

Real Rights: young people engaging with law enforcement

 Romania



Developed by Baker McKenzie and the Global Initiative on Justice with Children, Real Rights provides young people – especially young people in vulnerable populations – with legal information for when children encounter police in public settings. Thanks to the pro bono work of over 1,500 volunteer professionals, this database provides answers for children in contact with the police from initial contact to searches and questioning.

Rights:

What rights do I have when I encounter law enforcement?

Question Asked

- Stopped By The Police On The Street, Now What?
- When Can Police Search You and Your Surroundings?
- Reasons Police May Detain or Arrest You
- The Difference Between Police TELLING Me What To Do And ASKING Me To Do Something
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- Police Questioning You
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- What Can You Do If The Police Perform An Improper Search? Or I Was Improperly Detained?

Stopped by the police on the street, now what?

Proposed Information

It is important to follow this advice:

- Stay calm. It is not a good idea to run. You have the right not to make any statements. If you would like to answer questions, speak carefully and clearly. Anything you say can be used against you in a court of law. [Criminal Procedure Code](#), Article 83(a).
- It is not a good idea to touch the officers. Keep your hands where the police can see them.
- It is not a good idea to resist, even if you're innocent or if you think the police are acting unfairly or unlawfully. In cases of not respecting the provisions given by the

police officer, he has the right to use force. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(b).

- The age of "criminal responsibility" is 14 years old. [Criminal Code](#), Article 113. This is the age at which you are considered by the law to be able to understand that your actions might be wrong and at which you can face criminal charges.
- Police officers must identify themselves and present their ID/badge when they approach you. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 41.
- The police have the right to stop and check your identity if they believe you are breaking or are about to break the law. It is a good idea to identify yourself by name and age. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(a).
- If the police cannot establish your identity and believe you are breaking or are about to break the law, you can be detained (not arrested) for up to 24 hours so that they can establish your identity. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(b).

[Criminal Code](#), Article 113

[Criminal Procedure Code](#), Article 83.

[Law on the Organization and Functioning of the Romanian Police 2002](#), Articles 31 and 41.

Can the police arrest you for refusing to answer questions?

You have the right to remain silent and refuse to make any statements. Your refusal to make any statements shall not cause you to suffer any unfavorable consequences. [Criminal Procedure Code](#), Articles 10(4) and 83(a).

Before any interrogation starts, the police must tell you that you have the right to make no statements whatsoever. [Criminal Procedure Code](#), Article 10(4).

[Criminal Procedure Code](#), Articles 10 and 83.

What if the officers do not identify themselves?

You can ask them to identify themselves by showing their badge/ID.

Police officers must identify themselves and show their badge or identification card when they approach you. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 41(1).

However, in exceptional cases where the result of their actions or the police officers' subsequent safety might be jeopardized or in emergencies where the actions cannot be delayed, the officers may start actions without identifying themselves. They can present their ID and declare their position and the police unit where they work when the actions end. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 41(2).

[Law on the Organization and Functioning of the Romanian Police 2002](#), Article 41.

What if an officer just begins speaking to me but does not order me to do anything?

You likely do not need to respond and should just listen to the officer.

If the officer later asks questions relating to the investigation of a case or obtaining evidence, you have the right to remain silent. [Criminal Procedure Code](#), Articles 10(4) and 83(a).

If you would like to answer their questions, speak carefully and clearly. Anything you say can be used against you in court. [Criminal Procedure Code](#), Article 83(a).

[Criminal Procedure Code](#), Articles 10 and 83.

What if the officer is not in uniform or identified as an officer but I think it is one?

If they do not identify themselves and they are giving you specific orders, you may ask them if they are police officers and they are required to identify themselves as such.

Police officers must identify themselves and show their badge or identification card when they approach you. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 41(1).

However, in exceptional cases where the result of their actions or the police officers' subsequent safety might be jeopardized or in emergencies where the actions cannot be delayed, the officers may start actions without identifying themselves. They can present their ID and declare their position and the police unit where they work when the actions end. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 41(2).

[Law on the Organization and Functioning of the Romanian Police 2002](#), Article 41.

Can I tell police I do not want to speak without a lawyer?

You have the right to remain silent and refuse to make any statements. Your refusal to make any statements shall not cause you to suffer any unfavorable consequences. [Criminal Procedure Code](#), Articles 10(4) and 83(a).

