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CILD Italian Coalition for Civil Liberties and Rights

ROMA TRE UNIVERSITÀ DEGLI STUDI

SOLWODI Solidarity with women in distress Solidarität mit Frauen in Not

SCANDINAVIAN HUMAN RIGHTS LAWYERS

CEPOV

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NATIONAL REPORT

ROMANIA
LEGAL AID FOR VICTIMS OF CRIMES

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ABBREVIATIONS

- General Directorates for Social Assistance and Child Protection (GDSACP)
- Judicial Assistance Register (J.A.R)
- Legal Aid Service (L.A.S)
- National Association of the Romanian Bars (NARB)
- Superior Council of Magistracy (SCM)

INTRODUCTION

This report was written as part of the project *Addressing the gap in multidisciplinary cooperation to enhance the protection of victims' rights (CEPOV)* which is implemented with the financial support of the Justice Programme of the European Commission (101148912-CEPOV-JUST-2023-JACC-EJUSTICE). The project is coordinated by the Association Pro Refugiu (Romania) in partnership with the Faculty of Law of the University of Bucharest, the Italian Coalition for Civil Liberties and Rights, Roma Tre University (Italy), Solwodi (Germany), Scandinavian Human Rights Lawyers (Sweden), with the aim of improving access to justice for victims of crime, in accordance with the Victims' Rights Directive[1] and the related acquis.

The report provides an overview of the legal assistance for victims of crime in Romania, and the results of this publication are based on quantitative and qualitative research covering the period 2024 - 2025, combining analysis of legislation with information provided by Romanian institutions and non-governmental organizations with expertise in the field of justice, legal aid, and the protection and promotion of the rights of victims of crime. In order to obtain data at national level, 136 requests for information and questionnaires to be filled were sent by the Association Pro Refugiu to the Ministry of Justice, the Superior Council of Magistracy, the National Association of the Romanian Bars, courts (appeal courts, tribunals), bar associations, the General Directorates for Social Assistance and Child Protection in all counties of Romania (41 counties and the Municipality of Bucharest), and 10 non-governmental organizations.

The information requested concerned:

- The Ministry of Justice, the Superior Council of Magistracy, courts of appeal, tribunals, the National Association of Romanian Bars, bar associations - to indicate whether they have statistics on the number of victims of crime who have received legal aid from lawyers (statistics disaggregated by gender, age, nationality of the victim, categories of crimes as stipulated in the Criminal Code).
- The General Directorates for Social Assistance and Child Protection - to indicate their responsibilities in providing assistance services to victims of crime, the total number of victims who have received assistance, how they cooperate with other institutions and organizations to facilitate access to legal assistance for victims of crime, and also to provide their opinion on what should be improved to ensure better cooperation between institutions, bar associations, lawyers, and NGOs in order to facilitate access to legal assistance for victims of crime.
- Non-governmental organizations – to indicate their responsibilities in the field of defending the rights of victims of crime, how they cooperate with lawyers and other entities to ensure legal counselling and assistance to victims, and to specify areas for improvement in order to strengthen interdisciplinary and inter-institutional cooperation, thereby contributing to the improvement of procedures for providing legal assistance to victims of crime.

[1] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1421925131614&uri=CELEX:32012L0029

NATIONAL LEGISLATION

Article 13 of the Victims' Rights Directive stipulates that Member States must ensure that victims have access to legal aid when they are parties to criminal proceedings, and that the conditions or procedural rules under which victims may have access to legal aid shall be determined by the national law. The national legislation transposing Directive 2012/29/EU was implemented in stages in Romania, with the most recent amendments to the Law No. 211/2004 being made through the Emergency Ordinance no.24/2019[2] and Law no. 272/2024[3] amending and supplementing Law No. 211/2004 on some measures to ensure information, support and protection of victims of crimes.

In Romania, the protection of victims of crime is regulated by various legislative acts: code of criminal procedure[4], Law No. 211/2004 on certain measures to ensure the protection of victims of crime[5], as well as other special laws such as those aimed at preventing and combating domestic violence [6], human trafficking[7]. The existing legal framework generally mentions that victims can benefiting from generic support services. From the provisions of the Emergency Ordinance No. 24/2019 supplementing and amending Law No. 211/2004 it results that in order to provide support services and protection for victims of crime, a department for supporting victims of crime will be set up within the organizational structure of each General Directorate for Social Assistance and Child Protection, a structure within which at least three specialists (social worker, psychologist, legal advisor) will work, whose competences will include also providing information about the rights of the victim, counseling on the role of the victim in criminal proceedings, and preparation for participation in the trial, with the mention that these information and counseling services do not include the free legal aid for victims of crime that is mentioned in Articles 14-20 of Law No. 211/2004 or the legal assistance for injured parties mentioned in the Code of Criminal Procedure. The judicial bodies have the obligation to inform victims about the right to legal aid and the institution where they can turn to request legal aid, the conditions and procedure for granting free legal aid as well as about the procedural rights of the injured party and the civil party. If the victim has not reported the act to the law enforcement/judicial body, the Service for Supporting Victims of Crimes within GDSACP, respectively the departments and providers of social services will communicate to the victim, at the first contact, the rights provided for in art. 4 of Law no. 211/2004. The request for granting free legal aid and the request for granting the amount necessary for the enforcement of the court decision by which civil compensation was granted to the victim of the crime may also be formulated by non-governmental organizations operating in the field of victim protection, if such petition is signed by the victim (article 20, Law 211/2004).

