Questionnaire:

1. Which judicial and non-judicial remedies are available in your Member State:

a. In criminal, civil and administrative cases;

b. in cases of discrimination;

c. in the field of consumer legislation;

d. in the field of employment legislation;

e. in other fields, including as regards non-judicial remedies.

Free access to justice is constitutionally regulated and is the right of any person to have recourse to justice for the defence of his rights, freedoms and legitimate interests, guaranteeing that the exercise of this right may not be restricted by any law.

The Code of Civil Procedure (NCPC) provides for specific procedural means that citizens can use to access justice: the application for a writ of summons (art. 192 - art. 200) and ordinary and extraordinary remedies against court decisions (appeal - art. 466 - 482, second appeal - art. 483 - 502, appeal for annulment - art. 503 - 508, review - art. 509 - 513. These procedural remedies ensure that the persons concerned have access to a court which is empowered by law to rule on civil matters.

In civil cases, any person may apply to the court for a writ of summons to defend his rights and legitimate interests. The court may be seised only after a preliminary procedure has been completed, if the law expressly provides for this. Proof that the preliminary procedure has been completed shall be annexed to the summons application.

The judgment given by the court shall be subject only to the remedies provided for by law, under the conditions and within the time limits laid down therein. The parties to the proceedings who justify an interest, as well as in the cases provided for by law other bodies or persons dissatisfied with the judgment may appeal against it. The prosecutor may appeal against judgments whenever necessary to protect the rights, freedoms and legitimate interests of minors, persons under legal counsel or special guardianship and missing persons, as well as in other cases expressly provided for by law.

The ordinary remedy is the **appeal** and the extraordinary remedies are **the second appeal, the appeal for annulment and the review.**

The appeal is the remedy through which the party dissatisfied with the decision of the first court or the prosecutor, under the conditions provided by law, requests the hierarchically superior court to reform the contested decision.

Decisions rendered in the first instance may be appealed, unless the law expressly provides otherwise. The appeal period is 30 days from the notification of the decision, unless the law provides otherwise.

Extraordinary remedies may not be lodged while the appeal is pending.

The second appeal is the extraordinary remedy which exclusively reviews the legality of the contested judgment, this remedy not being a third level of jurisdiction.

Decisions given on appeal, those given, according to the law, without the right of appeal, as well as other decisions in the cases expressly provided for by law, are subject to second

appeal. The time limit for second appeal is 30 days from the communication of the judgment, unless otherwise provided by law.

An appeal for annulment is an extraordinary remedy by which the court which delivered the judgment is itself requested, in the cases and under the conditions provided for by law, to set aside its own judgment and proceed to a new trial.

Definitive judgments can be challenged with an annulment appeal when the appellant was neither legally summoned nor present at the hearing.

Decisions of second appeal courts or the decisions of the appeal courts which, according to the law, cannot be challenged with a second appeal may also be challenged with an appeal for annulment in the following cases provided for by law: when the judgment given in the second appeal was rendered by a court which had no jurisdiction whatsoever or in violation of the rules concerning the composition of the court and, although the appropriate exception was raised, the second appeal court failed to rule on it, when the decision given in the second appeal is the result of a material error, when the second appeal court, in dismissing the second appeal or admitting it in part, failed to examine any of the grounds for cassation raised by the appellant within the time limit, when the second appeal court failed to rule on one of the second appeals lodged in the case.

An appeal for annulment may be lodged within 15 days from the date of notification of the judgment, but not later than one year from the date on which the judgment became final.

Since review is an extraordinary remedy, the legal provisions governing it are strictly interpreted, so that it can only be exercised in the cases and under the conditions expressly provided for by law. Revision of a judgment rendered on the merits or which refers to the merits may be requested on the grounds provided for in Article 509 (1), points 1-11 NCPC[1].

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[1] 1. The court ruled on something that was not asked for or did not rule on something asked for or gave more than was asked for;
2. the subject-matter of the case is not in existence;
3. a judge, witness or expert who took part in the trial has been convicted of a criminal offence relating to the case, or if the judgment was given on the basis of a document declared false in the course of or after the trial, where these circumstances influenced the decision rendered in the case. If it is no longer possible to establish the offence by a criminal judgment, the reviewing court shall first decide, as an incidental question, whether or not the alleged offence exists. In the latter case, the person charged with the offence will also be summoned to the hearing;
4. a judge has been disciplined definitively for having acted in bad faith or gross negligence in the performance of his or her duties, if these circumstances have influenced the outcome of the case;
5. after the judgment has been given, evidence has been discovered which was withheld by the opposing party or which could not be produced due to circumstances beyond the control of the parties;
6. the judgment of a court on which the judgment sought to be reviewed was based has been quashed, set aside or reversed;
7. the State or other legal persons governed by public law, minors, persons benefiting from legal advice or special guardianship or curatorship have not been defended at all or have been defended cunningly by those charged with their protection;
8. there are conflicting final judgments given by courts of the same or different degrees which violate the authority of res judicata of the first judgment;
9. the party was prevented from appearing at the trial and giving notice thereof by circumstances beyond his or her control;
10. The European Court of Human Rights has found a violation of fundamental rights or freedoms due to a judicial decision and the serious consequences of this violation continue to occur;
10^1. The European Court of Human Rights has delivered an advisory opinion on a question of principle concerning the interpretation or application of certain rights and freedoms laid down in the Convention for the Protection of Human Rights and Fundamental Freedoms or in the Additional

The reference to the merits of the case implies either the establishment of a different factual situation from that established at the previous stages of the proceedings, or the application of other legal provisions to the factual circumstances which have been established, in either case, a different outcome will be given to the legal relations at issue.

