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Romanian

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## Victims' rights - by country

Romania

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You are considered to be the **victim of a crime** if you have suffered physical or material damage as a result of an incident deemed to be a crime under the national legislation in force. As a victim of a crime, you have certain legal rights before, during and at the end of the criminal procedure.

The first two stages of the criminal procedure in Romania are: the criminal investigation and the trial. During the criminal investigation, the criminal investigation bodies, under the supervision of the public prosecutor, investigate the case, gathering evidence in order to find the offender. At the end of the criminal investigation, the police send the case to the public prosecutor's office, together with all the data and evidence collected in the file. After receiving the file, the case prosecutor examines the case and decides whether it is to proceed to the next phase, i.e. trial, or whether the file should be closed.

Once the dossier comes before the court, the panel of judges examines the facts and hears the persons involved in order to establish the guilt of the accused. Once guilt has been established, the offender receives a sentence. If the court considers that the accused is not guilty, then he or she is released.

**Click on the links below to find the information that you need**

[1 - My rights as a victim of crime](#)[2 - Reporting a crime and my rights during the investigation or trial](#)[3 - My rights after trial](#)[4 - Compensation](#)[5 - My rights to support and assistance](#)

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**1 - My rights as a victim of crime****What information will I get from the authority after the crime occurred (e.g. police, public prosecutor) but before I even report the crime?**

If you have been a victim of crime, you can report it to the police (or the public prosecutor) orally or in writing. You can also ask another person to report the crime for you, but you need to provide that person with a written power of attorney. The written and signed power of attorney will be attached to the case file. When reporting the crime, you can receive information on the services and the organisations providing psychological counselling or any other forms of victim support, according to your needs. You are also entitled to information on how to receive legal aid, on your rights during criminal proceedings (including protective measures as a threatened witness), as well as on how to receive financial compensation from the State. This information will be provided by the first judicial body you go to (police, public prosecutor). You will also receive a form with all this information, which you must sign. The information will be delivered to you in a language that you can understand.

**I don't live in the EU country where the crime took place (EU and non-EU citizens). How are my rights protected?**

If you are a foreigner and have been a victim of crime in Romania, you are entitled to all the rights of Romanian citizens who have been victims of crimes.

If you do not speak Romanian, you are entitled to an interpreter free of charge to assist you during your interaction with the authorities, including for filing your complaint in a language that you can understand and for receiving the information you are entitled to at the time of reporting the crime in a language you understand.

If you are a victim of human trafficking, you can receive accommodation in special shelters, where you will be protected. During criminal proceedings, you will receive information about the proceedings in a language you understand; you can also receive psychological counselling and medical assistance. The Romanian authorities will do their best to help you return to your home country as soon as possible and will provide secure transport to the Romanian border. If you are a foreigner, you can also claim financial compensation from the State if you have been the victim of: attempted murder and attempted aggravated murder, as set out in Articles 188 and 189 of the Criminal Code; domestic violence, as set out in Article 199 of the Criminal Code; intentional crimes resulting in the victim's bodily injury; rape, sexual assault, sexual intercourse with a minor and sexual corruption of minors, as set out in Articles 218 to 221 of the Criminal Code; ill-treatment of minors, as set out in Article 197 of the Criminal Code, as well as trafficking in and exploitation of and attempted trafficking in and exploitation of vulnerable persons.

**If I report a crime, what information will I receive?**

When you report a crime, the police officer recording the complaint will explain to you the procedure your case will go through. The police are obliged to draw up a written report indicating what information they have provided to you.

You will receive information about:

your rights during the criminal proceedings;  
the organisations you can approach for assistance and the services they provide;  
how you can receive protection;  
the conditions and the procedure for getting financial compensation from the State;  
the conditions and the procedure for receiving free legal representation.

Subsequently, during the proceedings, you can receive information on the progress of the investigation and, if the prosecutor decides not to refer the case to court, a copy of this decision. For this, you will need to submit a request to the police officer or the prosecutor handling your case and to indicate a postal address in Romania, an e-mail or electronic messenger address to receive the information.

If the prosecutor decides to refer the case to court for trial, you will be summoned to court.

If you are to be heard in court, you will also be informed of your rights and obligations, as follows:

the right to be assisted by a lawyer or, if applicable, to receive free legal representation;  
the right to resort to the services of a mediator in such cases as permitted by law;  
the right to propose evidence to be submitted, to make objections and conclusions in accordance with the law;  
the right to be informed about the progress of the proceedings;  
the right to file a preliminary complaint, where it is necessary (for certain types of crimes, your application in the form of a preliminary complaint is necessary for the case against the offender to proceed). The judicial bodies will provide clarifications on this matter where required. Preliminary complaints are intended to request the continuation of the criminal proceedings against the offender. The preliminary complaint differs from the complaint you file with the police or the public prosecutor to inform them that a crime has been committed against you.  
the right to become a civil party in the proceedings;  
the obligation to be present whenever summoned by the judicial bodies;  
the obligation to notify any change of address;  
the right to be informed about any release of the offender, where the offender is sentenced to prison or remanded in custody.

#### **Am I entitled to free interpreting or translation services (when I contact the police or other authorities, or during the investigation and trial)?**

Yes. You are entitled to translation and interpreting services throughout the criminal proceedings.

#### **How does the authority ensure that I understand and that I am understood (if I am a child; if I have a disability)?**

During criminal proceedings, a disabled person, irrespective of his/her status (defendant, injured party, witness) must be offered the services of an interpreter, psychologist and/or representative of the General Directorates for Social Work and Child Protection ( *Direcțiile Generale de Asistență Socială și Protecție a Copilului*) (for minors).

The legal framework in force sets out that the persons concerned may be provided with specialised assistance by the existing regional directorates for social work and child protection and, if applicable, medical assistance.