You have the right to retain a counsel during the course of criminal proceedings. [Criminal Procedure Code](#), Articles 10(1) and 83(c).

[Criminal Procedure Code](#), Articles 10 and 83.

If I sit down, am I resisting?

If you are sitting down while the police

- are attempting to arrest you; or
- search you; or
- are giving you an order to move;

you might be deemed by the police as "not respecting" their instructions.

In cases of not respecting the provisions given by the police, they have the right to use force. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(b).

[Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31.

If I am stopped in a group, and some kids run, can I run?

It would be better not to run, since running from the police could be considered "not respecting," where the police has the right to use force. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(b).

[Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31.

Can I tell others (siblings, for example) to run?

It would be better not to run, since running from the police or telling other to run from the police could be considered "not respecting," where the police has the right to use force. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(b).

[Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31.

If the officer's language is not my first language, can I tell them without waiving my rights?

Yes. You have the right to ask for an interpreter free of charge if you do not speak or understand the Romanian language. [Criminal Procedure Code](#), Article 12(3).

[Criminal Procedure Code](#), Article 12.

If I did not do anything, can they stop me?

Yes. The police have the right to stop and check your identity if they reasonably believe you are breaking or are about to break the law. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(a).

[Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31.

When Can Police Search You and Your Surroundings?

Proposed Information

It is important to follow this advice:

- If the police have a reasonable suspicion that in searching you they will find evidence relating to the commission of an offense, they can search you or your vehicle. [Criminal Procedure Code](#), Article 61(2).
- Police officers can search you or your vehicle, home, or computer (including your phone) provided the relevant requirements discussed below have been satisfied. [Criminal Procedure Code](#), Article 156.
- Bodily search
 - Police officers may conduct a bodily search without a search warrant. [Criminal Procedure Code](#), Article 165(2).
 - If there is a reasonable suspicion that, by conducting a bodily search, traces of an offense, physical evidence, or other objects important to determining the truth in a case can be discovered, the police may perform a search without a search warrant and your permission. [Criminal Procedure Code](#), Article 165(2).
 - A bodily search is an examination of the exterior of a person's body, oral cavity, nose, ears, hair, clothing, and objects a person has with them or under their control. [Criminal Procedure Code](#), Article 165(1).
 - Bodily searches should be conducted by a person of the same sex as the person subject to the search, and the police should request that you voluntarily surrender the objects the police are searching for. Surrendering the objects may prevent a full bodily search unless continuing the bodily search would be useful for the search of other objects or evidence. [Criminal Procedure Code](#), Article 166(3).
- Vehicle search
 - Police officers may conduct a vehicle search without a search warrant. [Criminal Procedure Code](#), Article 167(2).
 - If there is a reasonable suspicion that, by conducting a vehicle search, traces of an offense, physical evidence, or other objects important to determining the truth in a case can be discovered, the police may perform a search without a search warrant and your permission. [Criminal Procedure Code](#), Article 167(3).

- A vehicle search is an examination of the exterior or interior of a vehicle or of any other means of transportation or of their components. [Criminal Procedure Code](#), Article 167(1).
- Home search
 - A search of your home can usually only be authorized by a judge. Public officers must obtain a home search warrant before conducting a home search. [Criminal Procedure Code](#), Articles 159(5)-(7).
 - However, police officers can enter a house without a warrant or permission if they reasonably believe that someone inside the house is in danger or to prevent the spread of an epidemic or for defending national security. [Romanian Constitution](#), Article 27(2). Police can also enter a house without a warrant when it is obvious that preparations are being made to cover up or destroy evidence important to the case or if there is a suspicion the person may try to avoid the search. [Criminal Procedure Code](#), Article 159(14). In such event, a search warrant shall be handed over to you after that as soon as possible.
 - A search of your home can only be carried out between 6:00 a.m. and 8:00 p.m. A search can be carried out at any time in a public place, such as a park, or if a crime is happening. [Criminal Procedure Code](#), Article 159(3). The police should request that you voluntarily hand over the persons or objects sought in the search, and the search should not be conducted if you voluntarily provide the persons or objects sought. [Criminal Procedure Code](#), Article 159(8).
- Computer search
 - A search of your computer or phone can only be authorized by a judge. [Criminal Procedure Code](#), Articles 168(2)-(7). The law does not set forth a warrant exception. [Criminal Procedure Code](#), Article 168.
 - Police officers can make copies of the data stored in your computer or phone. [Criminal Procedure Code](#), Articles 168(9)-(10).
 - Police officers must keep computer data of a secret nature identified during such search confidential in accordance with Romanian law. [Criminal Procedure Code](#), Articles 168(15).

