



Disability Bench Book – Romania



Introduction

People with disabilities can face extra barriers in the justice system. This can happen in different ways such as if they:



- are victims



- witnesses

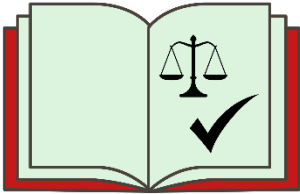


- accused of a crime



The UN Convention on the Rights of Persons with Disabilities (CRPD) says all countries must help people

with disabilities get justice. This means they must remove barriers and make sure everyone is treated fairly.



The Disability Bench Book was created by the Centre for Legal Resources. It gives advice on how to help people with intellectual and psychosocial disabilities during legal processes.



This book is mainly for judges, lawyers, police, and other legal professionals. But it is also helpful for people with disabilities, their families, and anyone involved in legal cases.

Access to Justice in Romania



Romania has agreed to follow the CRPD by making laws that protect the rights of people with disabilities. However, Romania does not do enough to help people with intellectual and psychosocial disabilities in legal cases. The law does not make sure that these people get treated the same as other people in court.



For example, the law says the police must tell a person what they are accused of and their rights before questioning them. But the law does not say that the police need to explain this in a way that the person can understand.



There are also no clear rules on how to help people with disabilities understand what is happening in court.



There is no information on how many people with disabilities face legal problems in Romania. Collecting this information would help find ways to remove barriers and give better support to people with disabilities.

Rights of Defendants with Disabilities



Legal Capacity

All people with disabilities should be treated as equal in the eyes of the law. They should be allowed to take part in all parts of a legal case.



If a person has been told they cannot make legal decisions, they should have the right to ask the court to change this.



Support and Accommodations

People with disabilities must get the help they need to understand and take part in their legal cases.



This includes explaining things in a way they can understand, giving them more time to answer questions, and letting them have a support person with them. These supports are also known as accommodations.



Right to Information

Information should be given in a way that people with disabilities can easily understand.



For example, this could be done by using plain language, pictures, or interpreters. It is important to avoid using hard legal words.



People should be told their rights clearly and asked if they understand what is happening.

Right to a Lawyer

People with disabilities must have access to a lawyer from the moment they are in contact with the police.

The same lawyer should stay with them throughout the legal process.



Lawyers should be trained to understand the needs of people with disabilities. The lawyer's job is to make sure that the person's rights are protected.



Right to Be Present at Trial

People with disabilities have the right to be present in court and defend themselves. The court should make sure that the place accessible and not scary. For example, the judge and lawyers could wear regular clothes instead of formal robes to make the person feel more comfortable.



Remote Hearings

Sometimes, a person with a disability might take part in a court hearing by video. If this happens, the court should make sure the person understands what is going on.



The hearing should be done in a way that makes it easy for the person to follow along, with regular breaks and clear instructions.

Conclusion



It is important to make sure that people with disabilities can take part in legal cases just like anyone else. This means:



- giving them the support they need



- treating them with respect



- making sure they understand what is happening.



By following these steps, we can help make the justice system fair for everyone.

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Full project description: <https://www.crj.ro/en/enable-enabling-inclusion-and-access-to-justice-for-defendants-with-intellectual-and-psychosocial-disabilities/>



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