#### **Victim support services**

Depending on the nature of the crime (particularly when it is committed against persons), the police officer may recommend/ direct the victim to the psychological counselling services.

If you are the victim of a specific category of crimes (attempted murder and attempted aggravated murder, as set out in Articles 188 and 189 of the Criminal Code, domestic violence, as set out in Article 199 of the Criminal Code, intentional crimes resulting in the victim's bodily injury, rape, sexual assault, sexual intercourse with a minor and sexual corruption of minors, as set out in Articles 218 to 221 of the Criminal Code, ill-treatment of minors, as set out in Article 197 of the Criminal Code, as well as trafficking in and exploitation of and attempted trafficking in and exploitation of vulnerable persons), you can receive psychological counselling (up to three months for adults and up to six months for children under 18 years of age), medical assistance or any other type of assistance free of charge, as needed. These types of assistance are offered free of charge only if you have reported the crime to the police. You can apply for assistance with the probation services after filing the report with the police officer.

If you are a victim of domestic violence, you can turn for help to one of the family assistants working for the Ministry of Labour and Social Justice ( *Ministerul Muncii și Justiției Sociale*). The Ministry offers various types of assistance to victims of domestic violence (e.g. psychological counselling, protection of identity, etc.). As a victim of domestic violence, you can also ask to be accommodated in a centre for victims of domestic violence where you will receive protection and counselling.

#### **Who provides victim support?**

In Romania, depending on the type of crime, a victim can receive specific support from the following institutions:

If you are a victim of domestic violence, you can contact the National Agency for Equal Opportunities between Women and Men ( *Agenția Națională pentru Egalitate de Șanse între Bărbați și Femei*) and the General Directorates for Social Work and Child Protection (DGASPCs).

If you are under 18 years of age and you are a victim of crime, you can contact the National Authority for Protection of Children's Rights and Adoption ( *Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție - ANPDCA*) and the General Directorates for Social Work and Child Protection (DGASPCs).

If you are a victim of human trafficking, you can contact the National Agency Against Trafficking in Persons ( *Agenția Națională împotriva Traficului de Persoane - ANITP*) within the Ministry of Internal Affairs ( *Ministerul Afacerilor Interne - MAI*).

There are also a number of non-governmental organisations (NGOs) which provide various types of victim support. The institution you contact will direct you to the relevant NGO.

If you have been the victim of a violent crime, such as attempted murder and attempted aggravated murder, as set out in Articles 188 and 189 of the Criminal Code, domestic violence, as set out in Article 199 of the Criminal Code, intentional crimes resulting in the victim's bodily injury, rape, sexual assault, sexual intercourse with a minor and sexual corruption of minors, as set out in Articles 218 to 221 of the Criminal Code, ill-treatment of minors, as set out in Article 197 of the Criminal Code, as well as trafficking in and exploitation of and attempted trafficking in and exploitation of vulnerable persons, you may turn for help to the probation services.

#### **Will the police automatically refer me to victim support?**

Yes, the judicial bodies must refer you to such services.

#### **How is my privacy protected?**

Both during the criminal investigation and during court proceedings, if the judicial bodies deem that your privacy or dignity might be affected due to the information you provide or due to other causes, they may resort to measures, on their own initiative or on your application, to protect your confidentiality and privacy, such as:

protecting your identity details;

hearing you via audio-visual means, with your voice and image being distorted, without there being a requirement for your presence, where the other measures do not suffice;

keeping the court session private throughout your interview.

Moreover, during court proceedings, the court may forbid any publication of texts, drawings, photographs or images that might reveal your identity.

The court may also declare the court session private if a public hearing might affect your dignity or privacy.

The probation service staff must keep confidential the data in their possession during the exercise of their office. The information provided to the judicial bodies as part of the criminal proceedings is exempted from this rule. Both in the exercise of their job duties and in society, the advisers, the heads of services and the inspectors must keep confidential any documents they hold. The information related to the cases on the records of the service, as well as any information related to the organisation and the performance of their activities should be made available to the media subject to the confidentiality of the personal data of the service recipients.

#### **Do I have to report a crime before I can access victim support?**

In order to have access to the victim support services, you must report the crime to the relevant bodies.

#### **Personal protection if I'm in danger**

##### **What types of protection are available?**

Both during the criminal investigation and during court proceedings, you are entitled to protective measures, when the judicial bodies deem that you might be in danger.

It is highly important for you to know that, if the judicial bodies deem that you might be in danger due to the information you provide or due to other causes, they may take, either on your application or on their own initiative, certain measures to ensure your protection, such as:

providing surveillance or security to your home or temporary housing;

providing escort and protection to you or to the members of your family during travels;

protecting your identity details (personal data may be omitted from the file in order to protect your identity by specifying that this information is secret);

hearing you via audio-visual means, with your voice and image being distorted, without there being a requirement for your presence, where the other measures do not suffice (in this way, you do not have to appear before the police officer, the prosecutor or the judge and you will not be in the same place as the offender);

keeping the court session private throughout your interview;

Moreover, during court proceedings, the court may forbid any publication of texts, drawings, pictures or images that might reveal your identity.

Furthermore, if you are a witness in the criminal proceedings or, even where you are not involved in the case, you provide information which helps the judicial bodies to solve cases related to serious crimes or to prevent significant damages from occurring, you can ask the police officer or the prosecutor who conducts the investigation to place you under the witness protection programme. This programme includes a number of measures such as:

secret identity, including participation in hearings with your voice or image being distorted;

police protection of your home and police escort when you have to go to the criminal investigation bodies;

relocation;

change of identity, including the change of your appearance, if required.

If you enter the witness protection programme, you will be able to benefit from additional assistance such as:

reinsertion in a different social environment;

acquiring new professional qualifications;

new job;

financial support until you find a new job.