With regard to legal aid for victims, a distinction must be made between *compulsory legal assistance* and *free legal assistance.*

According to the provisions of Article 93 of the Code of Criminal Procedure, legal assistance is *compulsory* when the injured party or civil party is a person lacking legal capacity or with limited legal capacity, or when the injured party or civil party is the victim of one of the crimes provided for in Articles 197 (ill-treatment of minors), 199 (domestic violence), 209-216 (offenses relating to trafficking and exploitation of vulnerable persons), 218 (rape), 218^1 (rape of a minor), 219 (sexual assault), 219^1 (sexual assault on a minor), 221 (sexual corruption of minors), 222 (solicitation of minors for sexual purposes), 223 (sexual harassment) of the Criminal Code. When the judicial authority considers that, for certain reasons,

[2] Emergency Ordinance No. 24 of April 3, 2019, amending and supplementing Law No. 211/2004 on certain measures to ensure the protection of victims of crime, as well as other normative acts https://legislatie.just.ro/Public/DetaliiDocument/212641

[3] Law No. 272 of November 4, 2024, amending and supplementing Law No. 211/2004 on certain measures to ensure the information, support, and protection of victims of crime https://legislatie.just.ro/Public/DetaliiDocumentAfis/290323

[4] Code of Criminal Procedure https://legislatie.just.ro/Public/DetaliiDocument/185907

[5] Law No. 211/2004 https://legislatie.just.ro/Public/DetaliiDocument/52468

[6] Law No. 217 of May 22, 2003 (*republished*) on preventing and combating domestic violence https://legislatie.just.ro/public/detaliidocument/44014

[7] Law No. 678 of November 21, 2001, on preventing and combating human trafficking https://legislatie.just.ro/Public/DetaliiDocument/32589

the injured party, the civil party, or the civilly liable party is unable to defend themselves, it shall order the appointment of an *ex officio lawyer.*

According to the provisions of Article 14(1) of Law No. 211/2004, *legal assistance shall* be granted to: **a)** persons who have been the victims of attempted murder, aggravated murder, as provided for in Articles 188 and 189 of the Criminal Code, bodily harm, as provided for in Article 194 of the Criminal Code, an intentional crime resulting in bodily harm to the victim, an offense of ill-treatment of a minor, provided for in Article 197 of the Criminal Code, an offense of domestic violence, provided for in Article 199 of the Criminal Code, an offense of unlawful deprivation of liberty, provided for in Article 205 of the Criminal Code, slavery, trafficking in persons, trafficking in minors, and subjection to forced or compulsory labor, as provided for in Articles 209-212 of the Criminal Code, rape, rape of a minor, sexual assault, sexual assault of a minor, incitement or facilitation of sexual acts or acts of a sexual nature between minors, sexual corruption of minors, solicitation of minors for sexual purposes, and sexual harassment, as provided for in Articles 218-223 of the Criminal Code; an offense of torture, as provided for in Article 282 of the Criminal Code; an offense of child pornography, as provided for in Article 374 of the Criminal Code; **b)** family members of persons who have died as a result of the crimes of murder or aggravated murder, as provided for in Articles 188 and 189 of the Criminal Code, as well as intentional crimes that have resulted in the death of the person. Free legal aid is granted to victims referred to in Article 14(1) if the crime was committed on Romanian territory or, if the crime was committed outside Romanian territory, if the victim is a Romanian citizen or a foreigner legally residing in Romania and the criminal proceedings are taking place in Romania. According to Article 15 of Law No. 211/2004, free legal aid shall be granted, upon request, to victims of crimes other than those referred to in Article 14(1), subject to the conditions laid down in Article 14(2), if the monthly income per family member of the victim is at most equal to the minimum gross basic salary per country established for the year in which the victim submitted the request for free legal aid. The request for free legal aid shall be submitted to the tribunal in whose jurisdiction the victim resides and shall be decided by two judges from the Commission for the Award of Financial Compensation to Victims of Crime, by a decision issued within 15 days of the date of submission of the request for free legal aid.

According to Article 18 of Law No. 211/2004, amended by Law No. 272/2024, free legal aid is granted to victims throughout the proceedings and during the enforcement of the judgment on civil damages awarded to them, up to an amount equivalent to five minimum gross basic salary in the country, as established for the year in which the victim submitted the request for free legal aid. If the complexity of the case has increased as a result of circumstances that were not foreseeable at the time of the initial application for free legal aid, or if more than one year has elapsed since the date on which free legal aid was granted, and the criminal proceedings have not been concluded, the victim may submit a new request for free legal aid, without the cumulative amounts obtained exceeding twice the limit provided for in paragraph (1) of Article 18. The funds necessary for the provision of free legal aid shall be provided from the state budget, through the budget of the Ministry of Justice.

Extrajudicial assistance consists of providing consultations, drafting requests, petitions, complaints, initiating other similar legal proceedings, as well as representing clients before public authorities or institutions, other than judicial or jurisdictional ones, in order to enforce legitimate rights or interests. Details on extrajudicial assistance can be found in the *Regulation – Framework for the organization, operation, and responsibilities of legal aid services within bar associations*[8]. According to the provisions of this regulation: **a)** Judicial or extrajudicial assistance is provided by lawyers from bar associations who express their willingness to do so, and it is exercised by lawyers registered in the Judicial Assistance Register (J.A.R). **b)** In the cases provided for by law, bar associations ensure legal aid in the following forms: *compulsory legal aid*, *extrajudicial assistance*, *free legal aid*. **c)** Upon prior and reasoned request from the judicial authorities, the Legal Aid Service (L.A.S) shall appoint a lawyer to provide legal aid; The L.A.S. shall contact lawyers who have expressed their options in the order determined by the monthly distribution, drawing up a report to that effect, and lawyers may not refuse the case without justification. **d)** Free legal aid shall be granted in cases

