www.hsph.harvard.edu/population/domesticviolence/portugal.penal.95.pdf, accesat la 02.09.2013
10. Codul penal din Spania disponibil la: http://noticias.juridicas.com/base_datos/Penal/lo10-1995.html, accesat la 22.07.2013

11. Codul penal din Suedia, disponibil la: http://legislationline.org/documents/section/criminal-codes, accesat la 22.07.2013
12. Codul penal al Republicii Turcia, disponibil la: legislationline.org/documents/action/.../preview, accesat la 22.07.2013
13. Comunicatul de presă, Dezincriminarea prostituţiei şi a incestului degradează şi umileşte demnitatea persoanei şi a familiei, disponibil la: http://theologhia.wordpress.com/2009/03/12/dezincriminarea-prostitutiei-si-a-incestului-degradeaza-si-umileste-demnitatea-persoanei-si-a-familiei/, accesat la 09.09.2013
14. Discursul susţinut de primul-ministru Emil Boc pe tema asumării răspunderii Guvernului asupra Proiectului de Lege privind Codul Penal, disponibil la: http://www.gov.ro/discursul-sustinut-de-primul-ministru-emil-boc-pe-tema-asumarii-raspunderii-guvernului-asupra-proiectului-de-lege-privind-codul-penal__l1a105728.html, accesat la 02.09.2013
15. A. L. Freestone, *Complainant-centred justice? A critical analysis of sexual assault and the meaning of „sexual" under the Sexual Offences Act 2003*, A thesis submitted in fulfillment of the requirements of the University of East Anglia for the degree of Doctor of Philosophy, Norwich Law School, september 2010, disponibil la: https://ueaeprints.uea.ac.uk/33038/1/2010FreestoneALPhD%5B1%5D.pdf, accesat la 02.10.2013
16. Ministerul Justiţiei, Noul Cod penal - menţiuni şi precizări, disponibil la: http://www.just.ro/LinkClick.aspx?fileticket=CF7uFtwrE0k%3d&tabid=2392, accesat la 09.09.2013
17. Ministerul Justiţiei şi Libertăţilor cetăţeneşti, Proiectul noului cod penal. Precizări privind textele care au suscitat dezbateri publice, disponibil la: http://www.just.ro/Portals/0/Coduri/dezbateri/cuprins%20si%20partea%20de%20penal.doc, accesat la 09.09.2013
18. Noul Cod penal al Republicii Ungaria, intrat în vigoare în iulie 2013, disponibil la: http://njt.hu/cgi_bin/njt_doc.cgi?docid=152383.235448, accesat la 09.09.2013
19. Parchetul de pe lângă Înalta Curte de Casaţie şi Justiţie, Observaţiile Parchetului de pe lângă Înalta Curte de Casaţie şi Justiţie cu privire la Proiectul Codului penal, disponibil la: http://www.mpublic.ro/Cp/observatii_piccj_cp.pdf, accesat la 09.09.2013
20. Preambulul Convenţiei de la Lanzarote, disponibil la: www.copii.ro/.../textul%20Conventiei%20in%20limba%20romana_2009..., accesat la 02.09.2013
21. Protecting children against sexual violence: The criminal law benchmarks of the Budapest and Lanzarote Conventions, disponibil la: http://www.coe.int/t/dghl/cooperation/economiccrime/cybercrime/documents/reports-presentations/2571_Child_benchmark_study_V32_pub_4_Dec12.pdf, accesat la 02.09.2013

22. Raportul final din 30 aprilie 2007 al Asociaţiei Baroului American - Iniţiativa Juridică pentru Europa Centrală şi Eurasia în colaborare cu USAID, intitulat Violenţa în familie în România: legislaţia şi sistemul judiciar, disponibil la: http://www.americanbar.org/content/dam/aba/directories/roli/romania/ee_romania_domestic_violence_final_report_0407_rom.authcheckdam.pdf, accesat la 20.07.2013
23. Sexual Offences Act 2003, disponibil la: www.legislation.gov.uk/ukpga/2003/42/contents, accesat la 25.07.2013
24. Strafgesetzbuch, StGB, disponibil la: http://www.iuscomp.org/gla/statutes/StGB.htm, accesat la 28.07.2013
25. R. Tarhini, *Le sort de la femme, auteur ou victime d'infractions sexuelles et/ou familiales en droit pénal comparé français et libanais*, Thèse pour l'obtention du titre de Docteur en Droit, soutenue le 1er décembre 2011 à Nancy, disponibilă la: http://docnum.univ-lorraine.fr/public/NANCY2/doc588/2011NAN20008.pdf, accesat la 03.09.2013
26. *Which regulations are there concerning sexual relations with children/teens?*, disponibil la: http://www.protection-of-minors.eu/en/cat10.php, accesat la 03.09.2013