If necessary, your relatives of first degree (such as your children, parents) and your spouse may enter the witness protection programme as well.

If you have not entered the witness protection programme during criminal investigation, you may apply for this programme during court proceedings.

Additional protection is available, depending on the type of crime:

If you are a victim of domestic violence, you can ask the court to ban the offender from staying at your shared home. Alternatively, you, as a victim, can be accommodated in a centre for victims of domestic violence. Such accommodation is available only in urgent cases when your safety requires isolation from the offender or when there is a written approval from the family assistant in charge of your case. Once in the centre you can receive accommodation, food, medical care, psychological counselling and legal assistance free of charge.

If you are a victim of human trafficking, you can be accommodated in a centre for victims' protection. Accommodation is usually available for a period of 10 days, but the court may extend your stay until the end of the proceedings. If necessary, the police may provide physical protection during the criminal proceedings. If you are a victim of human trafficking, the court hearing will not be public.

If you deem that you are in danger, you should inform the police officer, the prosecutor or the judge and provide as much information as possible.

The above-mentioned measures are available both for the criminal investigation stage and for court proceedings.

#### **Who can offer me protection?**

You will receive the protection of the Romanian Police.

#### **Will someone assess my case to see if I am at risk of further harm by the offender?**

If, upon the completion of the criminal proceedings, you are still in danger, the judicial bodies will consider the advisability of including you in a witness protection programme, if you are not already part of that programme.

For victims of human trafficking, the risk will be assessed by the specialised structures of the police.

#### **Will someone assess my case to see if I am at risk of further harm by the criminal justice system (during investigation and trial)?**

Yes, your case can be assessed. For instance, the victims of certain categories of crimes (domestic violence, rape, sexual assault etc.) will be heard only by persons of the same sex if the victim requests this.

A second interview of the injured party will take place only if it is strictly necessary for the purpose of the criminal proceedings to avoid further harm to the victim.

In order to avoid further harm to the victim by having him/her repeatedly heard by the judicial bodies, the laws on criminal procedure also require that an injured party who has lodged a complaint in relation to a crime should be heard right away or, when this is not possible, after submitting the complaint, without undue delay.

A further measure benefiting to the victim is not to inform him/her about any release of the offender, if the victim has not specifically requested to be so informed.

#### **What protection is available for very vulnerable victims?**

If you are a vulnerable victim, you may benefit from the protective measures detailed in the above-mentioned answers on witness protection.

#### **I am a minor – do I have special rights?**

If you are a child victim of exploitation, violence, abuse, negligence or maltreatment or of any other crime, any person, including you, can report the crime to the police.

Minors are considered from the beginning vulnerable victims and the authorities should inform you about the protective measures you can receive. Minors can receive assistance from the National Authority for Protection of Children's Rights and Adoption. If you are in danger, you can apply for an injunction to entitle you to accommodation in a place where you can receive protection (such as another family or a special centre).

If you are called to appear before the criminal investigation bodies and you are under 14 years of age, you must be accompanied by your parents or guardian. If your parents or guardians are involved in the criminal proceedings or might be interested in influencing your statement, the interview will take place in the presence of a relative or another person appointed by the police officer/prosecutor/judge.

Moreover, the judicial bodies may decide that a psychologist should attend to help you during the interviews. You can apply for it with the judicial bodies. The interview must be recorded and, if this is not possible, it must be written down in a report.

You can be heard by the same person in specially designed/ adapted rooms, where available.

In the investigation of certain categories of crime, interviews may be conducted by a person of the same gender as the victim. You may also be accompanied by a person of your choice.

You are entitled to a legal representative throughout the proceedings. If you have no legal counsel, the court will assist you in finding one. If your family cannot afford to pay for the counsel's services, you are entitled to free legal assistance.

#### **My family member died because of the crime – what are my rights?**

The spouse, the child or a dependant of a person deceased as a result of murder and aggravated murder as set out in Articles 188 and 189 of the Criminal Code, as well as of intentional crimes leading to death is entitled to free legal assistance and to financial compensation from the State.

Free legal assistance is available also for further categories of crimes in addition to the foregoing, if the victim's monthly income per family member is no higher than the national basic minimum gross wage determined for the year when the application for free legal assistance is submitted.

#### **My family member was a victim of crime – what are my rights?**

Please see the above-mentioned information.

#### **Can I access mediation services? What are the conditions? Will I be safe during mediation?**

Mediation is possible only for less serious crimes listed in the criminal law. The procedure can be applied only if both you and the offender agree to participate. During the mediation procedure you will be invited to a series of meetings with the offender to discuss the possibilities for reconciliation. A person called a mediator will facilitate the meetings. If the procedure concludes with reconciliation, you can withdraw your complaint against the offender and the case will be closed. Otherwise, if the procedure has not been successful, the criminal proceedings will continue as if no mediation had ever occurred.

#### **Where can I find the law stating my rights?**

Law No 135/2010 regarding the Code of Criminal Procedure, as further amended and supplemented (*Legea nr. 135/2010 privind Codul de procedură penală*)

Law No 678/2001 regarding the prevention and countering of human trafficking, as further amended and supplemented (*Legea nr. 678/2001 privind prevenirea și combaterea traficului de persoane*)

Government Decision No 1216/2001 approving the National Action Plan regarding the countering of human trafficking (*Hotărârea de Guvern nr. 1.216/2001 privind aprobarea Planului național de acțiune pentru combaterea traficului de ființe umane*)

Law No 211/2004 regarding certain measures to protect victims of crime, as further amended and supplemented (*Legea 211/2004 privind unele măsuri pentru asigurarea protecției victimelor infracțiunilor*)