The time limit for review differs, depending on the grounds of appeal. As a rule, the time limit for review is one month[2]. For the grounds referred to in Article 509(1) points 10, 10^1 and 11 NCPC, the time limit is 3 months from the date of publication of the judgment or, as the case may be, of the advisory opinion of the European Court of Human Rights, translated into Romanian, respectively of the decision of the Constitutional Court, in the Official Gazette of Romania, Part I.

Similarly, the Code of Criminal Procedure (NCPP) provides for ordinary and extraordinary remedies against decisions in criminal matters.

In criminal proceedings the ordinary remedy is the **appeal**.

The following persons may file an appeal:

a) the prosecutor, with respect to the criminal and the civil components;

b) the defendant, with respect to the criminal and the civil components;

Protocols to that Convention, which has a decisive bearing on the judgment, if the judgment was delivered before the communication by the Government Agent for the European Court of Human Rights of the advisory opinion, translated into Romanian;
11. after the judgment has become final, the Constitutional Court has ruled on the exception invoked in that case, declaring unconstitutional the provision which was the subject of that exception.

[2] The review period will be counted:
1. in the cases referred to in Article 509(1) point 1, from the communication of the judgment;
2. in the case referred to in Article 509(1) point 2, from the last act of enforcement;
3. in the cases referred to in Art. 509 (1) point 3, from the day on which the party became aware of the judgment of the criminal court sentencing the judge, witness or expert or of the judgment declaring the document false, but not later than one year from the date on which the criminal judgment became final. In the absence of such a judgment, the time limit shall run from the date on which the party became aware of the circumstances for which the offence could no longer be established by a criminal judgment, but not later than three years from the date on which the circumstances occurred;
4. in the case referred to in Article 509(1) point 4, from the day on which the party became aware of the judgment by which the judge was finally disciplined, but not later than one year from the date of the finality of the judgment of disciplinary sanction;
5. in the case referred to in Article 509 (1) point 5, from the day on which the documents to be invoked were discovered;
6. in the case referred to in Art. 509 (1) point 6, from the day on which the party became aware of the setting aside, annulment or alteration of the judgment on which the review is based, but not later than one year from the date on which the setting aside, annulment or alteration judgment became final;
7. in the cases referred to in Article 509 (1) point 7, from the day on which the State or other person governed by public law became aware of the judgment, but not later than one year from the date on which the judgment has become final; in the case of minors, persons under legal guardianship or special guardianship or curatorship, the time limit for review shall be six months from the date on which the person concerned became aware of the judgment, but not later than one year from the date on which the person concerned acquired full legal capacity or, as the case may be, the date on which the guardian of the person under legal guardianship or special guardianship was replaced or the curator was replaced;
8. in the case referred to in Article 509(1) point 8, from the date of the final judgment.

c) the civil party, with respect to the criminal and the civil components and the party with civil liability, with respect to the civil component, whereas with respect to the criminal component, to the extent that the solution on this component has influenced the solution on the civil component;

d) the victim, with respect to the criminal component;

e) the witness, the expert, the interpreter and the counsel, with respect to the judicial expenses, their fees and the judicial fines applied;

f) any natural or legal entity whose legitimate rights were directly violated through a measure or an action of the court, with respect to the orders that caused such a violation.

In the case of the prosecutor, the victim and parties, the time frame to file an appeal is 10 days, unless the law stipulates otherwise and shall run from the date of notification of the judgment or, as the case may be, from the date of notification of the copy of the minutes.

For natural or legal persons whose legitimate rights have been directly violated through a measure or an act of the court, the time limit for appeal is 10 days and runs from the date on which they became aware of the act or measure which caused such a violation.

The legal remedy of **challenge** can only be exercised when is expressly provided for by law.

The prosecutor and the subjects to the proceedings to which the contested decision relates, as well as the persons whose legitimate interests have been harmed by the decision, may file challenge within 3 days of the decision being delivered, in the case of the prosecutor, and from the date of notification in the case of the other persons. The person who lodged the challenge and the subjects to the proceedings to which the contested judgment relates shall be summoned to appear before the court when the challenge is decided.

The extraordinary remedies are the **appeal for annulment, the second appeal on points of law, the review and the reopening of the criminal proceedings in case of trial in absentia.**

An appeal for annulment may be lodged against final criminal judgments in the cases provided for in Article 426 (a) - (i) NCPP[3].

An appeal for annulment may be lodged by either party, the injured party or the prosecutor. An appeal for annulment on the grounds provided for in art. 426 let. a) and letters c) - h) NCPP can be introduced within 30 days from the date of notification of the decision of the appeal court.