[Criminal Procedure Code](#), Articles 61, 156, 159, and 165-68.

What if they want to search my phone?

If the police officer does not present you with a search warrant issued by a judge, you may ask whether they have one, as they must have a search warrant in order to search your phone. [Criminal Procedure Code](#), Articles 168(2)-(7).

[Criminal Procedure Code](#), Article 168.

What if they ask me for my password to my phone?

If the police officer does not present you with a search warrant issued by a judge, you may ask whether they have one, as they must have a search warrant in order to search your phone. [Criminal Procedure Code](#), Articles 168(2)-(7).

If the police officer presents you an appropriate search warrant, you have to provide the password to your phone to the police. A warrant is issued by a judge, so you have no choice but to consent.

[Criminal Procedure Code](#), Article 168.

What if they tell me to give them my password or other access to my phone?

If the police officer does not present you with a search warrant issued by a judge, you may ask whether he or she has one, as they must have a search warrant in order to search your phone. [Criminal Procedure Code](#), Articles 168(2)-(7).

If the police officer presents you with an appropriate search warrant, you have to provide the password or other access to your phone to the police.

[Criminal Procedure Code](#), Article 168.

Do I have to give them my device password if they demand it from me if I am not under arrest? What if they just ask for it?

If the police officer does not present you with a search warrant issued by a judge, you may ask whether he or she has one, as they must have a search warrant in order to search your phone. [Criminal Procedure Code](#), Articles 168(2)-(7).

If the police officer presents you with an appropriate search warrant, you have to provide the password to your phone to the police even if you are not under arrest.

[Criminal Procedure Code](#), Article 168.

What tools can police use to search me? What technology? (Facial recognition, hidden cameras, fingerprint searches, etc.)

The police officers may take pictures and fingerprints of you if they reasonably suspect that you have a connection with a committed offense or you were at the crime scene, even without your consent. [Criminal Procedure Code](#), Article 196(1).

However, tools or technology used for surveillance purposes, such as tracking or tracing, photo surveillance, wiretapping, accessing computer systems, are prohibited if without sufficient approval by a judge or a prosecutor. [Criminal Procedure Code](#), Articles 138-141. In other words, tools or technology (such as hidden cameras) are not allowed if they are used to monitor an individual's whereabouts, communications, or residence, offices, or other relevant places, unless with sufficient approval.

[Criminal Procedure Code](#), Articles 138-141 and 196.

Can they search my backpack or other item I am carrying?

Yes. If the police have a reasonable suspicion that in searching you they will find evidence relating to the commission of an offense, they can search you or your vehicle, the police may search your backpack or other items you are carrying with you. [Criminal Procedure Code](#), Article 165.

[Criminal Procedure Code](#), Article 165.

Can they take my picture or record me?

Yes, the police officers may take pictures of you if they reasonably suspect that you have a connection with a committed offense or that you were present at the crime scene, even without your consent. [Criminal Procedure Code](#), Article 196(1).

The police officers can take pictures and make audio-video recordings during a search. [Criminal Procedure Code](#), Article 161(2)(h).

However, the police cannot record your communications, conversations, gestures or other activities for surveillance purposes without sufficient approval. [Criminal Procedure Code](#), Articles 138-141.

[Criminal Procedure Code](#), Articles 138-141, 161 and 196.

Can they ask me where I am going and why?

Yes, If the police suspect you of illegal activity, they can ask you questions, including where you are going and why. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(a).

[Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31.