[8] Regulation – Framework for the organization, operation, and responsibilities of legal aid services within bar associations https://www.baroul-bucuresti.ro/stire/regulamentul-cadru-pentru-organizarea-functionarea-si-atributiile-serviciilor-de-asistenta-judiciara-ale-barourilor

where the injured party, in a criminal case, does not have the means to pay the fees for a chosen lawyer, and the person must be assisted by a lawyer, and the interests of justice so require, the judicial body, by means of a reasoned written communication, shall request the bar association to appoint a lawyer to provide legal aid. **e)** The lawyer who provided legal aid during the criminal investigation will be able to ensure legal aid before the court competent, including in preliminary chamber proceedings, when the lawyer has obtained and it is certified in a report the special consent of the beneficiary (e.g., the injured party). **f)** Extrajudicial assistance shall be granted in accordance with the provisions of the Law. No. 51/1995[9] and the Statute of the Lawyer Profession[10]. Extrajudicial assistance may be provided by a lawyer chosen by the victim or appointed by the L.A.S. The dean of the bar association may approve the provision of extrajudicial assistance by a lawyer chosen by the person receiving legal aid. In order to ensure the beneficiary's right to choose their lawyer, the L.A.J. shall display in a visible place and publish in electronic format the J.A.R. of the bar association.

For the legal aid provided, lawyers appointed by decision of the dean of the bar association at the request of judicial bodies and public administration are entitled to fees that are set within the limits provided for in the Protocol concluded between the National Association of the Romanian Bars and the Ministry of Justice[11], according to the nature, complexity, and volume of the work performed in the respective cases. Analyzing the content of the Protocol concluded between the Ministry of Justice, the Public Ministry, and the National Association of the Romanian Bars on 8 February 2024, we can conclude that the fees for *ex officio lawyers* are low, insufficient to cover, in most cases, the work performed by the lawyer providing judicial or extrajudicial assistance. In April 2025, the National Association of the Romanian Bars (NARB), the Ministry of Justice, and the Prosecutor's Office attached to the High Court of Cassation and Justice signed Addendum No. 2 to the Tripartite Protocol on the establishment of fees for legal aid in criminal matters[12]. The document reflects the NARB's ongoing concern to support lawyers who provide legal aid, by adjusting fees in line with the inflation level in the country. The update was made based on the inflation index published by the National Institute of Statistics for a period of 10 months, namely May 2024 – February 2025, in accordance with the terms agreed in the Protocol. At the same time, a process of amending, supplementing, and clarifying the terms of the Protocol is underway, with a view to improve its predictability and applicability in practice, so that the regulations reflect the real needs of the profession as accurately as possible. Analyzing the information contained in the annex, which is an integral part of the Additional Act No. 2/16.04.2025, the amounts are generally low in relation to the complexity of the activities carried out by ex officio lawyers. The amounts are paid in RON (Romanian currency). Depending on the type and complexity of the legal activity that the ex officio lawyer must carry out, the amounts vary from the equivalent in EURO of amounts below 100 EURO to a maximum of several hundred EURO. For example, RON 377 (equivalent to 75 EURO) is the amount that would be paid to ex officio lawyer for assistance provided to a victim of domestic violence, as stipulated in Article 3(f) of the annex to Additional Act No. 2/16.04.2025. Comparing the amounts stipulated in this annex, it can be observed that the fees paid to lawyers assisting suspects and defendants are higher than those paid to lawyers assisting victims.

In Romania, lawyers make a considerable financial and professional effort when they accept cases ex officio, as the fees are not sufficient to cover the actual costs of the legal practice. Over the years, there have been frequent situations involving months of delays in payments for legal aid provided by ex officio lawyers; a recent such situation was highlighted in May 2025 by the dean of the Bucharest Bar Association, who, as general coordinator of L.A.S., sent a request to the Legal Aid Coordination Department of the NARB to be

[9] Law No. 51/1995 for the organization and practice of the lawyer's profession in Romania https://www.unbr.ro/wp-content/uploads/2015/12/Legea-51-1995-actualizare-sintact.ro-15-01-2023.docx

[10] The Statute of the Lawyer Profession https://www.unbr.ro/wp-content/uploads/2022/09/STATUTUL_PROFESIEI_din_03-12-2011_ACTUALIZAT-Forma_din_14-iunie-2022-Fara_anexe.pdf

[11] Protocol of 08.02.2024 on establishing the fees payable to lawyers for providing legal aid services in criminal matters, for the provision, within the public legal aid system, of legal aid and/or representation or extrajudicial assistance, as well as for the provision of legal aid services relating to international access to justice in civil matters and international judicial cooperation in criminal matters https://www.just.ro/wp-content/uploads/2024/02/ProtocolOnorarii1202.pdf

[12] Additional Act No. 2 / 16.04.2025 to the Protocol of 08.02.2024 https://www.unbr.ro/wp-content/uploads/2025/04/8-DCAJ-15.04.2025-Act-aditional-nr.2-Protocol-DCAJ_website.pdf

informed of the concrete steps recently taken by the authorizing officers to ensure the timely payment of lawyers' fees, in accordance with the legal deadlines, given that there have been constant and significant delays in the payment of fees, which has created unacceptable pressure on the lawyers involved in activities that often require a high volume of work under restrictive time constraints and with limited resources, and the L.A.S. lawyers of the Bucharest Bar Association have a complex and permanent activity, being the largest at national level[13] (over 10.000 lawyers are registered in the Bucharest Bar Association, and of this total, over 1.000 are lawyers registered within the L.A.S. Register). Problems related to the non-payment of fees within the legal deadlines and the bureaucratic procedure for approving payments may discourage lawyers to be involved in ex officio cases and may implicitly affect the quality of legal services provided to individuals who cannot afford to pay the fees of a lawyer of their choice.

