

ENSURE: National research report on procedural accommodations for child victims and offenders with disabilities within the Romanian justice system

The aim of this research report is to provide an overview of Romanian national rules and practices for justice experts, professionals from children protection system as well as interpreters in supporting children with disabilities in the criminal justice system.

The report findings are recommendations based on information grounded in two sources: analysis of secondary data gathered from legislative frameworks and policy documents, on procedural accommodations for children with disabilities within the Romanian justice system aiming to ensure a coordinated and comprehensive approach for children with disabilities in conflict with the law and primary data collected from different professionals from justice area, child protection system, interpreters as well as youth with disabilities in contact with the criminal justice system.

The report is structured in four parts: the first one is summarizing the analysis of the Romanian legal framework, the second one presents the findings of the discussions held with the selected respondents, the third one includes conclusions and recommendations and the last one outlines the limitations.

I. Analysis of the Romanian Legal Framework

The Romanian policies and laws which establish what are the main **provisions for children with disabilities**, are listed below:

- **Law 272/2004** which guarantees the child's right to be heard in any judicial/administrative procedure and requires that measures respect the child's best interests — this creates a statutory basis to adapt hearings and communications to the child's capacities (adapted language, use of supports, special rooms, etc.).
- **The new Criminal Procedure Code (Law 135/2010)** contains provisions that facilitate child-sensitive investigations and trial steps (existence of special measures when minors are involved; mandatory legal assistance for child victims in some contexts; provisions enabling non-public hearings and other protections). The contexts when the legal assistance is mandatory for child victims are: 1) lack of exercise capacity or limited exercise capacity, when the judicial body considers that, for some reasons, the injured person/ civil party/ party with civil liability cannot prepare their own defense and 2) for child and human trafficking victims. These procedural rules give courts and prosecutors discretion to use measures adapted to a child's needs. For instance, the Criminal Code

clearly establishes the right to benefit from an interpreter when the person does not understand, does not speak well, or cannot communicate in the Romanian language free of charge (**article 83, paragraph f**), as well as the right to resort to a mediator, in the cases permitted by law (paragraph g). **The article 105** sets out clarifications on hearings where the presence of an interpreter is required:

“Whenever the person being heard does not understand, does not speak, or does not express themselves well in the Romanian language, the hearing shall be conducted through an interpreter. The interpreter may be designated by the judicial authorities or chosen by the parties or the injured person, from among authorized interpreters, in accordance with the law. By way of exception, if it is necessary to take an urgent procedural measure or if an authorized interpreter cannot be provided, the hearing may take place in the presence of any person able to communicate with the person being heard. However, the judicial authority is obliged to repeat the hearing with an authorized interpreter as soon as this becomes possible. If the person being heard is deaf, mute, or deaf-mute, the hearing shall take place with the participation of a person able to communicate in the special language. In this situation, communication may also be carried out in writing. In exceptional cases, if no authorized person capable of communicating in the special language is present and communication cannot be carried out in writing, the hearing of the above-mentioned persons provided shall be conducted with the help of any person who has communication skills.”

- **The Criminal Code (Law 286/2009)** sets out the age thresholds for criminal liability (over 14 if it is proven that he committed the act with discernment (criminal responsibility) and requires provision of *specialized services* and accompaniment psychologist/social worker for children who committed acts but are not criminally liable (an explicit opening for therapeutic, non-punitive responses that can be tailored to disability) and over 16 when the minor is criminally liable according to the law.
- **The Probation law (Law 252/2013)** establishes the probation service’s role in implementing non-custodial measures and supervising educational/rehabilitation programmes for minors — a statutory basis to tailor probation interventions and support plans to children with disabilities (psychosocial support, adapted curricula, co-ordination with social services).
- **The Victims framework (Law 211/2004 + transposing amendments)**, particularly after amendments made to align with the EU Victims’ Directive, guarantees victims’ rights to information, support and to be accompanied by a person of their choice from first contact with authorities — this is important for disabled child victims who need a trusted communicator or support person to engage with proceedings.
- **The Secondary Decision 1439/2004** lays out the structure of services (psychological, social work, reintegration) for children found not criminally responsible — again a legal

instrument that supports tailored, therapeutic measures. (Referenced in the specialized models for children with intellectual disabilities.)

- **The law no. 448/2006 on the protection and promotion of the rights of persons with disabilities**, specifies the accessibility rights of the persons with disabilities to new technologies, access to public information and provision of authorized interpreters of sign language and of the specific language used by persons with deafblindness (article 61). The obligation of providing authorized interpreters of sign language or of the specific language used by persons with deafblindness, for direct interactions with persons with hearing disabilities or with deafblindness, belongs to central and local authorities and institutions, whether public or private (article 69).

An analysis of the way the provisions translate (or fail to translate) into procedural *accommodations* for children with disabilities, taking in account the above listed legal framework was also performed.