Reasons Police May Detain or Arrest You

Proposed Information

It is important to follow this advice:

- The police can detain you (this is when you are stopped by the police, for example, to ask you some questions, and you are not free to leave) to confirm and establish your identity if they believe you are breaking or are about to break the law. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(b).
- If you do not cooperate with the instructions the police officer gives you, the officer has the right to use force. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(b).
- The police can control you, your luggage and your vehicle if strong clues regarding committing crimes or possible terrorist actions exist. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(f).
- Police may take you into custody or arrest you if there is evidence or probable cause leading to a reasonable suspicion that you committed an offense and if the measures are necessary in order to ensure a proper criminal investigation, to prevent you from avoiding the criminal investigation, or to prevent the commission of another crime. [Criminal Procedure Code](#), Article 202(1).
- In particular, a pre-trial arrest may be ordered for the following reasons:
 - If you have been informed of an obligation to go to court on receiving summons but refused to do so;
 - There is a reasonable suspicion that you committed an offense and ran away or went into hiding in order to avoid the criminal investigation or trial, or have made preparation of any nature for such acts;
 - There is a reasonable suspicion that you committed an offense and you try to influence others to destroy, alter or hide or steal physical evidence;
 - There is a reasonable suspicion that you exert pressure on the victim or try to reach a fraudulent agreement with them;
 - There is reasonable suspicion that, after the initiation of the criminal action, you committed a new offense with intent or are preparing to commit a new offense;
 - If the evidence generates reasonable suspicion that you committed an offense with direct intent against life, an offense having caused bodily harm or death of a person, an offense against national security, an offense of drug trafficking, weapons trafficking, trafficking in human beings, acts of terrorism, money laundering, counterfeiting of currency or other securities, blackmail, rape, deprivation of freedom, tax evasion, assault of an official, judicial assault, corruption, an offense committed through electronic communication means or another offense for which the law requires a penalty of no less than 5 years of imprisonment. [Criminal Procedure Code](#), Articles 107(2)(a) and 223.

- Any person under arrest has the right to be informed within the shortest delays, and in a language they understand, of the reasons they were arrested, and have the right to challenge the arrest warrant. [Criminal Procedure Code](#), Article 9(3).

[Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31.

[Criminal Procedure Code](#), Articles 9, 107, 202 and 223.

What if I did not do anything illegal, must I speak with the police and answer questions?

No. You have the right to refuse to make any statements. Your refusal shall not cause you to suffer any unfavorable consequences. [Criminal Procedure Code](#), Articles 10(4) and 83(a).

[Criminal Procedure Code](#), Articles 10 and 83.

What if they tell me something they are investigating that is wrong? Must I correct them?

No. You have the right to remain silent and refuse to make any statements. Your refusal to make any statements shall not cause you to suffer any unfavorable consequences. [Criminal Procedure Code](#), Articles 10(4) and 83(a).

However, if you would like to correct the police and make some statements, speak carefully and clearly. Anything you say can be used against you in court. [Criminal Procedure Code](#), Article 83(a).

[Criminal Procedure Code](#), Articles 10 and 83.

What if an officer just begins speaking to me but does not order me to do anything?

You likely do not need to respond and should just listen to the officer.

If the officer later asks questions relating to the investigation of a case or obtaining of evidence, you have the right to remain silent. [Criminal Procedure Code](#), Articles 10(4) and 83(a).

If you would like to answer their questions, speak carefully and clearly. Anything you say can be used against you in court. [Criminal Procedure Code](#), Article 83(a).

[Criminal Procedure Code](#), Articles 10 and 83.

What is the legal difference between talking to them if they do not tell me I am under arrest, versus after they inform me that I am under arrest?

You will be considered a suspect after they tell you that you are under arrest, therefore, it is advisable to bear in mind your rights, including without limitation, the right not to make any statements and the right to retain legal representation. [Criminal Procedure Code](#), Article 83.

If the police inform you that you are under arrest, they should inform as soon as possible, in a language you understand and in writing, of the reasons why arrest was ordered, your rights under Articles 83 and 210 of the Criminal Procedure Code (such as the right not to make any statements, the right to retain counsel and the right to inform your family or other person appointed by you), as well as the right to access emergency medical assistance, the right to challenge the arrest order, and the right to request revocation or replacement of arrest with another preventive measure. [Criminal Procedure Code](#), Article 228(1)-(2).

Even if the police does not inform that you are under arrest, you still have the right not to make any statements. [Criminal Procedure Code](#), Articles 10(4) and 83(a).

[Criminal Procedure Code](#), Articles 10, 83 and 228.

The difference between police TELLING me what to do and ASKING me to do something

Proposed Information

It is important to follow this advice:

- Generally speaking, the Criminal Procedure Code does not provide that your consent or permission can be a valid ground for the police to carry out criminal investigative functions.

What is the difference between the police deciding to search me (phone, person, backpack) and me agreeing to the search?

