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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?

The judicial bodies and any other State institutions with which you interact will provide you with information on the victim support services within the Directorates General for Social Work and Child Protection (Direcții Generale de Asistență Socială și Protecție a Copilului - DGASPCs) and the NGOs providing such services that you can contact.

You will receive that information both orally and in writing, by means of a form which you must sign and which includes at least the address of the victim support service within the jurisdiction of the institution providing the information and a list of its responsibilities.

The first judicial body (police/public prosecutor) you go to or, where appropriate, the victim support services, at the time of first contact, will inform you of your rights and the support and protection services that you can receive.

You will receive information on:

- the type of support you can receive and who can provide it, including basic information on access to medical assistance, psychological counselling and alternative accommodation;
- the criminal investigation body with which you can file a complaint;
- the right to legal assistance and the institution you can contact for that purpose;
- the conditions and procedure for receiving free legal assistance;
- your rights during criminal proceedings (including protective measures as a threatened witness);
- the conditions and procedure for receiving financial compensation from the State;
- the right to use the services of a mediator;
- if you live in another EU Member State, information on how to file a criminal complaint or apply for financial compensation from the State in that Member State, and information on how you can be heard by the Romanian judicial authorities without being present in Romania.

The information will be provided to you in a language that you can understand. You will also receive a form with all this information, which you must sign. You may be accompanied by a person of your choice when you first contact the authorities.

If you file a complaint with the judicial body, you will receive a written acknowledgment of your report. The complaint may be filed in writing or orally. 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 power of attorney, which must be signed by you, will be attached to the case file.

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, who will assist you during your interaction with the authorities. This means that you will be able to file your complaint and receive the information you are entitled to at the time of reporting the crime in a language that you understand.

If you live in another Member State, you can file the criminal complaint or apply for financial compensation in that Member State. Furthermore, you can be heard by the Romanian judicial authorities without being present in Romania.

If you are a victim of human trafficking, you can receive accommodation in special shelters, where you will be protected. During the criminal proceedings, you will receive information about the proceedings in a language that 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 claim financial compensation from the State if you have been the victim of any of the following crimes: attempted murder and attempted aggravated murder, as set out in Articles 188 and 189 of the Criminal Code; bodily injury, as set out in Article 194 of the Criminal Code; intentional crimes resulting in the victim's bodily injury, and domestic violence, as set out in Article 199 of the Criminal Code; rape, sexual intercourse with a minor or sexual assault, as set out in Articles 218 to 220 of the Criminal Code; human trafficking or child trafficking, as set out in Articles 210 and 211 of the Criminal Code, terrorism or any other intentional violent crime.

You can also receive vouchers designed to meet urgent needs, up to an amount equivalent to 5 gross national basic minimum wages.

'Urgent needs' relate to food, accommodation, transport, medicines and sanitary supplies, as well as hygiene and personal materials, expressed explicitly or implicitly, the absence of which may negatively affect your immediate interests.

Requests may be submitted to the Committee for Financial Compensation to Victims of Crime at the Bucharest Court.

You are also entitled to free legal assistance if you have been a victim of attempted murder, attempted aggravated murder, bodily injury, an intentional crime resulting in bodily injury, rape, sexual assault, sexual intercourse with a minor or sexual corruption of minors. The spouse, the children and dependants of persons deceased as a result of murder, aggravated murder and intentional crimes resulting in the victim's death are also entitled to free legal assistance.

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

When you report a crime, the police officer who takes your report will explain to you what will happen next. You will be informed of your rights and the services you can receive. 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 receiving financial compensation from the State;
- the conditions and the procedure for receiving free legal representation;
- the conditions and procedure for receiving free legal assistance;
- the right to use the services of a mediator;
- if the defendant is deprived of his/her liberty or receives a custodial sentence, your right to be informed about his/her release;
- if you live in another Member State, information on how you can apply for financial compensation from the State in that Member State, and information on how you can be heard by the Romanian judicial authorities without being present in Romania.