Positive points of the legal framework:

- Legal basis exists to adapt hearings (private hearings, non-hostile setting, audio-visual recording, legal assistance) and to provide psychological/social support during measures and reintegration.
- The Victims Act amendments explicitly permit accompaniment from first contact — this is extremely useful for children who need a communication/support person.
- Probation & specialized services laws provide statutory channels for post-decision psychosocial support and community measures aimed at rehabilitation rather than punishment.

The common gaps and implementation problems identified, researching secondary data (national reports & NGO studies), are:

- **Lack of systematic disability screening and individualized assessment.** Laws allow individualized measures but do not require a standardized, early disability screening and tailored communication plan in every case. NGO/national reports note inconsistent identification of intellectual or psychosocial disabilities during investigations.
- **Insufficient formal procedural rules for communication accommodations.** While “child-friendly” and “special measures” are authorised, there is weak, non-specific guidance about *how* to adapt language, use augmentative communication, sign language interpreters, easy-read materials, or extended breaks for children with cognitive impairments. This results in ad hoc decisions.

- **Variability in availability of trained specialists.** Psychologists or social workers are foreseen, but many local courts/prosecutor offices lack staff with expertise in intellectual disabilities / communication support; NGOs often fill gaps.
- **Physical and access barriers and limited adaptations in procedural settings.** Courts and police stations are not uniformly accessible; dedicated child rooms or Audio-visual link interview rooms are unevenly available.
- **Insufficient cross-sector coordination.** Probation, child protection (DGASPC), health services and justice actors are not always joined up by formal protocols to implement reasonable accommodations through the whole process.

II. Analysis of the primary data and results

Based on the above analysis of the legal and procedural accommodations framework for children with disabilities, a qualitative 360 degree analysis was performed through primary data collected using Key Informant Interviews (KIIs) with selected professionals working within the Romanian national justice system as well as children, victims and offenders in contact with the justice system.

The selection of interviewed professionals working within or alongside the Romanian criminal justice system who engage with children with disabilities **was made considering the** aim to ensure various professional practices and experiences, have a clear understanding of the system's strengths and challenges using different lenses and explore a diversity of inputs covering different disability type, gender, rural/urban divide.

The research universe for primary data gathering consisted of 13 respondents with different ages and backgrounds. 3 structured interviews with youth and 10 with adults were performed, summing up 5 males and 8 females. The age of the respondent adults varied between 35 and 58 years, their working experiences ranges between 6 and 37 years in their actual position. The age of the youth respondents ranged between 21 and 24 years.

In order to ensure geographic coverage adult respondents were selected from 8 counties out of a total of 42 existing in Romania. To collect diverse perspectives within each category (from authorities and institutions - local and central ones, as well as NGOs) necessary to deepen the understanding of the studied topic, persons with different backgrounds were interviewed, as follows:

- Two social assistants (one from a detention centre, the other one from the county direction for children social protection);

- Four psychologists (one working at the Craiova Detention Center where two youths with disabilities are residents, two from 2 different local child protection authorities , and one from a center for inclusive education for deaf children);
- One lawyer from Sibiu Bar;
- Two Judges from a Court of Appeal;
- One interpreter working for the NGO –*Romanian National Association for the Deaf*
- Three youths aged 18-20 years old, two males and one female, residents of the Detention Centers from Craiova and Tichilesti (Dolj and Timisoara counties) with mild physical disabilities were interviewed for gathering the perspective of their experience with the criminal justice system as offenders;

Ethical standards and child safeguarding were respected along the research: the selected participants signed the informed consent form, granting confidentiality of the shared input. Tailored data protection protocols for the handling and storing of the recorded interviews (when the respondent agreed to this practice) including sensitive information about children, adhering to both GDPR requirements and national regulations, were followed.

All respondents including youth were clearly informed about the scope of the interview, the way it will be conducted, how the information will be used, and who will have access to it. They were also made aware they can choose to withdraw any time and refuse to respond to any question.

The KIs were conducted remotely, taking in account the interviewee's location and were handled in such a way to avoid causing psychological, emotional, or physical distress.

This section synthesizes insights from interviews with the selected judge, lawyer, social workers, psychologists, and interpreters regarding the treatment of children with disabilities in Romania's justice system. The findings cover several themes as suggested in the research methodology: information accessibility for children with disability and their families, procedural accommodations & early identification, existence and availability of legal and social support, use and roles of intermediaries and support persons, the way children rights are ensured in practice during proceedings, adaptability of environment and communication for these children along their experiences within the Romanian justice system, level of training for justice professionals and interdisciplinary collaboration in working with children with disabilities. The questions addressed both to justice actors and youth covered the above-mentioned themes, aiming to triangulate the info gathered in order to have a clear understanding of the Romanian practice and for producing reliable findings and sound recommendations. The discussion guides for each of the interviewees are inserted at the end of the report.