[13] DCAJ-UNBR- Significant delays in the payment of fees, 23.05.2025, https://www.baroul-bucuresti.ro/stire/demersuri-referitoare-la-asistenta-juridica-din-oficiu

STATISTICS

Accurate and properly centralized statistics are relevant for various respects and can serve as a major benchmark in the context of developing and/or improving programs and strategies to facilitate access to justice and legal assistance for victims of crime.

Given that, at present moment, a number of statistics are collected differently by several Romanian institutions, requests for information were sent to all appeal courts and tribunals in Romania, bar associations, the Public Prosecutor's Office attached to the High Court of Cassation and Justice, the Ministry of Justice, and the Superior Council of Magistracy, with the mention that not all entities provided a response. The Prosecutor's Office attached to the High Court of Cassation and Justice[14], specified that in the statistical forms used by the Public Ministry, approved by Decision No. 69/2014 of the Plenary Session of the Superior Council of Magistracy, together with the guidelines for completing them and the single nomenclature for criminal cases, there are only two indicators concerning the protection measures granted to victims, namely: total protection measures for victims, of which also free legal aid. These two statistical indicators are not broken down according to the gender, citizenship, or age of the victims.

Institution	Statistics 2024	Statistics 2025, first semester
Prosecutor's Office attached to the High Court of Cassation and Justice	1852 total victim protection measures, of which: 580 free legal assistance	970 total victim protection measures, of which: 326 free legal assistance

With regard to tribunals, 42 requests for information were made, and a total of 37 tribunals provided responses (Tribunal Arad[15], Tribunal Argeș[16], Tribunal Bacău[17], Tribunal Botoșani[18], Tribunal Brașov[19], Tribunal București[20], Tribunal Buzău[21], Tribunal Călărași[22], Tribunal Cluj[23], Tribunal Covasna[24], Tribunal Dâmbovița[25], Tribunal Dolj[26], Tribunal Galați[27], Tribunal Gorj[28], Tribunal Giurgiu, Tribunal Harghita[29], Tribunal

[14] Public Prosecutor's Office attached to the High Court of Cassation and Justice, Communication no. 8283/E/2025

[15] Tribunal Arad, Communication no. 98/P/08.10.2025
[16] Tribunal Argeș, Communication no. 15/BIRP/03.10.2025
[17] Tribunal Bacău, Communication no. 9354/II/A/42/08.10.2025
[18] Tribunal Botoșani, Communication no. 1695/A/06.10.2025
[19] Tribunal Brașov, Communication no. 34/62/02.2025
[20] Tribunal București, Communication no. 514/L/BIRP/02.10.2025
[21] Tribunal Buzău, Communication no. 34/RP/06.10.2025
[22] Tribunal Călărași, Communication no. 12/07.10.2025
[23] Tribunal Cluj, Communication no. 96/06.10.2025
[24] Tribunal Covasna, Communication no. 16/06.10.2025
[25] Tribunal Dâmbovița, Communication no. 9522/A/07.10.2025
[26] Tribunal Dolj, Communication no. 48/IP/08.10.2025
[27] Tribunal Galați, Communication no. 32/121/02.10.2025
[28] Tribunal Gorj, Communication no. 41/10.10.2025
[29] Tribunal Harghita, Communication no. 21/BIRP/2025

Hunedoara[30], Tribunal Ialomița[31], Tribunal Iași[32], Tribunal Ilfov[33], Tribunal Mehedinți[34], Tribunal Neamț[35], Tribunal Olt[36], Tribunal Sălaj[37], Tribunal Satu Mare[38], Tribunal Sibiu[39], Tribunal Suceava[40], Tribunal Timiș[41], Tribunal Tulcea[42], Tribunal Vaslui[43], Tribunal Vrancea[44], Tribunal Bistrița-Năsăud[45], Tribunal Alba[46], Tribunal Vâlcea[47], Tribunal Teleorman[48], Tribunal Prahova[49], Tribunal Constanța[50]). Of the total of 37 tribunals that provided responses, eight tribunals (Botoșani, Călărași, Cluj, Iași, Mehedinți, Olt, Constanța, Buzău) were unable to provide statistics for the following reasons: the court does not keep records of legal aid granted to victims in accordance with the request made, but it indicates that in cases where victims of crime are entitled to mandatory legal aid and the victims do not have a chosen attorney, legal measures are taken to appoint an ex officio lawyer. In addition, Tribunal Olt specifies that the ECRIS application does not have the option to search using the criterion of *legal assistance for victims of crime*, and it is necessary to analyze each case individually, which is a complex activity that cannot be carried out with the human resources currently available within the court.

The table below presents centralized information based on data provided by the tribunals to Association Pro Refugiu. With regard to the Bucharest Tribunal, given the large number of cases registered with the Bucharest Tribunal -Criminal Section, the information provided resulted from checks carried out in the ECRIS system about victims of crime who received legal assistance from ex officio lawyers exclusively in connection to cases in which the Bucharest Tribunal-Criminal Division I was notified based on the indictment act.