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 that decision. In order to receive that information, you will need to submit a request to the police officer or the prosecutor handling your case, indicating a postal address in Romania or an e-mail or electronic messenger address where you can be contacted.

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 use the services of a mediator in such cases as permitted by law;
- the right to propose evidence to be submitted, to raise objections and make submissions in accordance with the law;
- the right to be informed about the progress of the proceedings;
- the right to file a preliminary complaint, where this is necessary (for certain types of crime, you will need to submit an application in the form of a preliminary complaint in order for the case against the offender to proceed). The judicial bodies will provide clarifications on this matter where required. By submitting a preliminary complaint, you are requesting the continuation of criminal proceedings against the offender. A preliminary complaint is different from the complaint you file with the police or the public prosecutor to report a crime that has been committed against you.
- the right to become a civil party in the proceedings;
- the obligation to report to the judicial bodies whenever you are summoned;
- 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)?

The judicial body may order that interviews of victims who require protection under the law be conducted via or in the presence of a psychologist or another person specialising in victim counselling.

Victims with speech or hearing impairments will be interviewed in the presence of persons who can communicate using sign language. In such cases, you may also communicate in writing.

Victim support services

In order to receive appropriate support and protection, victims will be assessed individually. Victims are assessed by victim support services or private providers of social services. Where appropriate, those services cooperate with public or private healthcare providers, with the victim's consent.

Support and protection services provided both to victims of crimes and to their family members may consist of:

- information on the victim's rights;
- psychological counselling, advice concerning the risks of secondary and repeat victimisation or of intimidation and retaliation;
- advice relating to financial and practical issues arising from the crime;
- social insertion/reinsertion services;
- emotional and social support for social reintegration;
- information and advice relating to the victim's role during criminal proceedings, including preparation for participation in the trial;
- referral of the victim to other specialised services, where appropriate: social services, healthcare services, employment services, education services or other services of general interest provided under the law.

Support and protection services can be provided in:

1. day centres, which mainly provide information, counselling, emotional and social support for social reintegration, psychological counselling, legal counselling, financial advice, social insertion/reinsertion

services, etc.;

2. residential centres, which provide appropriate interim accommodation for victims in need of a safe place due to an imminent risk of secondary and repeat victimisation, intimidation and retaliation.

Victims of domestic violence or human trafficking can be accommodated in residential reception centres where, for a limited period of time, they and the minors in their care receive family assistance, protection against the offender, medical care and care services, food, accommodation, psychological counselling and legal assistance free of charge.

More details on support services for victims of domestic violence can be found [here](#).

Who provides victim support?

There is a victim support service within each General Directorate for Social Work and Child Protection (DGASPC).

Victim support can also be provided by private social service providers.

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 Directorates General for Social Work and Child Protection (DGASPCs).

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

If you have been 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).

The Ministry of Justice is the Romanian assisting authority responsible for the financial compensation procedure for victims of intentional violent crimes committed in the territory of a Member State, other than that where the victim legally resides.

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.

Will the police automatically refer me to victim support?

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

How is my privacy protected?

Information, support and protection are provided to victims of crime in a manner that ensures confidentiality of their personal data and of any information on the victim's private life and the difficulty the victim is facing. Support services are provided on an anonymous basis and do not require the conclusion of a contract with the beneficiaries.

Data concerning victims of crimes are stored for one year. They may be used for victim support and protection activities or supplied to judicial bodies at their request. The stored data will be deleted when the one-year period has expired.

If you receive victim support and protection, your identification data will be kept throughout the period during which such measures apply and for three months after that period has ended.

The location of accommodation centres for victims of domestic violence and human trafficking is secret.

Both during the criminal investigation and during the court proceedings, if the judicial bodies deem that your privacy or dignity may be affected because of any information you provide or for any other reason, they may

take a number of measures, on their own initiative or at your request, to protect your confidentiality and privacy, such as:

- protecting your identity details;
- interviewing/hearing you via audio-visual means, with your voice and image being distorted, without you needing to be present, where the other measures do not suffice;
- keeping the court session private throughout your interview.