The findings will be presented for each studied theme.

The interviewed professionals reported experience with children victims who have a range of disabilities, from physical ones (shorter or lack of limbs, deaf children or adults who suffered from blindness and loss of hear) to intellectual or mental health disabilities.

A. How Children and Their Legal Representatives Are Informed About Their Rights and Procedures

Professionals, children, and interpreters described significant variation in how children with disabilities and their parents or legal representatives are informed about their rights and about judicial procedures. While some institutions make efforts to adapt communication, in practice information is often insufficient, overly technical, or delivered in a formalistic manner that does not ensure genuine understanding.

Social workers and psychologists reported that children and parents are informed verbally and in writing, often through reports, counselling notes, or meeting minutes. In some centers, staff developed leaflets and pictorial materials to explain rights in simple terms.

In some cases, explanations were **tailored to cognitive level, type of disability, and gender sensitivities**, with attention to avoiding stereotypes. For deaf children, information was sometimes translated into **sign language** or simplified written formats. However, several professionals acknowledged that **adaptation is inconsistent**. Psychologists noted that explanations are “not always” simplified according to children’s needs, which hinders comprehension. Interpreters emphasized that deaf children and their families often receive **fragmented or minimal information**, relying instead on peer networks to learn about rights.

The judge and lawyer pointed out that, in most cases, children and parents **do not understand their rights**. Although procedures formally require rights to be read to minors, the language is highly technical and inaccessible even to adults without disabilities.

“Some terms are so difficult that even adults without disabilities struggle to understand them — like the right to hire an expert or access mediation services.” (Judge)

The presence of support persons (psychologists, social workers, or lawyers appointed ex officio) is often **formal and episodic**, with little active engagement to ensure understanding. Children are rarely told they can choose their own support person, and many meet their court-appointed lawyer only at the first hearing, limiting trust and preparation. *“The court-appointed lawyer is often just decorative... the dialogue becomes intrusive and distressing for a victim with intellectual or psychosocial disabilities.” (Judge)*

Children’s accounts confirmed systemic shortcomings. Many said they were **not told clearly why they were in court or what would happen**.

“No one really explained why I was there. They just said I had to answer because I did something serious.” (Child 1).

“They spoke between themselves, not to me. It felt like I was invisible.” (Child 3)

Children also reported that their assigned support persons felt more aligned with the system than with their needs: *“They appointed a social worker, but I didn’t feel helped. It seemed they were there for them, not for me.”* (Child 1)

“The lawyer was in a hurry. The social worker seemed on their side. If my family hadn’t been there, I wouldn’t have understood anything.” (Child 3)

Even when rights were explained, the manner was rushed and incomprehensible:

“They told me I had rights, but it was just sentences read out fast. No one explained in my words what they meant.” (Child 3)

Adults with intellectual and psychosocial disabilities described similar struggles:

“The police didn’t inform me of my rights. Only after four hours did the court-appointed lawyer explain.” “At every hearing for my detention, I had a different lawyer. I don’t have money for one. I met them only in court, not before. No one helped me understand.” “I didn’t feel my voice was heard. They rushed decisions. Sometimes they even laughed at me and called me crazy.”

These accounts reveal how information is often inaccessible or inconsistently provided, undermining trust and understanding of proceedings.

Interpreters highlighted the systemic absence of guaranteed sign language services. Institutions have no obligation to provide interpreters, and there are no penalties for failing to do so. *“Information reaches Deaf children very fragmented, very little. They hardly know their rights at all. They learn more from each other than from institutions.”* (Interpreter 2)

Even when present, information may not be adapted in any meaningful way. One interpreter noted: *“There are no adaptations, none. We tried to create software for hospitals and schools, but no institution bought it. There’s no obligation to use interpreters.”*

In summary, while some professionals attempt to adapt information to children’s age, disability, and gender, most children with disabilities and their families do not receive rights information in a way they can genuinely understand. Children’s testimonies highlight feelings of invisibility, lack of choice, and reliance on families rather than on the justice system for support. Adults’ accounts confirm similar gaps, pointing to rushed, inconsistent procedures and discriminatory attitudes. For deaf children in particular, systemic failure to provide interpreters results in almost complete exclusion from meaningful understanding of their rights.

B. Accessible Materials for Children with Disabilities

Although Romania has nearly 77,000 children with disabilities, accessible materials designed for their use in the justice system remain scarce and unevenly available. Some local professionals compensate by creating simple leaflets with drawings or pictograms, and there are occasional brochures in simplified language, sign language, or Braille. NGOs and institutions like the Child Protection and Social Assistance Service (DGASPC) have also developed resources, including

counselling sessions, websites with accessible design, and national helplines such as 119. However, these tools are little known, poorly promoted, and rarely used directly by children.