Government Decision No 1238/10 October 2007 approving the national specific standards for specialised assistance services to victims of human trafficking (*Hotărârea Guvernului nr. 1238 din 10 octombrie 2007 pentru aprobarea Standardelor naționale specifice pentru serviciile specializate de asistență a victimelor traficului de persoane*)

Law No 217/2003 regarding the prevention and countering of domestic violence, as further amended and supplemented (*Legea 217/2003 pentru prevenirea și combaterea violenței în familie*)

Law No 272/2004 for promoting and protecting children's rights, as further amended and supplemented (*Legea 272/2004 privind protecția și promovarea drepturilor copilului*)

Law No 682/2002 regarding witness protection, as further amended and supplemented (*Legea 682/2002 privind protecția martorilor*)

Law No 192/2006 regarding mediation and the organisation of the mediator profession, as further amended and supplemented (*Legea 192/2006 privind medierea și organizarea profesiei de mediator*)

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## **2 - Reporting a crime and my rights during the investigation or trial**

### **How do I report a crime?**

If you have been a victim of crime, you can report it to the police (or the public prosecutor) orally or in writing. You can also ask another person to report the crime for you, but you need to provide that person with a written power of attorney. The written and signed power of attorney will be attached to the case file. Your spouse, children or your lawyer can also report the crime instead of you. If you have suffered from domestic violence, any member of the family can report the crime to the police.

You can also report the crime if you are the spouse or adult child of a victim who has died as a result of the crime.

If you choose to report the crime orally, you have to go to a police station. The police officer accepting your report will write it down in a record and will ask you to sign it. Written reports must also be signed.

Your report has to include your name, occupation, home address and a detailed description of what happened. If you know who the offender is, you have to provide all the information you have about him/her, as well as any evidence related to the incident. During the investigation of the crime, you can also give additional information in the case.

If you do not speak or do not understand Romanian, you can file the report in a language you understand and the judicial body will have it translated. In this case, you may ask that any summons you receive should be issued in a language you understand.

### **How do I find out what's happening with the case?**

Following your report, the police bodies will forward the case to the public prosecutor, where it will be assigned a sole number.

Once you report the crime, you can check the progress of your case by making a written request to this end, while indicating an address in Romania or an e-mail or electronic messenger address where the authorities should send the information.

If the prosecutor decides to bring the case to court, you are entitled to consult the file at the premises of the court during court proceedings. In addition, you will be called to appear before the court.

#### **Am I entitled to legal aid (during the investigation or trial)? Under what conditions?**

If you are an injured party, you are entitled to receive legal assistance or to be represented.

a. Throughout the criminal proceedings, you are entitled to be assisted by a legal counsel of your choice paid by you. If the offender is convicted, you will be able to recover the expenses incurred for your legal counsel from the offender.

b. If you so wish, you may be represented throughout the criminal proceedings, unless your presence is compulsory or the prosecutor, the judge or the court deems it necessary, as applicable (e.g. for hearing purposes).

c. In certain cases, legal assistance during criminal proceedings may be provided free of charge:

if the prosecutor or the judge deems that you are not able to take care of your own defence and you have no paid legal counsel;

if you are a minor and have not yet acquired full legal capacity (by way of marriage or judicial decision);

if you have been the victim of any of the following crimes: attempted murder and attempted aggravated murder, bodily injury, intentional crimes resulting in the victim's bodily injury (the Criminal Code defines the meaning of bodily injury), rape, sexual assault, sexual intercourse with a minor and sexual corruption of minors;

if you are the spouse, child or another person dependant on the victim who has died as a result of murder, aggravated murder or of another intentional crime;

on demand, if you are the victim of other crimes than the aforementioned and if your monthly income determined per family member is no higher than the gross minimum national wage. The application for free legal assistance should be filed with the tribunal under whose jurisdiction you are residing.

In such cases, free legal assistance is available only if you have reported the crime with the police or the public prosecutor within 60 days from the occurrence of the crime or, if you could not report the crime, within 60 days from the end of the circumstances that have prevented you to report it.

If you wish to receive free legal assistance, you need to lodge an application with the prosecutor or the court, as applicable, which will take the required actions. Free legal assistance is available to you until the end of the criminal proceedings.

#### **Can I claim expenses (for taking part in the investigation/trial)? Under what conditions?**

You can claim reimbursement of your legal expenses. The court will decide what part of your expenses has to be reimbursed and by whom.

If you participate as an injured party or as a civil party in the proceedings (if your civil action is allowed) and the defendant is found guilty (even if, for certain reasons, he/she is not convicted to serve a sentence), he/she will be ordered to pay your legal expenses.

#### **Can I appeal if my case is closed before going to court?**

If the public prosecutor decides to close the case without bringing it to court, you can appeal against his/her decision within 20 days of receiving a copy of such decision. Your appeal has to be submitted to the superior prosecutor.

If the superior prosecutor dismisses your appeal, you may appeal against the superior prosecutor's decision before the preliminary chamber judge of the district court of jurisdiction.

#### **Can I be involved in the trial?**

You can be involved in the criminal proceedings as follows:

##### **as a victim (injured party)**

If you have suffered an injury caused by a crime, you may participate in the proceedings as a victim and you are entitled to a number of procedural rights, as detailed below.

##### **as a witness**

If you do not wish to participate in the criminal proceedings as an injured party, you should inform the judicial body handling your case, which, if so deemed necessary, may still call you to be heard as a witness. If you are called to be heard as witness, you must be present and declare everything you know about the incident.

##### **as a civil party**

If you wish to claim compensation for the damages caused by the crime, you have to file a civil claim, thus becoming a civil party in the criminal proceedings. In general, court hearings are open to the public and you can attend the hearings irrespective of your role in the proceedings. However, the court may decide to hold private hearings when there are sufficient reasons for this decision. In this case, you will be able to attend only if you are an injured party or a civil party.