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[3] (a) where the appeal was heard without a party being legally summoned or where, although legally summoned, that party was unable to appear and inform the court of that impossibility;
(b) where the accused has been convicted although there was evidence of a ground for terminating the criminal proceedings;
(c) where the judgment on appeal was delivered by a panel other than the one which took part in the trial on the merits;
d) when the appeal court was not composed in accordance with the law or there was a case of incompatibility;
(e) where the trial on appeal took place without the participation of the prosecutor or the accused, where such participation was required by law;
(f) where the trial on appeal took place without the presence of counsel, where the legal assistance of the accused was required by law;
g) when the hearing of the appeal was not public, unless otherwise provided by law;
(h) when the appeal court did not hear the accused present, if a hearing was legally possible;
(i) where two final judgments have been delivered against a person for the same offence.

An appeal for annulment on the grounds referred to in Article 426(b) and (i) NCPP may be lodged at any time.

The second appeal on points of law seeks to submit to the High Court of Cassation and Justice the judgment, under the law, of the conformity of the contested decision with the applicable rules of law.

The decisions pronounced by the courts of appeal and the High Court of Cassation and Justice, as appeal courts, can be appealed on points of law, with the exception of the decisions by which the retrial of the cases was ordered.

The second appeal on points of law can be introduced by the parties or the prosecutor within 30 days from the date of communication of the decision of the appeal court.

Judgments are subject to be set aside in the following cases: if during the trial the provisions on jurisdiction according to the subject matter or the status of the person were not respected, if the trial was conducted by a inferior court to the one with legal jurisdiction, if the defendant was convicted of an offence not provided for by the criminal law; if the criminal proceedings were wrongly terminated; if no pardon was granted or it was wrongly found that the sentence imposed on the defendant was pardoned; if sentences other than those provided for by law were imposed.

Final judgments may be subject to review on both the criminal and civil aspects.

The review of final judgments on the criminal side may be requested in the cases provided for in Article 453 (1) letters a) - f) NCPP[4].

The parties to the proceedings, within the limits of their legal standing, or a member of the convicted person's family may apply for review, even after the death of the convicted person, only if the application is made in favour of the convicted person. The prosecutor may also apply ex officio for review of the criminal side of the judgment. An application for review in favour of the sentenced person may be made at any time, even after the sentence has been served or is deemed to have been served or after the death of the sentenced person, except in the case provided for in Article 453 (1) letter f), when the application for review may be filed within one year from the date of publication of the decision of the Constitutional Court in the Official Gazette of Romania, Part I.

[4] (a) where facts or circumstances which were not known at the time the case was decided has been discovered and which prove the unreasonableness of the judgment given in the case;
(b) where the judgment sought to be reviewed was based on the testimony of a witness, the opinion of an expert or on circumstances disclosed by an interpreter who committed the offence of perjury in the case sought to be reviewed, thereby influencing the decision rendered;
(c) where a document which served as the basis for the judgment which is the subject of the application for review was declared false in the course of the proceedings or after the judgment has been delivered, thereby influencing the outcome of the case;
(d) where a member of the formation of the court, the prosecutor or the person who prosecuted the case has committed an offence in relation to the case for which review is sought which has affected the outcome of the case;
e) when two or more final judgments cannot be reconciled;
(f) where the judgment was based on a legal provision which, after the judgment has become final, has been declared unconstitutional as a result of the admission of an exception of unconstitutionality raised in that case, where the consequences of the violation of the constitutional provision continue and can only be remedied by review of the judgment delivered.

The person who has been finally sentenced and who has been tried in absentia may request the reopening of the criminal proceedings within one month from the day on which he/she became aware, by any official notification, of the fact that criminal proceedings have been conducted against him/her.

A sentenced person who was not summoned to the trial and did not otherwise have official knowledge of the trial, i.e. who, although aware of the trial, was justifiably absent from the trial and was unable to contact the court, shall be considered as having been tried in absentia. A convicted person who has appointed a defence counsel or a representative, if he or she appeared at any time during the trial, and a person who, after the communication, according to the law, of the sentence of conviction, has not lodged an appeal, has waived the lodging of an appeal or has withdrawn the appeal, shall not be deemed to have been tried in absentia.

In the field of administrative litigation[5], any person who considers that he/she has been harmed in his/her right or legitimate interest by a public authority, by an administrative act or by the failure to resolve a request within the legal time limit, may refer to the competent administrative litigation court for the annulment of the act, the recognition of the alleged right or legitimate interest and compensation for the damage caused. The legitimate interest may be either private or public.

A person who has been harmed in a right or legitimate interest by an administrative act of an individual nature, addressed to another person, may also refer to the administrative court.

The Ombudsman, following the control carried out, according to its organic law, if he considers that the illegality of the act or the refusal of the administrative authority to carry out its legal duties can only be removed by justice, may refer to the competent administrative court of the petitioner's domicile. The Prosecutor's Office shall also, when, in the exercise of its powers under its organic law, considers that violations of the rights, freedoms and legitimate interests of persons are due to the existence of individual unilateral administrative acts of public authorities issued with excessive power, with their prior consent, bring the matter before the administrative court of the domicile of the natural person or the seat of the injured legal person.