Judges and lawyers noted that children with disabilities usually receive information indirectly, through court-appointed lawyers, rather than from child-friendly materials. Interpreters highlighted a particular gap for deaf children, for whom almost no tailored resources exist. Overall, despite some promising initiatives, the availability and visibility of accessible materials remain limited, leaving children with disabilities without consistent, reliable ways to understand their rights and navigate justice processes.

C. Assessment of Children's Needs for Procedural Support

Professionals confirmed that assessments of children with disabilities generally take place at the beginning of their interaction with the justice system, either during the criminal investigation or when cases are taken over by DGASPC. These assessments are usually conducted by psychologists, social workers, or medical specialists (such as neuropsychiatrists), often at the request of judicial authorities.

The judge emphasized that the Criminal Procedure Code provides specific safeguards, such as mandatory legal representation for minors, gender-sensitive interviewing in certain cases, and the presence of trusted persons or psychologists where appropriate. The law allows interpreters or support persons to be designated when communication barriers exist.

In practice, however, gaps remain. Children are rarely informed of their right to request assistance or an interpreter; instead, judges or court-appointed lawyers usually identify and trigger these supports. Interpreters noted that deaf children, for example, rely on the awareness of judges, lawyers, or associations to secure interpretation, rather than being empowered to request it themselves.

Overall, while the legal framework sets out important protections, their **implementation is uneven**, and children with disabilities depend largely on the vigilance of professionals rather than on accessible procedures enabling them to assert their own rights.

D. Mandatory Nature and Initiation of Child Evaluations in the Justice System

Evaluations of children in contact with the justice system are widely recognized as important for understanding developmental level, trauma exposure, and individual needs. Social workers reported that periodic assessments are conducted at their centers to guide interactions and interventions, though they expressed uncertainty about whether these evaluations are legally required across the country. Psychologists noted variability in practice. Some indicated that evaluations are mandatory, particularly when requested by the court, as they inform decisions regarding the child's cognitive development and trauma history. Others emphasized that no uniform legal framework exists; evaluations are often initiated based on requests from the court, prosecutor, or police, with recommendations from DGASPC or other institutions varying by case.

These findings suggest that while evaluations are valued as essential tools for supporting children, the legal and procedural requirements are inconsistent, reflecting a reliance on institutional discretion and case-specific circumstances.

E. Use of Evaluations for Children with Disabilities in the Justice System

Evaluations of children with physical, intellectual, sensory, or psychosocial disabilities are recognized as important tools for informing the justice system. Social workers reported that assessment results are typically submitted to the court, though the specifics of their use in decision-making were sometimes unclear. Psychologists emphasized that evaluations help the system understand a child's cognitive development and vulnerability, guiding decisions on case resolution and sentencing. They also inform procedural accommodations, such as the method of questioning, the presence of a psychologist or interpreter, and adjustments to language or timing to support participation. However, these recommendations are not always applied consistently.

These findings suggest that while evaluations are critical for ensuring fair treatment of children with disabilities in legal proceedings, their effectiveness depends on consistent implementation.

F. Adaptations and Support for Children with Disabilities in the Justice System

Children with disabilities involved in judicial proceedings may receive various forms of procedural support, though the availability and application of these accommodations are inconsistent across institutions. Social workers and psychologists reported that support often includes the presence of a psychologist or social worker to accompany and guide the child, psychological counselling to reduce anxiety, adapted communication, and specialized questioning methods. Procedural adaptations can also involve separate hearing rooms, use of interpreters (including sign language or mimico-gestural interpreters for sensory disabilities), simplified language, and, in some cases, the use of visual aids such as dolls or pictograms. Courts may also prioritize cases involving children with disabilities and provide legal representation if the child does not have an attorney.

Despite these measures, implementation gaps are evident. Several respondents noted that facilities such as simplified language boards, electronic devices, or mobile applications are generally unavailable, and procedural recommendations are not always followed. Examples include insufficient preparation before hearings, judges not adhering to interpreter guidance, and lack of consistent accommodations in civil and administrative processes. One case highlighted a six-year-old victim of sexual abuse who, even with the availability of anatomical dolls to facilitate disclosure, ultimately did not provide information due to inadequate support and engagement.

Remote hearings for children with disabilities are permitted by law, particularly when a child cannot physically attend due to health reasons or institutionalization. However, in practice, physical attendance is often preferred whenever possible, even if the child has a significant disability.

Overall, the findings indicate that while legal frameworks and institutional protocols exist to support children with disabilities, practical challenges—such as limited resources, inconsistent application, and lack of specialized tools—hinder their effective use.

G. Consideration of Children’s Will and Preferences in Judicial Hearings

The data reveal mixed practices regarding how children’s wishes, and preferences are taken into account when adapting judicial hearings. While legal frameworks, including the UN Convention on the Rights of the Child, guarantee children the right to express their views and to be protected from retraumatization, the actual implementation varies widely. Professionals reported both positive and inconsistent practices. Some social workers and psychologists noted that children are sometimes consulted in advance about how they wish to be heard, and hearings are conducted in child-friendly rooms with a psychologist present to provide emotional support. Judges may consider the child’s preferences for procedural adaptations, provided they do not compromise the integrity of the proceedings or increase the risk of revictimization.