Victims of crime who have received legal assistance from ex officio lawyers, in accordance with the provisions of Law No. 211/2004

Perioad	Victims women		Victims men		Victims minors	
	Romanian citizens	Foreign citizens	Romanian citizens	Foreign citizens	Romanian citizens	Foreign citizens
January 2024 – December 2024	223	9	215	96	135	0
January 2025 – August 2025	289	16	196	149	90	0

[30] Tribunal Hunedoara, Communication no. 4976/12A/02.10.2025
[31] Tribunal Ialomița, Communication no. 37/06.10.2025
[32] Tribunal Iași, Communication no. 254/I.P/06.10.2025
[33] Tribunal Ilfov, Communication no. 94/BIRP/07.10.2025
[34] Tribunal Mehedinți, Communication no. 1409/07.10.2025
[35] Tribunal Neamț, Communication no. 20/42/II/A/2025
[36] Tribunal Olt, Communication no. 4/32129/07.10.2025
[37] Tribunal Sălaj, Communication no. 4455/07.10.2025
[38] Tribunal Satu Mare, Communication no. 42/A/49/07.10.2025
[39] Tribunal Sibiu, Communication no. 139/BIRP/06.10.2025
[40] Tribunal Suceava, Communication no. 34/BIRP/06.10.2025
[41] Tribunal Timiș, Communication no. 135/RP/06.10.2025
[42] Tribunal Tulcea, Communication no. 2502/40/BIRP/07.10.2025
[43] Tribunal Vaslui, Communication no. 64/BIRP/07.10.2025
[44] Tribunal Vrancea, Communication no. 32/II/A/42/06.10.2025
[45] Tribunal Bistrița-Năsăud, Communication no.. 3794/I.P/07.10.2025
[46] Tribunal Alba, Communication no. 24 BIRP/08.10.2025
[47] Tribunal Vâlcea, Communication no. 45/07.10.2025
[48] Tribunal Teleorman, Communication no. 26/BIRP/08.10.2025
[49] Tribunal Prahova, Communication no. 38/BIRP/08.10.2025
[50] Tribunal Constanța, Communication no. 56/BIRP/13.10.2025

Also, for the elaboration of this report, Association Pro Refugiu sent requests for information to courts of appeal in Romania, receiving a response from 12 courts of appeal (Alba Iulia, Bucharest[51], Craiova[52], Constanța[53], Cluj[54], Brașov[55], Timișoara[56], Oradea[57], Ploiești[58], Târgu-Mureș[59], Galați[60], Iași[61]). In terms of cases pending before these courts, some courts of appeal indicated 0 victims who benefited from free legal assistance from lawyers, and other courts of appeal mentioned that they do not keep statistics about the free legal assistance that victims of crimes benefited from, given the high volume of activity of the courts. Court of Appeal Târgu-Mureș indicated that during the period January 2024 - August 2025, in 46 criminal cases, victims benefited from free legal assistance, all victims being Romanian citizens (in 2024: 8 female victims, 3 male victims, 41 minors; in 2025: 14 female victims, 10 male victims, 48 minors). Court of Appeal Alba Iulia provided statistics concening victims that have received legal assitance from ex officio lawyers in criminal proceedings in 2024 (200 women, 114 men and 110 childen, all Romanian citizens) and for the period January-August 2025 (106 women, 22 men, 67 children, all Romanian citizens).

Ministry of Justice[62] also provided statistics available at the institution's level based on the information transmitted by the tribunals and courts of appeal (with the mention that not all courts transmitted the data requested by the Ministry). From the information provided to the Association Pro Refugiu by the Ministry of Justice, the situation is as follows:

Victims of crimes who benefited from legal assistance provided by ex officio lawyers in criminal proceedings

Period	Victims women		Victims men		Victims minors	
	Romanian citizens	Foreign citizens	Romanian citizens	Foreign citizens	Romanian citizens	Foreign citizens
January 2024 – December 2024	664	13	407	102	284	9
January 2025 – August 2025	494	36	301	167	202	13

[51] Court of Appel Bucharest, Communication no. 385/BIRP/10.10.2025
[52] Court of Appeal Craiova, Communication no. 41173/56/IP/20.10.2025
[53] Court of Appel Constanța, Communication no. 73/R/10.10.2025
[54] Court of Appel Cluj, Communication no. 8118/09.10.2025
[55] Court of Appeal Brasov, Communication no.28/42/14.10.2025
[56] Court of Appeal Timișoara, Communication no. 80/L544/2001/09.10.2025
[57] Court of Appeal Oradea, Communication no. 177/42/A/BIRP/15.10.2025
[58] Court of Appeal Ploiești, Communication no. 94/RP/09.10.2025
[59] Court of Appeal Târgu-Mureș, Communication no. 39/15.10.2025
[60] Court of Appeal Galați, Communication no. 42/44/09.10.2025
[61] Court of Appeal Iași, Communication no. 67/IP/17.10.2025
[62] Ministry of Justice Communication no. 63587/16.10.2025

DIFFICULTIES IN ACCESSING LEGAL AID FOR VICTIMS OF CRIME

By amending Law No. 211/2004 on certain measures to ensure the information, support, and protection of victims of crime, generic victim support services must be created in Romania, in the form of specialized departments that will operate within each GDSACP and whose teams will be composed of at least three specialists: a social worker, a psychologist, and a legal advisor. However, there is no effective mechanism for cooperation between institutions and organizations to refer victims regardless of the category of crime, so that they can receive legal counseling and legal assistance from their first contact with the authorities until the end of the criminal proceedings. For certain categories of victims, there is a national identification and referral mechanism, specifically for victims of human trafficking[63], which provides a formal framework for cooperation between institutions and organizations to identify victims and refer them to specialized protection and assistance services, thus ensuring a coordinated response to human trafficking and the protection of victims' rights. In order to conduct this study, requests for information were sent to all General Directorates for Social Assistance and Child Protection in Romania (41 counties and Municipality of Bucharest). 28 GDSACP provided information (Alba, Bacău, Botoșani, Brașov, Bucharest (sector 1, sector 2, sector 3, sector 5, sector 6), Călărași, Covasna, Dâmbovița, Galați, Iași, Ialomița, Ilfov, Maramures, Salaj, Teleorman, Tulcea, Valcea, Vaslui, Vrancea, Sibiu, Miercurea Ciuc, Timiș, Giurgiu, Cluj) about the activities they carry out to ensure assistance to victims of crime, the number of victims who benefited from assistance services in 2024 and in the period January-August 2025. GDSACPs provide support services for victims of crime in accordance with Article 7 of Law No. 211/2004, namely information on victims' rights, counseling on the role of victims in criminal proceedings (including preparation for participation in the trial), psychological counseling, counseling on the risks of secondary victimization, social integration/reintegration services, and transmission to the Ministry of Justice of statistical data contained in the Special Register of Victims of Crime referred in order to receive support and protection services). Following the analysis of the responses from the GDSACPs, in 2024 a total of 2268 victims benefited from counseling and assistance provided by these institutions, and between January and August 2025 a total of 1215 victims (mainly victims of domestic violence, human trafficking, child trafficking, rape, sexual assault, and child pornography).