According to the Administrative Litigation Law no. 554/2004, before referring to the competent administrative litigation court, the person who considers aggrieved in a right or in a legitimate interest by an individual administrative act addressed to him/her must request the issuing public authority or the hierarchical superior authority, if it exists, within 30 days from the date of communication of the act, the revocation of the act, in whole or in part. For well-grounded reasons, the injured party, addressee of the act, can file a prior complaint, in the case of unilateral administrative acts, and beyond the 30 days, but no later than 6 months from the date of issuance of the act. In the case of actions brought before court by the Ombudsman or the Prosecutor's Office, a prior complaint is not compulsory.

Only the following remedies provided for in the Code of Civil Procedure may be used against administrative decisions: second appeal, appeal for annulment and the review.

According to the Law on Administrative Litigation No. 554/2004, the first instance decision may be appealed (second appeal) within 15 days of its notification. Therefore, the remedy of appeal is incompatible with the specifics of the subject matter of administrative

[5] We are referring to Administrative Litigation Law no. 554/2004.

litigation. Decision No 17/2017 of the High Court of Cassation and Justice, delivered by the panel competent to rule on appeals in the interest of the law, is in the same sense, stating that "in the interpretation and uniform application of the legal provisions on remedies in the field of administrative litigation, only the remedy of second appeal may be exercised against decisions rendered in this field ... (...)".

The appeal for annulment shall be lodged against the decisions by which the second appeal was decided, under the conditions provided for in Articles 503-508 NCPC. In the case law on the exercise of the appeal for annulment in administrative litigation, it has been shown that this is an extraordinary remedy, of retraction, by which the court which delivered the contested decision is itself requested, in the cases and under the conditions provided for by law, to set aside its own decision and to proceed to a new trial. This extraordinary remedy is available only for the situations referred to in Article 503 NCPC.

With regard to review, the Law on Administrative Litigation establishes a new case of review, in addition to those provided for in the Code of Civil Procedure, namely the delivery of judgments that have become final in violation of the principle of priority of European Union law regulated at constitutional level.

According to Government Ordinance no. 137/2000 of 31 August 2000 on the prevention and sanctioning of all forms of discrimination, the National Council for Combating Discrimination, hereinafter referred to as the Council, is the autonomous state authority in the field of discrimination, with legal personality, under parliamentary control and also the guarantor of respect and application of the principle of non-discrimination, in accordance with the domestic legislation in force and the international documents to which Romania is party.

In order to combat acts of discrimination, the Council has the following tasks: it prevents acts of discrimination, mediates acts of discrimination, investigates, establishes and punishes acts of discrimination, monitors cases of discrimination, provides specialist assistance to victims of discrimination.

A person who considers himself or herself to have been discriminated may refer the complaint to the Council within one year of the date on which the act was committed or of the date on which he/she could have become aware of it. By lodging a complaint, the person who considers himself or herself to have been discriminated has the right to request that the consequences of the discriminatory acts be removed and that the situation prior to the discrimination be restored.

The decision of the Governing Board on a complaint shall be adopted within 90 days of the date of the complaint and shall include: the names of the members of the Governing Board who issued the decision, the name, domicile or residence of the parties, the subject of the complaint and the parties' submissions, a description of the act of discrimination, the factual and legal grounds on which the decision of the Governing Board was based, the method of payment of the fine, if any, the remedies and the time-limit within which these may be exercised. The decision shall be notified to the parties within 30 days of its adoption and shall take effect from the date of notification. The decision of the Governing Board may be appealed to the administrative court, in accordance with the law.

A person who considers himself/herself to have been discriminated may bring an action before court for compensation and for the restoration of the situation prior to the discrimination or for the annulment of the situation created by the discrimination, in accordance with ordinary law, without being required to refer the complaint to the Council. The time-limit for bringing an action before court is three years and runs from the date on

which the act was committed or from the date on which the person concerned could have known that it had been committed. The case shall be heard with the mandatory summons of the Council.

In addition, non-governmental organisations whose purpose is to protect human rights or which have a legitimate interest in combating discrimination have legal standing where discrimination occurs in their field of activity and affects a community or group of persons.

In accordance with Government Ordinance no. 38/2015 on the alternative resolution of disputes between consumers and traders, consumers have at their disposal an alternative mechanism to the judicial system for the resolution of disputes they may have with traders, when they are faced with a problem related to the purchase of a product or service.

Thus, the Directorate for Alternative Dispute Resolution within the National Authority for Consumer Protection (ANPC) has the competence to resolve national and cross-border disputes arising from sales contracts or service contracts concluded with a trader operating in Romania, in the sectors of activity in which ANPC is competent.

In order to resolve the dispute, the Directorate for Alternative Dispute Resolution proposes a solution to the parties. In the case of the procedure through which a solution is proposed, consumers have the possibility to withdraw from the procedure at any time if they are not satisfied with the operation or conduct of the procedure. Consumers are informed about this right before the start of the procedure. Before accepting the proposed solution, the parties are informed about the possibility of choosing whether or not to accept the proposed solution, about the fact that involvement in the procedure does not exclude the possibility of asking for compensation through a judicial procedure, about the fact that the proposed solution can be different from a result established by a court that applies the legal provisions in force and regarding the legal consequences of accepting such a solution.

If the trader does not accept the proposed solution, the Directorate for Alternative Dispute Resolution informs the consumer, by conclusion, about the administrative and judicial remedies available to him to resolve the dispute.