However, other respondents highlighted significant gaps. Psychologists and interpreters reported that children, particularly those of very young age or with intellectual or psychosocial disabilities, may be excluded from meaningful participation despite legal guarantees. Interpreters described systemic issues such as lack of consultation, overbooking, and insufficient interpreter availability, which can delay or restrict children’s ability to communicate effectively. Lawyer also noted that decisions about procedural adaptations are often made in the child’s “best interests” without actively seeking their input.

Children’s testimonies confirmed these inconsistencies. Some felt supported by family members or lawyers, while others described feeling alone, anxious, or unable to express themselves fully. Several children reported that no one asked them how they preferred to communicate; they were expected to speak rather than write or use alternative methods, even when they were nervous or distressed.

Overall, these findings show that while the legal right to express opinions exists on paper, children’s voices are not consistently sought or respected in practice—especially for younger children or those with disabilities.

H. Monitoring and Oversight of Adaptations for Children with Disabilities

Responses indicate that there is no standardized system to monitor whether procedural adaptations for children with disabilities are consistently offered or effectively implemented. Social workers and psychologists largely reported uncertainty or lack of awareness regarding any formal oversight mechanisms. Some noted that while DGASPC or courts may occasionally check the provision of accommodations, these efforts are ad hoc and lack standardized procedures or clear accountability.

Legal professionals confirmed that, although certain adaptations—such as written or non-verbal communication—are generally ensured, other accommodations are inconsistently applied. For

example, courtrooms are not always cleared of unrelated individuals during hearings involving minors, limiting privacy and potentially undermining the effectiveness of support measures. Similarly, overcrowded police offices may prevent confidential hearings, further restricting the child's ability to participate safely and comfortably.

Overall, these findings highlight significant gaps in monitoring and enforcement. While some procedural adaptations exist in law and practice, the absence of systematic oversight and accountability mechanisms hinders their consistent application.

I. Ensuring Understanding of Information by Children with Psychosocial or Intellectual Disabilities

Professionals highlighted the critical importance of ensuring that children with psychosocial or intellectual disabilities comprehend the information presented to them during judicial or social interventions. Social workers emphasized the need for simplified language, frequent pauses, repetition, and targeted questioning to assess understanding. They noted that comprehension may not be immediate and often requires incremental, patient engagement adapted to each child's developmental level and specific needs. Specialized psychologists reported using standardized assessments, such as the WISC or locally adapted tools, to evaluate the child's cognitive and emotional capacity to understand and process information. Regular psychological, medical, and social evaluations are conducted, particularly in residential settings, to monitor the child's development and inform communication strategies. Repeated discussions, concrete examples, and simplified explanations are commonly employed, though consistent verification of understanding in practice is sometimes lacking. Legal professionals confirmed that judges and lawyers adapt language and pose verification questions to empirically assess comprehension, while also considering accommodations such as videoconferencing for children unable to attend court physically. Techniques like anatomical dolls, thematic drawing, and free play are used to facilitate memory recall, expression, and reporting of experiences, especially in cases of abuse, with attention to the child's developmental stage and cognitive abilities. These methods are designed to balance eliciting accurate information with avoiding retraumatization.

Despite these measures, practical challenges persist. Interpreters and legal actors reported limited interaction, insufficient attention to comprehension, and estimated that children with dual sensory and cognitive disabilities often understand only a portion of the information communicated.

Overall, findings suggest that while multiple strategies exist to ensure understanding, their consistent application and systematic verification remain areas for improvement.

J. Interdisciplinary Collaboration in Working with Children with Disabilities

Responses indicate that collaboration among social, psychological, and legal professionals exists in theory but is inconsistent in practice. Social workers reported that collaboration occurs within individual centers, but the extent and effectiveness at a national or inter-institutional

level are uncertain. Psychologists described institutional-level interdisciplinary committees that discuss cases and aim to uphold children’s rights; however, they noted that inter-institutional collaboration is limited.

Practical examples highlighted the benefits and limitations of collaboration. In specialized interview rooms, a psychologist supports the child emotionally while the police or prosecutor conducts the interview, and social workers provide contextual information on the child’s family and social environment. Judges noted that continuity in professional involvement—such as having the same psychologist or, ideally, the same lawyer present during repeated hearings—can improve the child’s sense of security, though this is not always feasible, especially when lawyers are appointed from the public office. Lawyers emphasized that they often play the most active role in protecting the child’s rights, mediating interactions, and ensuring procedural safeguards, while other professionals may defer to judicial authority due to limited knowledge of procedural rules.