Your presence in the courtroom is mandatory only when you are called for an interview (e.g. as a witness).

#### **What is my official role in the justice system? For example, am I or can I choose to be a: victim, witness, civil party or private prosecutor?**

If you have been a victim of crime, you may have one of the following roles in the justice system:

##### **Victim (injured party)**

If you have suffered an injury caused by a crime, you may participate in the proceedings as a victim and you are entitled to a number of procedural rights, as detailed below.

##### **Civil party**

If you wish to claim compensation for the damages caused by the crime, you may file a civil claim, thus becoming a civil party in the criminal proceedings.

##### **Witness**

If you do not wish to participate in the criminal proceedings as an injured party, you should inform the judicial body handling your case, which, if so deemed necessary, may still call you to be heard as a witness. In this case, you will be called for an interview and you will be asked to provide detailed information on the incident. Your presence during the interview is compulsory whenever you are called for this purpose.

#### **What are my rights and obligations in this role?**

If you participate in the criminal proceedings *as injured party/civil party*, you have a number of procedural rights:

##### **During the criminal investigation:**

- you are entitled to claim compensation for the damages caused by the crime. For this purpose, you need to become a civil party in the criminal proceedings or to file a separate civil action. You can become a civil party at any time of the criminal investigation.

In order to become a civil party in the proceedings, you must either request it orally before the police officer or the prosecutor or submit a written application to the police officer or the prosecutor handling the case. The application should specify what compensation you claim, the reasons and the related evidence. During the first interview, the prosecutor or the police officer will inform you that you can become a civil party in the proceedings.

- you are entitled to claim reimbursement of the legal expenses. The court will decide what part of your expenses has to be reimbursed and by whom.

If you participate as an injured party or as a civil party in the proceedings (if your civil action is allowed) and the defendant is found guilty (even if, for certain reasons, he/she is not convicted to serve a sentence), he/she will be ordered to pay your legal expenses.

- you are entitled to receive information on the progress of the investigation, as well as, if the prosecutor decides not to refer the case to court, a copy of such decision. For this, you will need to submit a request to the police officer or the prosecutor handling the case and to indicate a postal address in Romania, an e-mail or electronic messenger address to receive the information. If the prosecutor decides to refer the case to court for trial, you will be summoned to court.
- the right to interpreting and translation services, if you do not speak or understand Romanian. Throughout the criminal proceedings, you will be provided with an interpreter free of charge if you do not speak Romanian.
- throughout the criminal proceedings, you are entitled to be assisted by a lawyer. In specific cases, (e.g. when the prosecutor deems that you are not able to take care of your own defence or you are a minor and have not yet acquired full legal capacity, when you are a victim of certain crimes, when your income is below a certain limit etc. - please see the answer to the previous question), you are entitled to free legal assistance.
- you are entitled to be represented throughout the criminal proceedings, unless your presence is compulsory or the prosecutor, the judge or the court deems it necessary, as applicable (e.g. for hearing purposes).
- you or your counsel can consult the file. However, the consultation of your file will be subject to specific rules, which will be communicated by the prosecutor's office registry.
- you are entitled to be called for an interview by the police officer or the prosecutor handling the case. During the interview, you may ask to be accompanied both by your legal representative, if any, and by a person of your choice whose presence during the interview you may deem helpful. The judicial body can dismiss your request only on reasonable grounds.

When you report a crime that has been committed against you, the judicial body must hear you right away. If this is not possible, you should be heard as soon as possible after reporting the crime.

As a victim of domestic violence, rape or other types of sexual assault, ill-treatment of minors, harassment, sexual harassment, as well as in any other cases where you need to protect your privacy, you may ask to be heard by a person of the same sex as you. The judicial body can dismiss your request only on reasonable grounds.

- you are entitled to submit evidence and any other claims related to the settlement of the case. You can do this during your interview or in a separate application submitted to the judicial body handling your case.
- if the offender has been remanded in custody and then released, you are entitled to be informed of his/her release. During your first interview, you will be informed of this right and will be asked whether you wish to be informed of the offender's release.
- you can appeal against the acts undertaken in relation to your case. The appeal should be submitted to the case prosecutor, where the act was undertaken by a police officer, or to the superior prosecutor, where the act was undertaken by your case prosecutor.

If you appeal against the prosecutor's decision to close the criminal case and your appeal is dismissed, you can appeal against this decision before the preliminary chamber judge.

#### **During the trial:**

- you are entitled to claim compensation for the damages caused by the crime. For this purpose, you need to become a civil party in the criminal proceedings or to file a separate civil action.

If you have participated in the criminal investigation as a civil party, you may retain the same status during trial.

If you have not participated in the criminal investigation as a civil party, you may still become a civil party in the trial before the commencement of the inquiry.

When you are called for the first court hearing, you will be informed of this.

You may request to become a civil party in the trial orally before the court or submit a written application to this effect. The application should specify what compensation you claim, the reasons and the related evidence.

- you are entitled to claim reimbursement of the legal expenses. The court will decide what part of your expenses has to be reimbursed and by whom.
- If you participate as an injured party or as a civil party in the proceedings (if your civil action is allowed) and the defendant is found guilty (even if, for certain reasons, he/she is not convicted to serve a sentence), he/she will be ordered to pay your legal expenses.
- you are entitled to interpreting and translation services, if you do not speak or understand Romanian. Throughout the criminal proceedings, you will be provided with an interpreter free of charge, if you do not speak Romanian.
  - throughout the criminal proceedings, you are entitled to be assisted by a lawyer. In specific cases, (e.g. when the prosecutor deems that you are not able to take care of your own defence or you are a minor and have not yet acquired full legal capacity, when you are a victim of certain crimes, when your income is below a certain limit etc. - please see the answer to the previous question), you are entitled to free legal assistance.
  - you are entitled to be represented throughout the criminal proceedings, unless your presence is compulsory or the prosecutor, the judge or the court deems it necessary, as applicable (e.g. for hearing purposes).
  - you or your counsel can consult the file. However, the consultation of your file will be subject to specific rules, which will be communicated by the court's registry.