If the parties accept the proposed solution, the Directorate for Alternative Dispute Resolution issues a reasoned decision. The decision, respectively the conclusion, is communicated to the parties within 15 calendaristic days of its adoption and takes effect from the date of communication. These can be appealed to the competent court.

According to the Labour Code[6], unrestricted access to justice is guaranteed by law. In the event of an individual labour dispute, the parties will act in good faith and seek an amicable settlement.

With a view to promoting the amicable and speedy settlement of individual labour disputes, the parties may include a clause in the contract when concluding the individual employment contract or during its performance stating that any individual labour dispute shall be settled amicably through the conciliation procedure. Conciliation means the amicable settlement of individual labour disputes with the help of an external consultant specialised in labour law, under conditions of neutrality, impartiality, confidentiality and with the free consent of the parties. Either party can address the external consultant to initiate the conciliation procedure for the individual labour dispute. The external consultant shall send the written

[6] Law no. 53/2003 of January 24, 2003.

invitation to the other party by the means of communication provided for in the individual employment contract.

If, as a result of the debates, a solution is reached, the external consultant will draw up an agreement that will contain the understanding of the parties and the method of extinguishing the conflict. The agreement will be signed by the parties and the external consultant and will take effect from the date of signature or from the date expressly provided for therein.

With regard to the judicial settlement of claims relating to individual labour disputes, these shall be addressed to the tribunal in whose district the claimant is domiciled or has his place of work. Claims relating to the settlement of individual labour disputes will be dealt with celerity. The terms for the hearing may not exceed 10 days. Decisions of the court of first instance are subject only to appeal. The time limit for appeal is 10 days from the date of communication of the judgment.

2. In your view, does your Member State provide information on the available remedies, and the steps to be taken during a judicial process / when accessing non-judicial remedies:

a. To parties of criminal proceedings;

b. To parties of civil proceedings;

c. To parties of administrative proceedings;

d. Persons accessing non-judicial remedies.

Please provide more information, including examples of good practice you consider effective.

In civil, administrative, and labor law cases, in the final part of the decision, the court will indicate whether the decision is enforceable, is subject to a remedy or is final, the date of its pronouncement, the mention that it was pronounced in public hearing or in another manner provided by law. When the decision is subject to appeal or second appeal, the court to which the appeal/second appeal is filed will also be indicated.

In criminal cases, the operational part of the decision must include the mention that the decision is subject to appeal, with the indication of the time-limit within which it can be exercised, the date on which the decision was pronounced and the fact that the pronouncement was made in public hearing.

In the field of prevention and sanctioning of all forms of discrimination, as we have shown in point 1, the decision of the Governing Board on a complaint shall be adopted within 90 days of the date of the complaint and shall include: the names of the members of the Governing Board who issued the decision, the name, domicile or residence of the parties, the subject of the complaint and the parties' submissions, a description of the act of discrimination, the factual and legal grounds on which the decision of the Governing Board was based, the method of payment of the fine, if any, the remedies and the time-limit within which these may be exercised. The decision shall be notified to the parties within 30 days of its adoption and shall take effect from the date of notification. The decision of the Governing Board may be appealed to the administrative court, in accordance with the law.

In the field of consumer protection, as we have shown in point 1, if the trader does not accept the proposed solution, the Directorate for Alternative Dispute Resolution within the

National Authority for Consumer Protection informs the consumer, by conclusion, about the administrative and judicial remedies which can be used to resolve the dispute.

3. In your view, does your Member State use digital tools to facilitate access to justice?

a. Yes

b. No

If yes, please provide more information on the tools available and your experience on

their relevance. Please provide examples of good practice you consider effective.

The digitalisation process of the Romanian judicial system has been accelerated in the context of the COVID-19 pandemic.

Through the development of the electronic file application by IT specialists within the courts, lawyers and litigants can view and download documents scanned and uploaded to the court's database, and the case file is being constantly updated according to newly registered documents. As there are currently 4 different versions of the e-file in use in the courts, the Ministry of Justice has undertaken to implement a national e-file which will have the same interface and applicability for all courts. Its implementation involves both technical developments/changes and changes to primary (Civil Procedure Code and Criminal Procedure Code), secondary and tertiary legislation.

With a view to the digital transformation of the judicial system, the Ministry of Justice made efforts together with its strategic partners, the Superior Council of Magistracy, the Public Ministry and the High Court of Cassation and Justice, to ensure a high-performance digital infrastructure (the aim is to ensure interoperability and cyber security, the modernization IT infrastructure at the local level, the development of integrated systems for audio-video recording in courtrooms, the completion of the expansion of the RMS-Resource Management System at the level of the MoJ and the courts).

Hearing via videoconferencing is often used, mainly in criminal proceedings, in case the defendants/convicts are deprived of their liberty and are either in detention and pre-trial detention centres or in prisons and the aim is to establish a connection without being necessary their movement to the court premises.

At the same time, according to the Code of Civil Procedure, participants in civil proceedings may use electronic means of communication to exercise their procedural rights. In practice, the most commonly used mean of digital communication is the e-mail. Thus, the parties to the proceedings have the possibility to submit applications to the court also by electronic means, with the mention that the submission of an application in this way does not exempt the party from the obligation to submit the application on paper in sufficient copies for communication. Also, the communication of summonses and other procedural documents can be done by the court registry by fax, e-mail or by other means ensuring transmission of the text of the document and confirmation of its receipt, if the party has indicated to the court the appropriate data for this purpose.