Gaps remain in the collaboration process. Interpreters reported insufficient coordination between legal, psychological, and social professionals, which can compromise effective communication with the child. Children’s perspectives confirmed variability in support: some felt confident and supported by family or their lawyer, while others described feelings of isolation, lack of trust, and insufficient guidance, particularly at the beginning of proceedings.

Overall, these findings suggest that while interdisciplinary collaboration is formally encouraged and can significantly enhance the protection and support of children with disabilities, its effectiveness depends on continuity, clear role definition, and training.

K. Availability and Use of Intermediaries for Children with Disabilities

Intermediaries or support persons are recognized as important for assisting children with disabilities during judicial interviews or hearings, particularly for those with hearing, speech, or other communication difficulties. Professionals reported that children are typically accompanied by psychologists or social workers throughout legal processes. In some cases—especially for children who are victims of abuse—specialized intermediaries such as trained psychologists, counsellors, or interpreters are involved. These services are generally provided free of charge to the child and their family, often facilitated by DGASPC or partnering NGOs.

Use of interpreters, including sign language or alternative communication methods (e.g., pictograms or augmentative systems), was noted for children with sensory or communication challenges. Judges and legal professionals highlighted practical difficulties: interpreters are scarce, may need to travel long distances, and services are often limited by legal provisions that provide minimal funding. Some courts, particularly outside major cities, rely on ad hoc solutions, such as written communication or gestures, to bridge gaps when professional intermediaries are unavailable. Respondents also emphasized systemic limitations in coverage. **Only a limited number of accredited interpreters are available nationally (e.g., 56 for the entire country)**, and organizational constraints mean children who are not members of certain associations may not

have access to these services. Non-accredited volunteers or family members sometimes fill these gaps, but quality and consistency are variable.

Overall, while intermediaries exist and can play a critical role in supporting children with disabilities, availability is uneven, and practical challenges—including limited personnel, geographic disparities, and inadequate funding—restrict consistent access.

L. Consequences When No Intermediary Is Available

When intermediaries are unavailable, professionals consistently identified significant challenges for children with disabilities, particularly in terms of communication, comprehension, and protection during judicial processes. Social workers noted that children lacking support often struggle to navigate proceedings independently, which can lead to confusion, distress, or compromised participation. Psychologists emphasized that in the absence of a specialized intermediary, children may be assisted by a psychologist or social worker, but if neither is present, the process risks being poorly adapted, potentially affecting both the child's safety and the reliability of the evidence collected. Judicial and legal professionals corroborated these concerns with concrete examples. Judge reported cases where the absence of a competent intermediary led to difficult communication and incomplete understanding, with minor participants resorting to alternative methods, such as drawing, to express themselves. A lawyer described employing improvised strategies—including written notes and non-verbal gestures—to ensure the child's comprehension and consent in the absence of formal intermediaries. Interpreters highlighted both systemic and practical gaps. Instances were reported in which children or adults who were deaf or had severe communication disabilities were unable to participate meaningfully in legal or administrative proceedings due to the absence of an interpreter. These lapses led to significant consequences, including misunderstandings, loss of rights, and financial or legal harm. Examples included a deaf child unknowingly signing a document without comprehension, or adults losing access to disability benefits or property due to inadequate communication support.

Overall, findings indicate that the absence of intermediaries can severely compromise both the procedural fairness and the safeguarding of children with disabilities. Improvised solutions—while sometimes effective—cannot fully substitute for trained, systematically available intermediaries, highlighting a critical gap in ensuring equal access to justice and protection for vulnerable minors.

M. Treatment of Children with Disabilities as Rights-Holders

Professionals and children alike reported both formal and practical discrepancies in how children with disabilities are treated as rights holders within the justice system. A social worker noted that judges often show heightened sensitivity: *"I observed that a child with disabilities was treated differently by the judge in my case... the judge was very understanding, very calm, very balanced. The courtroom was cleared, so it was just us and the girl."* Psychologists emphasized that, in principle, all children are treated equally: *"All children are treated equally, whether they have disabilities or not."*

However, practical limitations were evident. Some professionals acknowledged that children with intellectual or psychosocial disabilities are sometimes considered incapable of active participation, which restricts their exercise of legal rights: *“In theory, children with disabilities are treated as rights holders, but in practice, some are considered incapable of active participation, especially those with intellectual or psychosocial disabilities.”* Lawyers described adapting communication and verification strategies to assess understanding, sometimes using videoconferencing to accommodate children with mobility challenges: *“Based on the feedback from the child, their capacity to understand and express their will is empirically assessed... most often, if the young person can attend physically, their presence at the court is requested, which sometimes generates tense situations or potentially violent moments in the courtroom.”*

Children’s testimonies illustrated the subjective experience of these practices. One child said, *“Yes, I felt treated differently because of my problems. Some people laughed at me or whispered among themselves that ‘I don’t understand much.’ This made me feel even worse and helpless.”* Another noted, *“Sometimes I felt looked at differently because of my disability (physical disability—a slightly shorter leg), but not always in a bad way. Some people tried to protect me more, although sometimes I felt they treated me as if I couldn’t manage on my own.”* A third recalled, *“Yes, I felt treated differently and judged more harshly. Instead of seeing me as a child who made a mistake, they saw me as someone who disappointed even more. It was very hard to get over that.”*

Overall, while legal frameworks nominally guarantee equal rights for children with disabilities, practical realities show variability in their actual exercise of legal capacity. The system demonstrates both protective measures and inadvertent limitations, reflecting a tension between accommodating vulnerability and enabling active participation.