There is likely no difference. As discussed in Question 2 above, the police can search you and your belongings and vehicle without a search warrant and your permission, if there is a reasonable suspicion that, by conducting a search, traces of an offense, physical evidence, or other objects important to determining the truth in a case can be discovered. [Criminal Procedure Code](#), Articles 165(2) and 167(3).

However, the police must have a search warrant to search your phone. [Criminal Procedure Code](#), Article 168. In other words, even if you agree for them to search your phone, they are not legally allowed to do so without a formal search warrant.

[Criminal Procedure Code](#), Articles 165 and 167-168.

What if they tell me to give them information versus them asking and me providing answers voluntarily?

If you are a suspect, under Romanian law, the police cannot force you to give them information. You have the right not to make any statements, and your refusal to make any statements shall not cause you to suffer any unfavorable consequences. [Criminal Procedure Code](#), Articles 10(4) and 83(a). However, if you would like to answer their questions voluntarily, speak carefully and clearly. Anything you say can be used against you in court. [Criminal Procedure Code](#), Article 83(a).

If you are summoned as a witness, you must tell the truth. [Criminal Procedure Code](#), Article 114(2).

[Criminal Procedure Code](#), Articles 10, 83 and 114.

Do Police Need A Warrant To Arrest You?

Proposed Information

It is important to follow this advice:

- The police do not need a warrant (court order) to take you into custody (this is when you are kept somewhere under the supervision of the police) if the police have evidence or probable cause leading to a reasonable suspicion that you have committed a crime and it is necessary to take you into custody to ensure a proper criminal investigation, to prevent you from avoiding the criminal investigation, or to prevent the commission of another crime. [Criminal Procedure Code](#), Articles 202(1), 203(1) and 209(1). However, in case of being taken into custody, you have the following rights:
 - The police must tell you as soon as possible when taking you into custody, in a language you understand, what you are accused of and why you are being taken into custody. [Criminal Procedure Code](#), Article 209(2).

- The police may only keep you in custody for a maximum of 24 hours without a court order. [Criminal Procedure Code](#), Article 209(3).
- You have the right not to make any statement, except for providing information referring to your identity. [Criminal Procedure Code](#), Article 209(6).
- You have the right to retain a counsel, inform your retained counsel, and communicate with the counsel confidentially. [Criminal Procedure Code](#), Article 209(6)-(8).
- You have the right to file a complaint against the custody measure. [Criminal Procedure Code](#), Article 209(14)-(15).
- The police must also allow you to personally inform a family member or other person that you were taken into custody and where you are located, including if you are relocated. If you are not a Romanian citizen, you can inform the diplomatic mission or consular office of your state or an international humanitarian organization if you do not want to receive assistance from the government of your state. [Criminal Procedure Code](#), Article 210(1)-(2).
- The police must inform you in writing of your rights, the reasons having caused custody and the custody term. [Criminal Procedure Code](#), Article 209(10), (11) and (17).
- However, the police must have a warrant (court order) to execute a pre-trial arrest against you. [Criminal Procedure Code](#), Articles 203(3) and 230. A pre-trial arrest warrant shall indicate:
 - the court with which the judge having ordered the arrest works;
 - the warrant issuance date;
 - the name and signature of the judge having issued the warrant;
 - the defendant's identification information;
 - the arrest term;
 - the charges against the defendant, by indicating the date and place of their commission, their legal classification, the offenses and the penalty set by law;
 - the actual grounds having caused arrest;
 - the order to arrest the defendant; and
 - the location where the defendant placed in arrest will be detained. [Criminal Procedure Code](#), Article 230(3).
- It is rare for a minor to be taken into custody or arrested prior to trial. Before giving an order enforcing taking in custody or pre-trial arrest against a minor, the court must take into consideration their age and the impact the arrest will have on their development. [Criminal Procedure Code](#), Article 243 and 244.

[Criminal Procedure Code](#), Articles 202, 203, 209, 210, 230, 243 and 244

If I did not do anything, can they stop me?

Yes. The police have the right to stop and check your identity if they reasonably believe you are breaking or are about to break the law. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(a).

[Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31.

Can I ask for the reason they stopped me?

Yes. If you are stopped for the purposes of taking into custody or arrest, the police shall inform as soon as possible, in a language you understand, of the reasons why you are being taken into custody or arrested. [Criminal Procedure Code](#), Articles 209(2) and Article 228(1).