- you are entitled to be heard during court proceedings. The court will call you to appear at the hearing and you will be asked questions related to the crime.

You will be also asked to recount everything you remember about the incident.

- you are entitled to ask questions to the defendant, witnesses and experts when they are heard.
- you are entitled to make objections and conclusions on criminal matters in the case.
- you are entitled to submit evidence and any other claims related to the settlement of the case.
- if the offender has been remanded in custody or convicted to serve a penalty, you are entitled to be informed of his/her release. If you have not requested to be informed of the offender's release at your first interview during the criminal investigation when you were informed of this right, you may still request it during the trial either orally before the court or in writing.
- when a ruling is available, it will be notified to you and you are entitled to appeal against it.

An injured party or a civil party or a witness in the criminal proceedings also has a number of obligations arising from the need for the judicial bodies to find out the truth in the case and for the offender to be held liable:

- the obligation to appear before the police officer, the prosecutor or the judge whenever you are called to make statements.
- the obligation to declare everything you know in relation to the incident; you should be aware that if you commit misrepresentation before the judicial bodies, you can be accused of and convicted for perjury. As the spouse or close relative of the defendant, you can decline to make statements. You may also decline to answer if the questions are related to professional secrecy that you must keep.
- the obligation to inform the judicial bodies about any change of address so that they can call you and send you any future notices on the proceedings.
- you must display civil behaviour and show respect for the solemnity of the hearing. Otherwise, the court may order you to be removed from the courtroom.

Both during the criminal investigation and during court proceedings, you are entitled to protective measures if the judicial bodies deem that you might be in danger or if you are the victim of certain crimes that might affect your privacy or dignity.

It is highly important for you to know that, if the judicial bodies deem that you might be in danger or that your privacy or dignity might be affected due to the information you provide or due to other causes, they may take, either on your application or on their own initiative, certain measures to ensure your protection, such as:

providing surveillance or security to your home or temporary housing;

providing escort and protection to you or to the members of your family during travels;

protecting your identity details;

hearing you via audio-visual means, with your voice and image being distorted, without there being a requirement for your presence, where the other measures do not suffice;

keeping the court session private throughout your interview;

When so deemed necessary for your protection during the court proceedings, the judge may decide that the hearing should be private. You may also ask the judge to declare the hearing private.

Moreover, during court proceedings, the court may forbid any publication of texts, drawings, pictures or images that might reveal your identity.

If you are a *witness*, you are also entitled to other special means of witness protection. If you consider yourself in danger, you should inform the police officer, the prosecutor or the judge and provide as much information as possible.

#### **Can I make a statement during the trial or give evidence? Under what conditions?**

Yes. If you have chosen to participate in the trial, both the prosecutor/ police officer and the judge may hear you as an injured party/ as a civil party.

The prosecutor or the police officer will call you to be present at the premises of the police/ prosecutor's office in order to be interviewed and, during the trial, you will be called to be heard in the proceedings.

#### **What information will I receive during the trial?**

During the criminal investigation, you can receive information on the progress of the case and a copy detailing the prosecutor's decision related to the advisability of referring the case to court. For this, you will need to submit a request to the police officer or the prosecutor handling the case and to indicate an address in Romania, an e-mail or electronic messenger address to receive the information.

During the trial, you will be called at the first hearing and informed that you can become a civil party in the proceedings. You will receive no further calls for the next hearings. By attending court hearings or consulting the file, you will be informed about the progress of the case and the next hearing dates.

However, you will be called whenever you must be interviewed.

Once available, a copy of the ruling will be delivered to you.

If you do not understand Romanian, the ruling minutes (a report of the court's judgement without extensive reasoning) will be delivered to you in a language you understand. The reasoning will be provided to you in Romanian and you may resort to the available interpreting services in order to have it translated.

#### **Will I be able to access court files?**


Yes, you or your counsel can consult the file. In order to do this, you need to go to the registry of the prosecutor's office or of the court which keeps your file and submit an application in this respect.

However, the consultation of your file will be subject to specific rules, which will be communicated by the registry.

You are entitled to receive information on the conditions and the procedure governing the admission to the witness protection programme.

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### **3 - My rights after trial**

#### **Can I appeal against the ruling?**

The trial concludes with a court decision (sentence), which may result in: the conviction or acquittal of the defendant, the waiver or postponement of sentencing or the termination of the criminal proceedings. The decision will be announced during a public court hearing. If you have participated in the trial as a victim and/or civil party, you will receive a copy of the court's decision by post.

If you are not satisfied with the court decision, you can appeal against it. You can file an appeal only if you have participated in the trial as a victim or civil party.

You can also appeal as a witness, but only in relation to the reimbursement of legal expenses and indemnities you are entitled to.

If you are a victim or civil party, the deadline for submitting the appeal is 10 days after receiving a copy of the decision minutes.

If you have acted as a witness, you can file an appeal right after a decision on legal expenses and indemnities has been handed down, but no later than 10 days from the ruling that settled the case or from the notification of the ruling on legal expenses or indemnities, as applicable.

The appeal has to be made in writing and signed. Appeals are submitted to the same court whose decision you are appealing against.

After receiving the appeal, the court will forward it to the higher court competent to deal with it. The copy of the court's decision will include information about when and where you can file your appeal.

#### **What are my rights after sentencing?**

The sentence will enter into force after all the opportunities for appeal have been exhausted. After the sentence enters into force, your role in the proceedings is over. If you have been placed under a special witness protection programme during the proceedings, you can continue to benefit from it until the court decides that you are no longer in danger.