Regarding the cooperation with bars and other legal institutions, most GDSACPs stated that there is a collaboration but not all the time based on official partnership agreements and/or protocols expressly concluded to facilitate access to legal assistance for victims of crimes. However, some GDSACPs mentioned that they have concluded partnership agreements/protocols with non-governmental organisations and institutions. For example, GDSACP Cluj[64] stated that it has a collaboration protocol concluded with an association that facilitates access to legal services that are granted pro bono to victims of domestic violence, through collaboration with a law firm in Cluj-Napoca city. GDSACP Sector 1 Bucharest[65] indicated that, on the basis of a collaboration protocol concluded with the Prosecutor's Office attached to the Bucharest Tribunal, child victims of crimes are heard by prosecutors according to the Barnhaus model, and psychologists from GDSACP Sector 1 Bucharest also assist in the hearing.

Most GDSACPs consider that better cooperation between institutions, non-governmental organizations, and legal professionals is necessary, and their recommendations include the following: **a)** developing and implementing detailed cooperation protocols between public institutions, NGOs, and legal professionals; **b)** strengthening the local support network by regularly organizing inter-institutional working groups (GDSACP, police, prosecutors, courts, bar associations, NGOs) to discuss complex cases, identify bottlenecks, and harmonize working practices; **c)** simplifying procedures for referring victims to lawyers or specialized NGOs, including by creating a single point of contact or an inter-institutional digital platform at the local level; **d)** conducting joint information campaigns on victims' rights and available assistance services;

[63] National mechanism for identifying and referring victims of human trafficking https://legislatie.just.ro/Public/DetaliiDocumentAfis/265243
[64] General Directorates for Social Assistance and Child Protection Cluj, Communication no.47703/09.10.2025
[65] General Directorates for Social Assistance and Child Protection Sector 1 Bucharest, Communication no. 25443/08.10.2025

e) organizing regular training courses for all specialists involved in facilitating access to legal assistance for victims of crime.

Victims of crimes need counselling and assistance not only during court proceedings but also prior to them. In addition to the activities carried out by the GDSACPs, there are a very limited number of non-governmental organisations in Romania that provide legal counselling and legal assistance through staff (ex. counsellors) or lawyers with whom the NGOs collaborate for certain categories of victims (e.g., domestic violence, human trafficking), and in most cases the activity is carried out with limited human, material, and financial resources. For the purpose of this report, requests for information were sent to a total of 10 NGOs, and the responses provided show that some organisations ensure legal support (e.g., ADPARE[66], an organisation that works to combat human trafficking and related crimes, cooperates with lawyers for legal advice and assistance to victims throughout the legal proceedings). Adpare has a network of 11 lawyers (as collaborators) in different regions of the country. Among the problematic aspects highlighted by NGOs are those according to which victims do not always have access to specialized lawyers, and the assistance provided by certain ex officio lawyers is superficial; mandatory/free legal assistance must be ensured by specialized lawyers who enhance their knowledge by attending periodically training.

As specified previously in this report, legal aid is provided free of charge to victims referred to in Article 14 of Law No. 211/2004, as well as to victims of crimes other than those mentioned in Article 14(1), to the extent that they have limited financial resources and they follow the procedure set out in the law to request free legal aid. However, in practice, ensuring access to free legal aid is hampered by the lack of procedural adjustments, difficulties in gathering supporting documents, and in submitting them within the time limit mentioned by the law. Although it is an essential condition for a fair trial, legal aid for victims from socially disadvantaged groups is negatively affected by several factors. Victims are often insufficiently informed about their rights and legal procedures, the information provided is not adapted to the victim's ability to fully understand it. Personalized information tailored to the needs and circumstances of victims of different types of crimes is not ensured accordingly.

There are issues related to the appointment of ex officio lawyers, their remuneration, and the quality of legal assistance provided. With regard to certain categories of persons, such as persons with disabilities, the Diagnosis of the Situation of Persons with Disabilities published by the National Authority for the Protection of the Rights of Persons with Disabilities[67] shows that judges are making efforts to ensure legal assistance for persons with disabilities, but there are still certain difficulties in ensuring representation for persons with mental disabilities, caused by the impossibility of communicating in a manner adapted to their needs.