Similarly, the Code of Criminal Procedure provides that a complaint or denunciation concerning the commission of an offence may also be made in electronic form, if are certified by electronic signature. The summons may also be served by e-mail or any other electronic messaging system with the consent of the person summoned. The summons by e-

mail or an electronic messaging system shall be done at the electronic address or contact details which have been indicated for this purpose to the judicial body by the person summoned or his representative.

4. In your view, which of the following measures are available in your Member State to remove language/ cultural/ physical/ financial/ other barriers for people accessing remedies:

a. Interpretation and translation services;

b. Measures to facilitate access by persons with disabilities, such as measures relating to accessibility of court houses and other resources for people with disabilities;

c. Legal aid;

d. Arrangements to refer vulnerable victims, such as victims of domestic or gender-based violence, to support services;

e. Fast-track proceedings available for certain vulnerable parties, such as in cases involving sexual violence or children;

f. Other measures.

Please provide more information on the measures available and your experience on their relevance. For instance, please provide examples of good practice you consider effective.

Regarding the use of translator and interpreter in civil proceedings, the Code of Civil Procedure provides that if one of the parties or the persons to be heard does not know Romanian language, the court shall use an authorised translator. If the parties agree, the judge or clerk may act as translator. If one of the parties or of the persons to be heard is mute, deaf or deaf-mute or for any other reason unable to express himself, communication with him shall be in writing, and if he cannot read or write, an interpreter shall be used. Similarly, the Code of Criminal Procedure stipulates that the parties and the subjects of the proceedings who do not speak or understand Romanian language or who cannot express themselves shall be provided, free of charge, with the possibility to read the documents of the case, to speak and to make submissions in court, through an interpreter. In cases where legal assistance is mandatory, the suspect or accused person shall be provided, free of charge, with the opportunity to communicate, through an interpreter, with his or her lawyer for the purpose of preparing for a hearing, lodging a remedy or any other request relating to the outcome of the case.

Regarding access to justice for persons with disabilities, on 7 January 2022 the non-governmental organisation Centre for Legal Resources and the Prosecutor's Office attached to the High Court of Cassation and Justice announced the launch of the project AdaptJust - Accessible Justice for Persons with Disabilities, which aims to improve the implementation of the judgments of the European Court of Human Rights and the decisions of the Committee of Ministers of the Council of Europe on the rights of persons with intellectual and psychosocial disabilities deprived of their liberty. The initiative for the project arose in a context where, according to statistics, people with disabilities have less access to the justice system than people without disabilities when they need to complain about a rights violation.

AdaptJust aims to provide continuous training and support by independent experts to prosecutors, judges, lawyers, psychiatrists, psychologists and social workers working in the

field of the protection of the rights of people with disabilities. The project also foresees the development of an action plan for the prevention of inhuman and degrading treatment, the creation of interdisciplinary working groups, specific training courses in the field of facilitating access to justice, the development of a network of psychosocial experts to be used by prosecutors and courts in cases involving persons with mental disabilities.

Given that access to justice - an expression of democratic principles in a state governed by the rule of law and the supremacy of law - must be effective and that the costs of legal proceedings must not be an obstacle to seeking justice for the realisation or defence of a right, legal aid has been established.[7]

Legal aid is a form of assistance granted by the State to ensure the right to a fair trial and guarantee equal access to justice in order to achieve legitimate rights or interests through judicial channels, including the enforcement of judgments or other enforceable titles. Legal aid is granted in civil, commercial, administrative, labour and social security cases, as well as in other cases except criminal cases.

Legal aid may be granted in the following forms:

(a) payment of fees for representation, legal assistance and, where appropriate, defence by an appointed or chosen lawyer, for the establishment or protection of a right or legitimate interest or for the prevention of litigation;

(b) the payment of an expert, translator or interpreter used in the course of proceedings, with the agreement of the court or the authority having judicial power, if such payment is chargeable by law to the applicant for legal aid;

c) payment of the bailiff's fees;

(d) exemption, reduction, deferment or postponement of the payment of legal fees provided for by law, including those due at the enforcement stage.

Legal aid is granted regardless of the applicant's material status, if a special law provides the right to free legal assistance as a protective measure in view of special circumstances such as minority, disability, a particular status and the like. Legal aid may also be granted for the purpose of appeal.

In criminal matters, in cases of mandatory legal assistance of the suspect or defendant, if he has not chosen a lawyer, the judicial body takes measures to appoint a lawyer ex officio.

With regard to crime victim support services, the general framework for the protection of crime victims, i.e. Law 211/2004 on some measures to ensure information, support and protection of crime victims, was amended in 2019 to provide victims with a generic network of support and protection services, through the establishment of Crime Victim Support Services (SSVI) with wide territorial coverage (47 in total at county and sector level). The operation of these services for all categories of victims complements the pre-existing sectoral services for child victims, victims of domestic violence and victims of human trafficking. The most important changes to the general framework included the revision of standards, procedures and support mechanisms, the expansion of service providers, categories of victims' rights, categories of beneficiaries, the revision of the principles of

[7] By Government Emergency Ordinance no. 51/2008 of April 21, 2008 regarding legal aid in civil matters.

information, support and protection of victims and the introduction of the individual victim assessment process.