#### **Am I entitled to support or protection after the trial? For how long?**

As support measure, free psychological counselling is provided for no longer than 3 months. Victims under 18 years of age are entitled to free psychological counselling for no longer than 6 months.

Protection under the witness protection programme may also continue after the trial. The term of such protection will be decided by the court.

#### **What information will I be given if the offender is sentenced?**

If the offender is sentenced, you can have access to the following categories of information: the type and the duration of the penalty (the sentence is handed down in public session and will be delivered to you subsequently), information in case of escape, release on any terms, provided that you have requested such information.

#### **Will I be told if the offender is released (including early or conditional release) or escapes from prison?**

Yes, you will be informed of the offender's release or escape from prison, if you have requested so when asked by the judicial bodies. Please see the answer above.

#### **Will I be involved in release or parole decisions? For example, can I make a statement or lodge an appeal?**

Your role in the criminal proceedings will be over when the court's decision (convicting or acquitting the defendant, waiving or postponing penalty enforcement or terminating criminal proceedings) becomes final.

You will not be involved in the offender's release or conditional release procedure.

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### **4 - Compensation**

#### **What is the process for claiming damages from the offender? (e.g. court case, civil claim, adhesion procedure)**

You can claim damages from the offender by becoming a civil party in the criminal proceedings. You should take this course of action before the commencement of the preparatory inquiry. The judicial bodies must inform you of this right. You may bring a civil action in the criminal proceedings either orally or in writing. However, you must specify the damages claimed, the reasons and the evidence underlying your claim.

This claim may be lodged either with the prosecutor's office or with the court that will deal with the substance of the case.

The court sentence will also include the damages ordered by the court against the offender.

If you are not a civil party in the criminal proceedings, you may still lodge a separate action with the civil court in order to claim damages.

#### **The court ordered the offender to pay me damages/compensation. How do I make sure the offender pays?**

As long as there is a judgement in place ordering the offender to pay damages, he/she must do so without the need for you to take any further action. If the offender fails to pay, you may seek the enforcement of the judgement.

In order to do this, you must submit the judgement awarding you compensation to a bailiff. The bailiff will act for the enforcement of the court decision and will tell you what to do next.

#### **If the offender does not pay, can the state pay me an advance? Under what conditions?**

The state can pay you compensation under certain conditions.

If the offender is insolvent or is missing, the state can pay you compensation, provided that you lodge an application for financial compensation. You should lodge the application within one year. The date on which the term begins to run depends on the solution ordered by the judicial bodies.

If the offender is unknown, you should lodge the application for financial compensation within 3 years from the perpetration of the offence, unless you have obtained full compensation from an insurer.

You may submit an application for an advance payment of the financial compensation. In order to do this, you should first submit the application for financial compensation as mentioned above. The advance payment may be requested in the application for financial compensation or subsequently within 30 days.

You are entitled to an advance payment provided that you are in a precarious financial position.

If your application for damages/compensation is dismissed, you must refund the advance money received. The application for financial compensation should be lodged with the tribunal under whose jurisdiction you reside.

#### **Am I entitled to compensation from the state?**

Yes. Please see the answer above.

#### **Am I entitled to compensation if the offender is not convicted?**

If the criminal court does not award relief in respect of the civil claim, you may lodge a separate action with the civil court in order to claim damages.

If the criminal court rules that there is no offence or that it has not been committed by the person against whom you have lodged the complaint, you will not be entitled to damages/compensation either in criminal court or in a separate civil action, since the ruling of the criminal court acquires the force of *res judicata* before the civil court.

If you are not a civil party in the criminal proceedings, you may lodge a separate action in civil court during the criminal trial or even when it is over, subject to the general limitation periods.

#### **Am I entitled to an emergency payment while I wait for the decision on my compensation claim?**

Yes, under certain conditions You may submit an application for an advance payment of the financial compensation. Please see the answer to the question on advance payments.

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### **5 - My rights to support and assistance**

#### **I am a victim of crime who do I contact for support and assistance?**

You may contact various institutions, according to the category of victims you belong to:

#### **National Agency for Equal Opportunities between Women and Men (Agenția Națională pentru Egalitatea între Femei și Bărbați - ANES)**

It offers various types of services, such as:

free and anonymous telephone line intended for the victims of domestic violence - 24/7 Call Centre - 0800 500 333

specialised social services at the Emergency Reception Centres for the Victims of Domestic Violence

advice, information and guidance for the victims of domestic violence

Contact:

Address: 5 Intrarea Camil Petrescu, 1st District, Bucharest



Telephone: +4 021 313 0059

E-mail: [secretariat@anes.gov.ro](mailto:secretariat@anes.gov.ro)

<http://anes.gov.ro/>

<http://anes.gov.ro/harta/>

[http://anes.gov.ro/webcenter/portal/Sirmes/pages\\_asistentapentruvictime/link-uriutilepentruvictime](http://anes.gov.ro/webcenter/portal/Sirmes/pages_asistentapentruvictime/link-uriutilepentruvictime)

**National Agency Against Trafficking in Persons (Agenția Națională împotriva Traficului de Persoane - ANITP) within the Ministry of Internal Affairs (Ministerul Afacerilor Interne)**

The network of courts of appeal includes 15 regional centres. Each centre is attached to a court of appeal.