In order to ensure high-quality legal assistance, it is necessary to provide regular professional training for legal aid providers. An effective lawyer is one who constantly participates in training programs to update and expand knowledge, which contributes to the efficient and fair resolution of cases in which the lawyer ensures legal assistance. All lawyers (including lawyers registered annually in the Judicial Assistance Register) should continuously update their knowledge by maintaining and diversifying it in the areas in which they practice, and to this end, regularly to participate at seminars, conferences, and other events organized by bar associations, the National Institute for the Training of Lawyers, and other competent entities at the national and international level. Judicial and/or extrajudicial assistance is provided by lawyers who are registered in the Judiciary Assistance Register (J.A.R.) of each bar association. Both senior lawyers and junior lawyers can register in the J.A.R and a number of conditions must be met: **a)** the lawyer must have valid compulsory professional liability insurance; **b)** the lawyer must carry out the activity in a form of professional practice; **c)** the lawyer must not be subject to any sanctions or measures that would prevent him/her from registering[68]. In the Framework Regulation for the organization, functioning, and attributions of the legal

[66] ADPARE https://adpare.eu/

[67] National Authority for the Protection of the Rights of Persons with Disabilities https://anpd.gov.ro/web/

[68] Registration in the Legal Aid Register and the Register of Special Curators https://www.baroul-bucuresti.ro/stire/inscriere-in-registrul-de-asistenta-judiciara-si-in-registrul-curatorilor-speciali-6

aid services of bar associations[69] which constitutes an annex to NARB Council Decision No. 180/2016, it is stated that the scheduling of lawyers and the allocation of cases shall be carried out in strict, full, and exclusive accordance with the options expressed by lawyers in their application for registration in the J.A.R, and the allocation of cases shall be made according to their complexity in relation to the lawyer's specialization, experience, seniority in the profession, and workload. The framework regulation stipulates that the L.A.S. will keep records of lawyers' schedules and case assignments according to: *the name of the assisted party, the name of the lawyer assigned to the case, the case number, and the name of the judicial or public administration body*. However, in a number of documents published on the websites of Romanian bar associations (e.g., the Regulation on the activity of the legal aid service), it is mentioned that the allocation of cases will be carried out randomly, through the computer system (the management software at the L.A.S level), ensuring a balanced allocation of cases to all lawyers registered in J.A.R. In the L.A.S[70] Regulation of each bar association there is no explicit mention of requirements such as previous experience in the legal field in which the lawyer practises (civil, criminal, commercial, etc.) nor is there a requirement for lawyers registering with the J.A.R to prove that, prior to submitting their application for registration in the J.A.R., they have participated at courses that can contribute to improving their theoretical and practical legal knowledge. An analysis of the forms used by bar associations for legal aid and extrajudicial[71] assistance (e.g., application for registration in the legal aid register) shows that lawyers may choose to be registered in the J.A.R. in order to provide judicial and extrajudicial assistance in the following cases: criminal, civil, commercial, administrative, labor and social security, refugees, asylum seekers, child protection.

The response provided by the National Association of the Romanian Bars indicates that the assignment of ex officio lawyers and the related records are managed at the level of each bar association, and that the NARB does not hold centralized data[72]. Given the response provided by the NARB, requests for information were made also to all bar associations in Romania, in order to compile this report, and the data provided by the bar associations shows that there is no uniform practice about the collection and maintenance of statistics on the number of lawyers registered in the J.A.R. who have provided judicial and extrajudicial assistance to victims of crime. More specifically, out of a total of 13 bar associations that responded (Bucharest Bar Association, Brăila Bar Association, Dolj Bar Association, Harghita Bar Association, Mehedinți Bar Association, Neamț Bar Association, Sălaj Bar Association, Satu Mare Bar Association, Maramureș Bar Association, Alba Bar Association, Călărași Bar Association, Timiș Bar Association, Constanța Bar Association), 10 bar associations stated that they do not compile centralized information about victims of crime who have received legal assistance from ex officio lawyers, and that they do not have a computer program to generate and centralize such information. The Bucharest Bar Association[73] has indicated a total of 3740 lawyers for injured parties for the period January 2024–August 2025, with the mention that an *ex officio lawyer* may represent several injured parties, and with the clarification that the Legal Aid Service of the Bucharest Bar Association does not store information on the number of victims of crimes who have benefited from judicial/extrajudicial assistance from lawyers (number of victims broken down by gender, nationality, categories of crimes). Sălaj Bar Association[74] indicated that in 2024, a total of 278 victims (injured parties in criminal cases or complainants in cases concerning protection orders) benefited from legal assistance subsidized by the Ministry of Justice and the Public Ministry, and for the period January 2025 – August 2025, the total number was 200 victims. Constanța Bar Association indicated a number of 124 delegations issued for lawyers registered in J.A.R. to provide legal assistance to victims of crimes between January 2024 and August 2025.

[69] Framework Regulation for the organization, functioning, and attributions of the legal aid services of bar associations https://unbr.ro/wp-content/uploads/2017/04/Hotarare-Consiliu-180-2016_Reg-SAJ_final_complet.pdf

[70] Legal Aid Service Regulation https://www.baroul-cluj.ro/wp-content/uploads/2022/01/Regulament-SAJ-Cluj-actualizat-ian-2022.pdf ; https://www.baroul-prahova.ro/articoll.php?nr=4500 ; https://www.baroul-mures.ro/page/regulament-saj ; https://barouldambovita.ro/regulament/ ;

[71] Decision of the National Association of the Romanian Bars for the approval of the forms used by bar associations for the organization of judicial and extrajudicial assistance activities https://www.baroul-bucuresti.ro/info/file/7724

[72] Response communicated to Association Pro Refugiu by the National Association of Romanian Bars, 19.09.2025

[73] Response provided to Association Pro Refugiu by the Bucharest Bar Association, Communication no. 1112/29.09.2025

[74] Response provided to Association Pro Refugiu by Salaj Bar Association, Communication no. 3572/24.09.2025

Access to justice is a fundamental right guaranteed by national, European, and international law. The role of lawyers in ensuring access to justice for all parties is clearly significant, and the effectiveness of justice is linked to the provision of comprehensive, effective, and high-quality legal assistance. The quality standards of the work carried out by lawyers such as those registered with the J.A.R. must be constantly monitored by the competent entities (Bar Associations, NARB). In order to monitor the provision of judicial and extrajudicial assistance, a uniform approach is needed at national level, including the use of quantitative and qualitative indicators for the annual collection and centralization of data such as: the number of lawyers providing judicial and extrajudicial assistance, the number of victims who have benefited from the assistance. The distribution of cases to lawyers registered in the J.A.R. should not be based primarily on random criteria (frequently stated in the L.A.S. regulations of the bar associations) to ensure that cases are distributed to all lawyers registered in the J.A.R., but also taking into account other criteria that are set out in Framework Regulation for the organization, functioning, and attributions of the legal aid services of bar associations[75] (specialization, experience of the lawyer, which must be consolidated, including through continuous professional training in order to develop the skills of normative analysis and the correct application of legislation in practice, through various means, including participation in training courses and other forms of instruction).