[Criminal Procedure Code](#), Articles 209 and Article 228.

Can I advocate for another young person stopped by police if we are stopped together?

If you are also a suspect in the same criminal investigation or you are summoned as a witness, you cannot advocate for the young person. Under the Romanian Criminal Procedure Code, witnesses or other parties in the same case may not be a counsel of a party in this case. [Criminal Procedure Code](#), Article 88(2).

[Criminal Procedure Code](#), Article 88.

If I think the stop is unjustified, what can I do?

If you think taking you into custody is unjustified, you can file a complaint with the supervising prosecutor prior to the expiry of the custody. The prosecutor shall decide immediately and order an immediate release of the person in custody if they find that the legal provisions regulating the requirements for ordering a taking in custody measure were violated. [Criminal Procedure Code](#), Articles 209(14).

If you think the arrest is unjustified, you can file an application for revocation of the arrest order or replacement of arrest with a less harsh preventive measure in writing to the competent judge. The judge shall hear all grounds of your application in the presence of your counsel. [Criminal Procedure Code](#), Articles 242(5)-(9).

[Criminal Procedure Code](#), Articles 209 and 242.

Can I get the officer's identifying information for a future complaint?

Yes. Police officers must identify themselves and show their badge or identification card when they approach you. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 41(1).

However, in exceptional cases where the result of their actions or the police officers' subsequent safety might be jeopardized or in emergencies where the actions cannot be delayed, the officers may start actions without identifying themselves. They can present their ID and declare their position and the police unit where they work when the actions end. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 41(2).

[Law on the Organization and Functioning of the Romanian Police 2002](#), Article 41.

How Do You Know If You Are Under Arrest?

Proposed Information

It is important to follow this advice:

- You are under arrest if you are under the supervision of a police officer and you are not free to leave their presence, or if a reasonable person in your shoes would not feel free to leave. A police officer should inform you as soon as possible that you have been detained or arrested and the reasons for the detention or arrest. [Romanian Constitution](#), Article 23(8).

[Romanian Constitution](#), Article 23(8).

What if I do not know if I am under arrest?

If you are under arrest, the police should inform you as soon as possible, in a language you understand and in writing, of the reasons why the arrest was ordered, your rights under Articles 83 and 210 of the Criminal Procedure Code (such as the right not to make any statements, the right to retain counsel and the right to inform your family or other person appointed by you), as well as the right to access emergency medical assistance, the right to challenge the arrest order, and the right to request revocation or replacement of arrest with another preventive measure. [Criminal Procedure Code](#), Article 228(1)-(2).

In addition, the police must have an arrest warrant to arrest you. [Criminal Procedure Code](#), Articles 203(3) and 230.

[Criminal Procedure Code](#), Articles 203, 228 and 230.

What is the difference between detention and arrest?

Detention and arrest are different in many aspects under Romanian law. For example,

- Detention can last a maximum of 24 hours, while an arrest may last up to 30 days. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(b); [Criminal Procedure Code](#), Articles 209(3) and 233(1).
- The police can carry out detention without a warrant if they have reasonable grounds under the law; however, the police must have a warrant to execute an arrest. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(b); [Criminal Procedure Code](#), Articles 203(1), 203(3) and 230.

[Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31.

[Criminal Procedure Code](#), Articles 203, 209, 233 and 230.

If I am handcuffed, am I arrested?

Not necessarily. Arrest is just one of the circumstances of being handcuffed. For example, the police can use force (including handcuffs) if you do not respect their provisions, which does not mean you are under arrest. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(b).

However, you can ask if you are under arrest, as the police must have a warrant to arrest you and inform you of the reasons and your rights as soon as possible. [Criminal Procedure Code](#), Article 228(1)-(2).

[Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31.

[Criminal Procedure Code](#), Article 228.

If my liberty is restricted, am I under arrest?

Not necessarily. The police can restrict your liberty in multiple ways without it amounting to an arrest. The police can take you to the police stations for up to 24 hours if they are unable to establish your identity and have reasonable suspicion that you have committed illegal deeds. [Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31(1)(b). The police may also execute orders to put you under judicial control. Under judicial control, you may be restricted from entering particular places, meeting or communicating with particular persons, and engaging in particular activities. [Criminal Procedure Code](#), Articles 202(1) and 215.