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

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

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

You do not need to file a complaint with the criminal investigation bodies in order to have access to information, support and protection provided to victims of crime.

Personal protection if I'm in danger

What types of protection are available?

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

It is very important for you to know that, if the judicial bodies deem that you may be in danger because of any information you provide or for any other reason, they may take, either at your request or on their own initiative, certain measures to ensure your protection, such as:

- providing surveillance or security at 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 keeping it secret);
- interviewing/hearing you via audio-visual means, with your voice and image being distorted, without you needing to be present, 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 the proceedings, the court may prohibit the publication of any texts, drawings, photographs or images that could 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 are invited to report to the criminal investigation bodies;
- relocation;
- change of identity, including a change in appearance, if required.

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

- reinsertion in a different social environment;
- acquiring new professional qualifications;
- a new job;
- financial support until you find a new job.

If necessary, your first-degree relatives (such as your children or parents) and your spouse may enter the witness

protection programme as well.

If you have not entered the witness protection programme during the criminal investigation, you may apply to the court to be included.

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

- If you are a victim of domestic violence, you can ask the police to remove the offender immediately from your shared home by means of a temporary protection order, which will remain in force until the court has issued a protection order. Alternatively, as a victim, you can be accommodated in a centre for victims of domestic violence. Such accommodation is available only in urgent cases or with the approval of the centre's management. Once admitted to 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. In accordance with the law, accommodation is available for a period of maximum 90 days, but the court may extend your stay until the end of the proceedings. Court sessions in cases concerning child trafficking are private. Furthermore, in such cases, minors under 14 years of age will be heard in the presence of a psychologist and a representative of the General Directorate for Social Work and Child Protection.

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

The measures set out above are available both at the criminal investigation stage and during the court proceedings.

Who can offer me protection?

You will be protected by the Romanian Police.

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

In order to avoid secondary victimisation, you will be assessed as soon as possible after your identification, so that the number of statements and medical/psychological/social assessments is kept to a minimum.

Victim support departments/providers of victim support services will offer you advice on the risks of intimidation and retaliation. In order to avoid the risk of intimidation and retaliation, you can be temporarily accommodated in residential centres.

If you are still in danger after the criminal trial has ended, the judicial bodies will consider whether you should be included in a witness protection programme, unless you are already part of such a programme.

If you have been a victim of human trafficking, violence in close relationships, organised crime, terrorism or other categories of crime, you will be deemed a vulnerable victim and will receive the protection provided for by law for threatened or vulnerable witnesses.

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, if you have been a victim of certain categories of crime (domestic violence, rape, sexual assault etc.), you will be heard only by a person of the same gender, should you so request.

A second interview of the victim will take place only if this is strictly necessary for the purpose of the criminal proceedings, so as to avoid further harm.

To avoid secondary victimisation caused by repeated interrogation of the victim by the judicial bodies, the laws on criminal procedure also require that an injured party who has reported a crime should be heard immediately or, when this is not possible, after they have submitted the complaint, without undue delay.

Victims of crimes are offered separate waiting rooms in court.

What protection is available for very vulnerable victims?

If you are a vulnerable victim, you may benefit from the protective measures set out above in the answers relating to witness protection.

I am a minor – do I have special rights?

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

Minors are considered vulnerable victims from the beginning, and the authorities will inform you about the protective measures you can receive.

If the judicial body cannot determine your age and there are reasons to believe that you are a minor, you will be presumed to be a minor.

Child victims of violence will be assessed and provided support and protection under the law by the specialised departments of the Directorates General for Social Work and Child Protection that are responsible for intervention in cases of abuse, negligence, trafficking, migration and repatriation.

Minors can receive assistance from the National Authority for the Protection of Children's Rights and Adoption.

An abused or neglected child or a child who has experienced any form of violence may be temporarily placed with another family, with a foster parent or in a special centre, as an emergency measure.

If you are called to appear before the criminal investigation bodies and you are less than 14 years old, you must be accompanied by your parents or guardian or by the representative of the institution entrusted with your upbringing and education, as well as by a psychologist determined by the judicial body. The psychologist will provide expert advice to the minor throughout the legal proceedings.