[75] Framework Regulation for the organization, functioning, and attributions of the legal aid services of bar associations https://unbr.ro/wp-content/uploads/2017/04/Hotarare-Consiliu-180-2016_Reg-SAJ_final_complet.pdf

RECOMMENDATIONS

In Romania, the methodology for collecting information about legal assistance provided by lawyers to victims of crime needs to be improved. Bars and Legal Aid Services should have computer systems that allow them to annually centralize data about the number of lawyers registered in the J.A.R. that provided judicial and extrajudicial assistance to victims, with data broken down at least by type of case (criminal, civil, etc.), and this information should be sent to the National Association of Romanian Bars and/or the Ministry of Justice for centralization at the national level. Regarding ECRIS (application used at the level of courts for electronic file management), it should allow easy centralization of information on legal assistance provided to victims of crime by lawyers. The digitalization of legal aid services through the use of an online platform based on interconnectivity between institutions involved in legal procedures is a tool that presents a number of advantages, including in obtaining more accurate information about the number of victims benefiting from legal aid and the lawyers providing it. Sound decisions to improve assistance to victims require detailed statistics. Having detailed and centralised statistics at local and national level is essential for decision-makers to develop reliable programmes and/or strategies to improve access to assistance and the quality of this type of service that victims must benefit from according to the law. The provisions of Directive 2012/29/EU[76] must be properly applied in Romania, the directive specifying that a systematic collection of data on victims of crime is an essential component of the process of developing effective, sustainable policies in the field of rights, including the right to legal aid (Article 13 of the directive).

Better collaboration and coordination need to be developed between institutions and organisations involved in the information, assistance and support for victims prior and during legal procedures. Collaboration protocols concluded between institutions and organisations (GDSACPs, Bar Associations, NGOs, etc.) are necessary and they should include a clear definition of the responsibilities of each entity and standard intervention procedures in support of victims in need of judicial and extrajudicial assistance. Use of electronic platforms for the rapid transmission of information about victims in need of judicial and/or extrajudicial assistance. Creation of multidisciplinary and inter-institutional working groups that meet periodically to discuss issues (and implicitly identify sustainable solutions) about legal aid services to which victims of crimes should have easy access.

Ensuring a sustainable and predictable framework for the remuneration of judicial and extrajudicial assistance services, in compliance with the legal deadlines for the payment of lawyers registered in the Judicial Assistance Register. With regard to the amount of fees for ex officio lawyers, it is important that national legislation stipulates the obligation to update these fees annually in line with the inflation rate and, at the same time, to set the level of these amounts according to the complexity of the cases assigned to lawyers and the volume of work to be performed. The level of fees must be reflected in the provision of high-quality, concrete, and effective judicial and extrajudicial assistance.

Annual participation in courses, within the continuing professional training program, in the field in which the lawyer has been specialized, should constitute always one of the criteria for the lawyer to be registered in the Judicial Assistance Register. In this regard, each bar association should maintain an annual record—based on documents such as certificates, diplomas, etc.—of lawyers who participate in seminars, training, conferences, internships, etc. The organisation of training courses to be carried out by the National Institute for the Training of Lawyers, Bar Associations, and other institutions and organisations with which these entities should formally cooperate on the basis of partnership agreements, and the topics of these courses should include both legal issues and those related to methods of empathic communication with the victims.

It is necessary to ensure an annual monitoring of the legal aid activity in the field of criminal law, of the public legal aid system, of legal aid services and/or representation or extrajudicial assistance, as well as

[76] Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime https://eur-lex.europa.eu/eli/dir/2012/29/oj/eng

of legal aid services regarding international access to justice in civil matters and international judicial cooperation in criminal matters. In 2024, the National Association of Romanian started a project[77] in this regard, consisting of a series of working meetings attended by the president of the NARB, the deans of the bars within the jurisdiction of the courts of appeal, representatives of the courts of appeal/tribunals, representatives of the prosecutor's offices. Such an action is particularly relevant to be continued in the following years.

In an era where new technologies are advancing at an accelerated pace and digitization is penetrating all areas of life (including justice), it is necessary to develop digital tools that provide victims with rapid access to information that is structured efficiently and adapted to the victim's ability to understand the information, including simplifying the process of connecting and searching for data. Informative material about legal aid and how to obtain it should always be available in multiple languages and adapted to different categories of victims (victims with disabilities, minor victims, etc.), both in digital and printed format. Printed information materials—posters, leaflets, etc.—about victims' rights and the legal steps to take if a crime has been committed should be constantly available and updated in all police stations in the country, as well as in public institutions that provide services to the public.

[77] Action plan for monitoring the activity of legal aid in criminal matters, the public legal aid system, legal aid services and/or representation or extrajudicial assistance, as well as legal aid services regarding international access to justice in civil matters and international judicial cooperation in criminal matters https://www.barou-alba.ro/departamentul-de-coordonare-a-asistentei-judiciare-din-cadrul-unbr-lanseaza-un-plan-de-actiuni-destinat-monitorizarii-activitatii-de-asistenta-juridica-in-materie-penala-a-sistemului-de-ajutor-public/