However, you can ask if you are under arrest, as the police must have a warrant to arrest you and inform you of the reasons and your rights as soon as possible. [Criminal Procedure Code](#), Article 228(1)-(2).

[Law on the Organization and Functioning of the Romanian Police 2002](#), Article 31.

[Criminal Procedure Code](#), Articles 202, 215 and 228.

What To Do After Being Warned of Your Rights

Proposed Information

It is important to follow this advice:

- You can use your rights (e.g., the right not to make any statements, the right to counsel or the right to an interpreter if you do not speak Romanian) by saying that you want to use that right.
- You are also able to waive your rights (that is, not use them) by, for example, saying, "Yes, I understand my right not to make any statements but I am going to answer your questions."
- Make sure you know what you are doing in giving up your rights. For example, if you are going to make any statements, speak carefully and clearly. It should be noted that anything you say can be used against you in court. [Criminal Procedure Code](#), Article 83(a).

[Criminal Procedure Code](#), Articles 83.

How do things change if I am read my rights by police?

If the police read your rights such as not to make statements or the right to counsel, it usually means that you become a suspect or a defendant in a criminal proceeding. [Criminal Procedure Code](#), Articles 77 and 82.

[Criminal Procedure Code](#), Articles 77 and 82.

Does it matter where I am when the police read me my rights? (Street, station, police car, etc.)

There is likely no difference where you are when the police notify you of your rights. The law focuses on when and how your rights should be read, rather than where your rights should be notified. For example, if you are taken into custody by the police, the police should inform you "forthwith" (or immediately), in a language you understand, of the reasons for being taken in custody. In addition, the police should also inform you in writing your rights under the law, such as the right not to make any statements, the right to a counsel, the right to inform your appointed person of your custody, the right to emergency medical assistance, and the right to challenge the custody. [Criminal Procedure Code](#), Articles 209-210.

[Criminal Procedure Code](#), Articles 209-210.

Police Questioning You

Proposed Information

It is important to follow this advice:

- If you are questioned as a suspect:
 - You have the right to remain silent and refuse to make any statements. Your refusal to make any statements shall not cause you to suffer any unfavorable consequences. [Criminal Procedure Code](#), Articles 10(4) and 83(a).
 - Before any interrogation starts, the police must tell you that you have the right to make no statements whatsoever. [Criminal Procedure Code](#), Article 10(4).

- If you would like to answer their questions, speak carefully and clearly. Anything you say can be used against you in court. [Criminal Procedure Code](#), Article 83(a).
- You have the right to be assisted by a legal counsel during questioning. [Criminal Procedure Code](#), Articles 83(c) and 92(1).
- If you do not speak or understand Romanian, the police must provide an interpreter. [Criminal Procedure Code](#), Article 105.
- If you are under the age of 16, any hearing or confrontation of you should summon your parents, legal guardian and the local General Department for Social Assistance and Child Protection. If you are 16 or older, those persons may only be summoned if necessary. [Criminal Procedure Code](#), Article 505.
- If you are questioned as a witness and you are under the age of 14:
 - Your guardian should be present. [Criminal Procedure Code](#), Article 124(1).
 - If your guardian cannot be present or there is a reasonable suspicion that the guardian can influence your witness statements, a representative of the guardianship authority or a relative having full legal capacity should be present instead. [Criminal Procedure Code](#), Article 124(2).
 - The questioning must avoid any negative impact on your psychological state, and if necessary, a psychologist will be present. [Criminal Procedure Code](#), Article 124(3)-(4).

[Criminal Procedure Code](#), Articles 10, 83, 92, 105, 124, and 505.

Am I required to make a statement?

You are not required to make a statement, and you must be told that you have the right not to make statements. [Criminal Procedure Code](#), Article 10(4).

[Criminal Procedure Code](#), Articles 10.

Must police notify my guardian?

As discussed in Question 8 above, the answer is yes if you are under 16 and your are questioned as a suspect and if you are under 14 and questioned as a witness. [Criminal Procedure Code](#), Articles 124(1) and 505.

[Criminal Procedure Code](#), Articles 124 and 505.

Must I confess?

No. As a suspect, you have the right not to make statements, and your refusal to make any statements shall not cause you to suffer any unfavorable consequences. [Criminal Procedure Code](#), Articles 10(4) and 83(a).

[Criminal Procedure Code](#), Articles 10 and 83.

What adults can I ask to be with me?