If your parents or guardians are also involved in the criminal proceedings or may have an interest in influencing your statement, you will be interviewed in the presence of a representative of the guardianship authority or of a relative with full legal capacity, as well as a psychologist determined by the judicial body. If the hearing concerns the work of the institution entrusted with your upbringing and education, the representative of that institution shall be replaced by the representative of the guardianship authority or a relative with full legal capacity, as well as a psychologist determined by the judicial body.

The interview must be recorded. If that is not possible, it must be specified in your statement, giving the reasons.

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

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.

In cases concerning human trafficking crimes, minors under 14 years of age will be heard in the presence of at least one of their parents or another legal representative. Furthermore, a psychologist and a representative of the General Directorate for Social Work and Child Protection must also be summoned.

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

In this case, you are a victim of crime and are entitled to all the support and protection services set out above, including information, psychological counselling, legal assistance, referral to healthcare services, social insertion/reinsertion services etc.

The spouse, the children and dependants 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 resulting in the victim's death are entitled to free legal assistance and financial compensation from the State.

Free legal assistance is available also for other categories of crime, if the victim's monthly income per family member is no higher than the gross national minimum basic salary 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 above.

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

Mediation is possible in the case of crimes that are considered less serious under 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 see whether reconciliation is possible. A person called a mediator will facilitate the meetings. If at the end of the procedure you have reached an agreement with the offender, you can withdraw your complaint and the case will be closed. If the procedure has not been successful, the criminal proceedings will continue as if no mediation has occurred.

Where can I find the law stating my rights?

- Law No 135/2010 on the Code of Criminal Procedure, as amended (Legea nr. 135/2010 privind Codul de procedură penală)
- Law No 678/2001 on preventing and combating human trafficking, as amended (Legea nr. 678/2001 privind prevenirea și combaterea traficului de persoane)
- Government Decision No 1216/2001 approving the National Action Plan for combating human trafficking (Hotărârea de Guvern nr. 1216/2001 privind aprobarea Planului național de acțiune pentru combaterea traficului de ființe umane)
- Law No 211/2004 on certain measures to ensure the protection of victims of crime, as amended (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 on preventing and combating domestic violence, as amended (Legea 217/2003 pentru prevenirea și combaterea violenței în familie)
- Law No 272/2004 on the protection and promotion of children's rights, as amended (Legea 272/2004 privind protecția și promovarea drepturilor copilului)
- Law No 682/2002 on witness protection, as amended (Legea 682/2002 privind protecția martorilor)
- Law No 192/2006 on mediation and the organisation of the profession of mediator, as amended (Legea 192/2006 privind medierea și organizarea profesiei de mediator)
- Law No 230 of 19 July 2022 amending and supplementing Law No 318/2015 on the establishment, organisation and functioning of the National Agency for the Administration of Seized Assets, amending and supplementing certain legislative acts and amending and supplementing Law No 135/2010 on the Code of Procedure (Legea nr. 230 din 19 iulie 2022 privind modificarea și completarea Legii nr. 318/2015 pentru înființarea, organizarea și funcționarea Agenției Naționale de Administrare a Bunurilor Indisponibilizate și pentru modificarea și completarea unor acte normative, precum și pentru modificarea și completarea Legii nr. 135/2010 privind Codul de procedură)
- Decision No 541 of 8 June 2023 approving the methodology for issuing, distributing and settling vouchers intended for victims of crime, determining their amount, and the criteria for selecting public and private entities involved in the granting mechanism, and supplementing Government Decision No 652/2009 on the organisation and functioning of the Ministry of Justice (Hotărârea nr. 541 din 8 iunie 2023 pentru aprobarea Metodologiei de emitere, distribuire și decontare a voucherelor destinate victimelor infracțiunii, pentru stabilirea cuantumului acestora,

precum și a criteriilor de selectare a entităților publice și private înrolate în mecanismul de acordare și pentru completarea Hotărârii Guvernului nr. 652/2009 privind organizarea și funcționarea Ministerului Justiției)

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