It offers various types of services, such as:

providing a helpline for citizens, which is available around the clock for information and notification of any potential cases of human trafficking: HelpLine 0.800.800.678 (national toll-free number) or +4.021.313.3100 (for calls from abroad), working hours: Mon to Fri, between 08:00-16:00

informing the relevant authorities about any potential cases of human trafficking

providing assistance to victims through the 15 regional centres

Contact:

Address: 20 Ion Câmpineanu St., 5th floor, 1st District, Bucharest,

Telephone: +40 21 311 89 82 / 021 313 31 00

Fax: +40 21 319 01 83

E-mail: [anitp@mai.gov.ro](mailto:anitp@mai.gov.ro)

<http://anitp.mai.gov.ro/>

**National Agency for Employment (Agenția Națională pentru Ocuparea Forței de Muncă - ANOFM) within the Ministry of Labour and Social Justice (Ministerul Muncii și Justiției Sociale)**

It can provide professional employment and training services through its territorial structures for registered persons seeking employment, including those who were victims of crimes, particularly to victims of trafficking in persons.

Contact:

20-22 Avaranșei St., 4th District, Bucharest, 040305,

E-mail: [anofm@anofm.ro](mailto:anofm@anofm.ro)

Website: <https://www.anofm.ro/index.html?agentie=ANOFM&page=0>

**National Probation Directorate (Direcția Națională de Probatiune - DNP) of the Ministry of Justice (Ministerul Justiției)**

There are 42 probation services working under DNP's coordination. Generally, their premises are located within public institutions (courts of law, county councils, county courts of auditors, etc.).

They can offer the following types of services:

free psychological counselling, on request, for the victims of attempted murder and attempted aggravated murder, domestic violence, intentional crimes resulting in the victim's bodily injury, rape, sexual assault, sexual intercourse with a minor and sexual corruption of minors, ill-treatment of minors, trafficking in and exploitation of and attempted trafficking in and exploitation of vulnerable persons.

other forms of assistance: guidance for finding a job or for attending educational courses or professional training, assistance in contacting NGOs, the General Directorates for Social Work and Protection (DGASPs) for other victim support services etc.

Contact:

Bucharest, 17 Apolodor St., 5th District

Telephone: 0372.041.293

[dp@just.ro](mailto:dp@just.ro)

<http://www.just.ro/en/directia-nationala-de-probatiune/>

**General Inspectorate of Romanian Police (Inspectoratul General al Poliției Române - IGPR)**

It has territorial structures only in the border counties and can provide support at ANITP's request so as to help the victim take part in certain stages of the criminal proceedings.

The police can inform you about the rights you have as a victim.

Moreover, the specialised structures of IGPR can provide physical protection during the proceedings.

**National Authority for the Protection of Children's Rights and Adoption (Autoritatea Națională pentru Protecția Drepturilor Copilului și Adopție - ANPDCA) within the Ministry of Labour and Social Justice**

ANPDCA is the institution that coordinates the implementation of the national strategies for the protection of children's rights and provides relevant methodological coordination in the field. The child protection system is decentralised, as the General Directorates for Social Work and Child Protection (DGASPC) report to the county councils or to the local councils of the Bucharest Municipality districts.

DGASPCs provide various services, such as: evaluation of the cases of violence against children and providing/facilitating services according to a plan, complex evaluation for children with disabilities, complex evaluation for other persons with disabilities, social ambulance, social telephone line, social services for preventing domestic violence and trafficking in human beings, specialised social services in various institutions.

Contact: <http://www.copii.ro/?lang=en>

**Non-Governmental Organisations (NGOs)**

*In the field of trafficking in persons:*

[Asociația de Dezvoltare a Practicilor Alternative pentru Reintegrare și Educație](#) - Bucharest

[Fundatia Ușă deschisă](#) - Bucharest

[Asociația Generație Tânără România](#) - Timișoara

[People to People Foundation](#) – Oradea: E-mail: [office@people2people.ro](mailto:office@people2people.ro)

[Micu Bogdan Foundation](#) - Brașov: E-mail: [office@fundatiamicubogdan.ro](mailto:office@fundatiamicubogdan.ro)

*In the field of prevention and control of domestic violence, accessible by clicking on:*

[Asociația TRANSCENA](#)

[Asociația ANAIS](#)

[Fundatia PRETUIESTE VIATA](#)

[Fundatia SENSIBLU](#)

[Rețeaua pentru prevenirea și combaterea violenței împotriva femeilor](#)

 [Rețeaua "Rupem tăcerea despre violența sexuală"](#)

 [Asociația NECUVINTE](#)

 [Asociația Touched România](#)

*In the field of protection of children's rights:*

**Save the Children (*Salvați copiii*)**

Address: 3 Intr. Ștefan Furtună, 1st District, 010899, Bucharest, Romania

Telephone: +40 21 316 61 76

 <https://www.salvaticopiii.ro/>;

**Social Alternatives (*Alternative Sociale*)**

24 Șoseaua Nicolina, Building 949, ground floor, Iași, 700722

Telephone: +40 332 407 178

 [http://www.alternativesociale.ro/en\\_GB/](http://www.alternativesociale.ro/en_GB/)

#### **Victim support hotline**

The persons who have suffered injuries as a result of crimes can also contact the police by dialling the single national emergency number - 112.

Free and anonymous telephone line intended for the victims of domestic violence - 24/7 Call Centre - 0800 500 333

Telverde of the National Agency Against Trafficking in Persons: 0800 800 678 - national toll-free number and 0040213133100 - for calls from abroad.

Working hours: Mon to Fri, between 08:00-16:00

Child helpline number: 116111. Free telephone line. Working hours: Mon to Sun: 08:00 – 24:00.

#### **Is victim support free?**

Pursuant to the Romanian law, the victims of trafficking in persons are entitled to protection and assistance free of charge.

The assistance provided by the *National Agency for Equal Opportunities between Women and Men* to victims of domestic violence is free of charge.

The assistance provided by the National Probation Directorate to victims is free of charge.

The assistance provided to child victims of violence is free of charge.

#### **What types of support can I receive from state services or authorities?**

Please see the answers above.

Child victims are entitled to all categories of services (medical services, psychological services, etc.)

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