N. Physical Environments for Procedures Involving Children

Children with disabilities participate in procedures in courtrooms, police stations, and DGASPC offices. Reports from professionals and children indicate both accessibility measures and significant gaps.

A social worker said: *“Courtrooms hearings for children with disabilities are not public; others are removed from the room.”* Psychologists noted: *“Environments are physically accessible to all children, including those with disabilities,”* though some added: *“Physical accessibility is variable; not all buildings have ramps, elevators, or special equipment.”* The interviewed judge emphasized child-friendly design: *“Hearing rooms should be adapted to different ages, soundproofed, and equipped with one-way observation windows. If unavailable, a neutral, quiet room should be used. Hearings can take place at the child’s home if safe.”* Lawyer explained limitations: *“Special hearing rooms exist mainly for family law cases. Children with mental disabilities are often heard in courtrooms instead.”* Interpreters highlighted gaps: *“There is no full accessibility; at most, ramps. Police stations are not child-friendly.”*

Children reported feeling uncomfortable: *“The room was cold, with hard chairs, like an interrogation room”* (Child 1) ; *“Not ideal for children, but quiet and had a suitable chair”* (Child 2) ; *“It seemed designed to intimidate, not calm”* (Child 3).

As a conclusion, while some courtrooms and DGASPC offices have child-friendly adaptations, accessibility is inconsistent, particularly in police stations, and many children experience intimidating or unsuitable environments.

- O. **Training for professionals working with children with disabilities** is available but inconsistent. Social workers and psychologists report participation in courses offered by their institutions, public authorities, or NGOs, covering rights of children and disability awareness. Some courses are mandatory for personal professional development, while others are optional and irregular. Judges and lawyers note that formal training in this area is mostly optional and often organized by NGOs or through continuing professional education programs, with limited dissemination to judicial staff. Interpreters in sign language receive structured training, including reaccreditation requirements every two years, but access to ongoing courses varies, and some rely on prior formal education rather than regular institutional training.

Overall, while opportunities exist, there is no uniform, mandatory system for regular professional training on interacting with children with disabilities.

P. Barriers and Support for Children with Disabilities in the Justice System

Children with disabilities face specific barriers in the justice system, which can intersect with gender. Girls with disabilities are often at higher risk of abuse and stigmatization, while boys may encounter prejudices related to aggressive behavior. Children of diverse gender identities can experience compounded discrimination due to both disability and gender.

Current strengths in the justice system include technical facilities for child interviews, such as specialized rooms and remote hearing options, as well as improvements in interpreter availability, including increased fees for specialized services. Video-conference procedures allow children to participate in hearings without needing to travel, which is especially important for children with mobility limitations or severe disabilities.

However, gaps remain. National legislation lacks clear provisions for procedural adaptations to meet the needs of children and other individuals with disabilities. Recommended adaptations include:

- Independent facilitators or intermediaries in judicial procedures,
- Environment adjustments during hearings for children with intellectual or psychosocial disabilities,
- Communication support, such as including psychologists in investigative teams.

Best practices involve coordinated interdisciplinary collaboration, where all professionals (judges, lawyers, police, psychologists, and social workers) have adapted communication skills and work complementarily.

Challenges include insufficient numbers of qualified interpreters, lack of national planning for interpreter availability, inadequate recognition and compensation for interpreters, and limited specialized services for children with psychosocial or intellectual disabilities. A publicly accessible, updated list of accredited interpreters and specialization by case type could improve inclusivity and accessibility.

Q. Recommendations for Making Judicial Procedures More Accessible and Inclusive for Children with Disabilities

Professionals and stakeholders highlighted multiple areas for improvement to ensure that judicial procedures are child-friendly, inclusive, and accessible for children with disabilities, which are presented in the recommendations section:

In sum, participants emphasized that making justice processes accessible for children with disabilities requires both **systemic reforms** (clearer laws, structural changes in legal aid, enhanced oversight) and **practical adaptations** (training, communication support, procedural flexibility, accessible environments). A consistent theme across all interviews was the call for specialized, continuous, and child-centered support throughout the entire judicial process.