Support and protection services provided to both victims of crime and their family members may include: information on victims' rights; psychological counselling, counselling on the risks of secondary and repeat victimisation or of intimidation and revenge, counselling on financial and practical issues following the crime, social integration/reintegration services, emotional and social support with a view to social reintegration, information and counselling on the victim's role in criminal proceedings, including preparation for participation in the trial, referral of the victim to other specialised services, where appropriate, as mentioned above.

In the case of child victims, the assessment and provision of support and protection services is carried out by the specialized intervention departments in situations of abuse, neglect, trafficking, migration and repatriation within the General Directorate of Social Assistance and Child Protection, according to Law no. 272/2004 on the protection and promotion of children's rights and Government Decision no. 49/2011 for the approval of the Framework Methodology on prevention and intervention in multidisciplinary team and network in situations of violence against children and domestic violence and the Methodology for multidisciplinary and inter-institutional intervention on children exploited and at risk of exploitation through labour, child victims of trafficking in persons, as well as Romanian migrant children victims of other forms of violence in other countries.

In the case of victims of domestic violence, support and protection services are provided by specialised institutions according to Law no. 217/2003 on preventing and combating domestic violence.

The legislative changes have been complemented by the establishment of a Working Group on Victim Issues at the Ministry of Justice in 2020. Among the most important objectives pursued by the working group are the following: setting up special hearing rooms for minors, specialised training of professionals for different types of crimes and victims, setting up an informal network of specialists in dealing with the issue of victims of sexual crimes, improving forensic medicine services for victims of crime.

Also, the organization Save the Children Romania, in partnership with the General Directorate of Social Assistance and Child Protection Sector 6, Bucharest, opened the first Barnahus pilot centre for minors victims of sexual abuse and extreme domestic violence. The centre is based on the Barnahaus integrated model of complex services for psychological and medical assessment, hearing and protection of child victims of sexual abuse and extreme domestic violence.

At the same time, the Code of Criminal Procedure stipulates that for the protection of privacy or dignity, the prosecuting authority may order protective measures provided by law for the injured party[8]. Victims are presumed to be vulnerable if they are children, victims who are in a relationship of dependence on the perpetrator of the crime, victims of terrorism, organised crime, trafficking in human beings, violence in close relationships, sexual violence or exploitation, victims of hate crimes and victims affected by a crime because of prejudice or discrimination that may be related in particular to their personal characteristics, victims with disabilities, as well as victims who have suffered considerable harm as a result of the seriousness of the crime.

[8] Examples include: supervising and guarding the home or providing temporary accommodation, accompanying and protecting the injured party or members of his/her family when travelling, etc..

5. In your view, which measures has your Member State taken to ensure the justice system's responsiveness to the needs of vulnerable and marginalised groups? Please provide examples of good practice you consider effective.

Law No 230/2022[9] provided for the operation, from 2023, of the National Mechanism for the Support of Crime Prevention, which will ensure the allocation of resources for the implementation of activities and projects aimed at: legal education, crime prevention, assistance and protection of victims of crime, as well as facilitating the access of victims of crime to fair and adequate compensation for damages suffered. Thus, the possibility of granting victims of crime an advance on financial compensation in the form of a voucher to cover urgent needs has been provided for and the list of damages for which the victim may obtain financial compensation from the state has been extended (compensation for moral damage suffered as a result of the crime and for material damage resulting from the destruction, degradation or rendering useless of the victim's property or from the dispossession of the victim as a result of the crime).

Subsequently, by Government Decision No 541 of 8 June 2023 approving the Methodology for the issuance, distribution and settlement of vouchers for victims, the establishment of the Victims' Protection Unit was regulated, including the task of distributing vouchers to cover the urgent needs of crime victims.

6. In your view, does your Member State have in place arrangements to facilitate access to justice by children? Please provide examples of good practice you consider effective.

The Prosecutor's Office attached to the High Court of Cassation and Justice, in partnership with the European Union Agency for Fundamental Rights (FRA), the Ministry of Justice and the General Directorates for Social Assistance and Child Protection, started in early 2022 the implementation of a project[10] with the overall objective of ensuring an efficient, accessible and qualitative criminal justice system for child victims of crime and victims of hate crimes. The activities of the project cover: renovation, fitting out and equipping of 35 juvenile hearing rooms, elaboration of two thematic analyses on the situation regarding hate crimes and the situation regarding children as victims of crime, elaboration of guidelines (identification, investigation and prosecution of hate crimes/hearing of child victims and prosecution of crimes against them), providing specialised training for prosecutors and other professionals to improve knowledge and awareness of the needs of victims of hate crimes and child victims of crime, including those belonging to the Roma minority.

In the context of the implementation of the pre-defined project[11] Training and Capacity Building in the Judiciary, the Superior Council of Magistracy is currently equipping 47 juvenile hearing rooms in the courts, at the national level, which comply with international standards for hearing juveniles.