III. Conclusions

The research shows that Romania has a solid legal framework that recognizes the rights of children with disabilities in the justice system, including the right to be heard, to access support persons and interpreters, and to benefit from tailored procedural accommodations. However, in practice these rights are unevenly applied.

1. **Strong legal protections, weak implementation:** Laws such as Law 272/2004, the Criminal Procedure Code, and the Victims' Directive transposition provide opportunities for child-sensitive justice, but they are applied inconsistently across regions and institutions.
2. **Information gaps:** Children with disabilities and their families often do not receive information in formats they can understand. Communication remains overly technical, rushed, and rarely adapted to cognitive or sensory needs. Deaf children in particular face systemic exclusion due to the lack of interpreters.
3. **Uneven accommodations:** While some professionals provide adapted hearings, simplified language, or psychosocial support, others rely on improvised or minimal

adaptations. Evaluations and recommendations are not systematically applied, leaving children dependent on the goodwill of individual professionals.

4. **Limited recognition of children's voices:** Although the law guarantees participation, children's preferences are not consistently sought or respected. Many feel invisible, excluded, or patronized during proceedings.
5. **Intermediaries and interpreters in short supply:** There are too few accredited intermediaries and sign language interpreters, creating geographic disparities and forcing reliance on unqualified substitutes, including family members.
6. **Inconsistent professional training:** Training opportunities on disability-inclusive justice exist but are irregular and not mandatory, leaving many professionals without the necessary skills to engage with children with disabilities effectively.
7. **Weak oversight and coordination:** There is no systematic mechanism to monitor whether accommodations are provided, nor sufficient protocols for inter-institutional collaboration among justice, child protection, health, and social services.
8. **Children's lived experiences:** Testimonies from youth and adults with disabilities reveal a mix of supportive and harmful practices. While some professionals ensured dignity and understanding, others were dismissive, discriminatory, or failed to provide meaningful support.

IV. Recommendations

1. Strengthen Legal and Procedural Frameworks

- Introduce clearer legal provisions on the role, mandate, and continuous presence of intermediaries/facilitators.
- Ensure one consistent, trained lawyer accompanies a child throughout the entire justice process.
- Embed mandatory early screening for disabilities and communication needs at the first contact with authorities.
- Expand the Ombudsman's mandate to monitor access to justice for children with disabilities, including unannounced visits.

2. Guarantee Accessible Information and Communication

- Develop and disseminate standardized, child-friendly materials in multiple formats (easy-to-read, pictorial, Braille, sign language videos, simplified written texts).
- Ensure sign language interpretation is guaranteed and funded, with children given the choice of interpreter.

- Require professionals to check comprehension systematically and adapt communication strategies to individual needs.

3. Improve Availability and Use of Intermediaries and Support Persons

- Establish a national registry of accredited intermediaries and interpreters, updated and publicly accessible.
- Secure sustainable funding for intermediary and interpretation services, including coverage of rural areas.
- Allow children to choose their intermediary or support person, ensuring independence and trust.

4. Enhance Professional Training and Capacity

- Make training on disability rights, child-sensitive justice, and adapted communication mandatory for judges, prosecutors, lawyers, social workers, psychologists, and interpreters.
- Include modules on gender and intersectionality to address compounded vulnerabilities (e.g., girls with disabilities, children with diverse gender identities).
- Promote interdisciplinary case-handling through joint trainings and simulation exercises.

5. Adapt Judicial Environments and Procedures

- Ensure all courtrooms, police stations, and DGASPC offices are physically accessible and child-friendly.
- Standardize the use of adapted hearing rooms or safe, neutral spaces for child hearings.
- Allow for remote hearings or hearings at home/institutional settings where attendance would cause undue stress or risk.
- Structure hearings into shorter, less intimidating sessions with regular breaks.

6. Strengthen Monitoring and Accountability

- Establish oversight mechanisms to track whether accommodations are provided and ensure accountability for non-compliance.
- Collect disaggregated data (by disability type, age, gender, and region) to identify gaps and target improvements.
- Create feedback channels for children and families to report barriers and propose solutions.

Overall Recommendation

To ensure genuine access to justice for children with disabilities, Romania must move from **ad hoc and discretionary practices** to a **systematic, rights-based approach**. This requires binding legal reforms, guaranteed resources for interpreters and intermediaries, mandatory professional training, and robust monitoring systems. Children’s voices must be placed at the center of proceedings, not only as beneficiaries of protection but as active rights-holders whose perspectives guide the process.

V. Limitations

Although the guidance for conducting this research was highly followed during the set interviews, there were a number of questions which have not been addressed especially to detention youth. As a result, some suggested themes like detention and deprivation of liberty as well as intersectionality and multiple discrimination are not covered by this report. We can further complete this report with info covering detention and deprivation of liberty using data gathered from previous implemented projects addressing children in detention, upon request.

Annexes:

1. Sampling strategy



2. Interview guides