[9] on the amendment and completion of Law No. 318/2015 on the establishment, organization and functioning of the National Agency for the Administration of Seized Assets and on the amendment and completion of some normative acts and for amending and supplementing Law No 135/2010 on the Code of Criminal Procedure.

[10] With funding provided through the "Justice" programme of the Norwegian Financial Mechanism 2014 - 2021.

[11] Funded by the Norwegian Financial Mechanism 2014-2021.

The Code of Criminal Procedure also includes provisions on the hearing of minors.

Thus, the Code of Criminal Procedure stipulates that the hearing of the injured party and of the minor witness under 14 years old shall take place in the presence of one of the parents, the guardian or the person or representative of the institution to which the minor is entrusted for upbringing and education, and in the presence of a psychologist, as determined by the judicial body. The psychologist will provide expert advice to the minor throughout the court proceedings.

In the case of injured parties for whom the existence of specific protection needs has been established by law, the judicial body may order one or more of the following measures, where possible and where it considers that the proper conduct of the proceedings or the rights and interests of the parties are not prejudiced:

(a) their hearing in premises designed or adapted for that purpose;

(b) their hearing through or in the presence of a psychologist or other victim counsellor;

(c) their hearing, as well as their eventual re-hearing, is carried out by the same person, if this is possible and if the judicial body considers that this does not affect the smooth running of the process or the rights and interests of the parties.

Hearing by the criminal investigation bodies of injured parties who have been victims of the crime of domestic violence, provided for in Article 199 of the Criminal Code, the crimes of rape, sexual assault, sexual act with a minor and sexual corruption of minors, provided for in Articles 218-221 of the Criminal Code, the crime of ill-treatment of minors, provided for in Article 197 of the Criminal Code, the crimes of harassment, provided for in Article 208 of the Criminal Code and sexual harassment under Article 223 of the Criminal Code, as well as in other cases where, due to the circumstances of the commission of the offence, it is deemed necessary, shall be carried out only by a person of the same sex as the injured person, at the latter's request, unless the judicial body deems this to be prejudicial to the proper conduct of the trial or to the rights and interests of the parties.

The Civil Code stipulates that in administrative or judicial proceedings concerning the child, it is compulsory for the child who has reached the age of 10 to be heard. However, a child who has not reached the age of 10 may also be heard if the competent authority considers this necessary for the resolution of the case. The right to be heard implies the possibility for the child to ask for and receive any information appropriate to his/her age, to express his/her views and to be informed of the consequences of such views, if respected, and of the consequences of any decision concerning him/her. The views of the child listened to will be taken into account in relation to his/her age and maturity.

7. In your view, does the justice system provide the possibility for stakeholders to bring cases on behalf or in support of victims? If yes, in which areas of law is this possible? Please provide examples of good practice you consider effective.

The Civil Procedure Code provides that in the cases and conditions provided exclusively by law, applications can be submitted or defenses can be formulated by persons, organizations, institutions or authorities, who, without justifying a personal interest, act to defend legitimate rights or interests of persons in special situations or, as the case may be, for the purpose of protecting a group or general interest. For example, non-governmental organizations whose aim is the protection of human rights or which have a legitimate interest

in combating discrimination have active procedural standing if discrimination manifests itself in their field of activity and affects a community or a group of people.

These organisations also have legal standing in case the discrimination affects a natural person, at the latter's request.

In criminal matters, Law No 211/2004 of 27 May 2004 on measures to ensure information, support and protection of victims of crime provides that the application for free legal assistance and the application for the award of the amount necessary to enforce the court judgment awarding civil compensation to the victim of crime may also be formulated by non-governmental organisations working in the field of victim protection, if signed by the victim.

8. Which challenges or points of development have been identified in your Member State regarding effective legal protection?

The issue of access to justice touches the essence of democracy, and the challenges faced recently, especially in the context of the COVID-19 pandemic, have highlighted even more strongly the importance of facilitating access to justice and its digitalisation.

In the Strategy for the Development of the Judiciary for the period 2022 - 2025, access to justice is a priority area of intervention. A strategic objective is to increase citizens' access to justice and legal assistance. It is envisaged, among other things, to develop a Strategy for the digitalisation of the physical archive and the standardisation of information made available to litigants.

Another priority area of intervention is to increase the independence, quality and efficiency of the judiciary. A strategic objective is the digital transformation of the judicial system, which aims, among other things, at generalising the use of electronic documents while accelerating the use of electronic signatures and seals.

With a view to the digital transformation of the judicial system, the Ministry of Justice made efforts together with its strategic partners, the Superior Council of Magistracy, the Public Ministry and the High Court of Cassation and Justice, to ensure a high-performance digital infrastructure (the aim is to ensure interoperability and cyber security, the modernization IT infrastructure at the local level, the development of integrated systems for audio-video recording in courtrooms, the completion of the expansion of the RMS-Resource Management System at the level of the MoJ and the courts).

A centralised electronic case management system is also planned to be funded by the POCA programme (ECRIS V system) and operational by the end of 2025.

9. Is there any significant, recent case-law from your Member States on ensuring effective legal protection, which you would like to mention?

No.

10. Are there any significant, recent decisions by equality bodies or other non-judicial remedies on ensuring effective legal protection, which you would like to mention?

No.