As discussed in Question 8 above, you can ask your guardian and a legal counsel to be with you. [Criminal Procedure Code](#), Articles 83(c), 92(1) and 505.

[Criminal Procedure Code](#), Articles 83, 92 and 505.

Who do police have to contact if I am a legal minor?

If you are a suspect under 16, you must be questioned in the presence of a parent, guardian, or representative of the local General Department for Social Assistance and Child Protection. [Criminal Procedure Code](#), Article 505.

If you are a witness under the age of 14, you must be questioned in the presence of a parent, guardian, or institutional representative. If none are available or those may influence your witness statements, any other relative or anyone with guardianship authority may be present. [Criminal Procedure Code](#), Article 124.

[Criminal Procedure Code](#), Article 124 and 505.

Reporting Crimes To The Police

Proposed Information

It is important to follow this advice:

- Emergency services may be contacted by dialing 112 anywhere within Romania.
- In a non-emergency, you may reach the Romanian Police by phone at 021/208.25.25
- Additional information may be found online at <https://www.politiaromana.ro/ro/contact> (<https://www.politiaromana.ro/en/romanian-police> for English translation)

Responding To Bad Treatment By The Police

Proposed Information

It is important to follow this advice:

- If you are being harassed by the police, there are steps you can take to address it.
- Carefully keep a record each time it happens. Record the date, time, location, officer details (names, badge numbers, physical appearance), witnesses, conversation and actions of all participants, etc. with great detail. Your notes will be used as the basis for any formal complaint you may file later.
- File a [petition](#) with the Ministry of the Interior regarding the officers' conduct. It is a good idea to involve an adult in this process.
- If the harassing behavior does not stop after filing a formal petition, contact [the Romanian Ombudsman](#).

How do I Contact A Lawyer and When?

Proposed Information

It is important to follow this advice:

- As a suspect, you should always contact a lawyer before making any statements to anyone in a criminal case or investigation. You have the right to remain silent and not to speak until your lawyer is present.
- As a suspect, you have the right to have a lawyer to help you through the process. [Criminal Procedure Code](#), Articles 78 and 83(c).
- If you decide to choose a lawyer, but do not know which one to choose, you can contact the local bar association. The contact details of the local bar associations can be found here: [Prima pagina - UNBR](#)

- If you do not choose a lawyer or cannot afford one, the investigating body or the court must arrange a lawyer for you. Afterwards, at any point in time, you can choose to change your lawyer. [Criminal Procedure Code](#), Articles 83(c) and 91.

[Criminal Procedure Code](#), Article 78, 83 and 91.

What if I am just a witness?

A person summoned as a witness does not have the right to retain a lawyer. Instead, if you are summoned as a witness, you have the obligation to testify and tell the truth. [Criminal Procedure Code](#), Article 114.

If you are a witness under the age of 14, you must be questioned in the presence of a parent, guardian, or institutional representative. If none are available or those may influence your witness statements, any other relative or anyone with guardianship authority may be present. [Criminal Procedure Code](#), Article 124.

[Criminal Procedure Code](#), Article 114 and 124.

Do Police Always Have To Tell The Truth?

Proposed Information

It is important to follow this advice:

- Generally speaking, it is not permissible for the police to use lies or deception to extract statements from you because you have the right to remain silent as a suspect. If you are subjected to deceit or lies during a criminal investigation, this could infringe upon your right to remain silent and may render any subsequent evidence obtained inadmissible. [Criminal Procedure Code](#), Articles 83(1) and 102.
- Further, the police must not trick you into committing a crime in order to get evidence (this is called "entrapment"). [Criminal Procedure Code](#), Article 101.

[Criminal Procedure Code](#), Articles 83, 101 and 102.

Can the police lie to me?

Generally speaking, it is not permissible for the police to use lies or deception to extract statements from you because you have the right to remain silent as a suspect. If you are subjected to deceit or lies during a criminal investigation, this could infringe upon your right to remain silent and may render any subsequent evidence obtained inadmissible. [Criminal Procedure Code](#), Articles 83(1) and 102.

Further, the police must not trick you into committing a crime in order to get evidence (this is called "entrapment"). [Criminal Procedure Code](#), Article 101.

[Criminal Procedure Code](#), Articles 83, 101 and 102.

Do I have to tell the police the truth?

If you are a suspect, you have the right not to make any statements. However, if you are going to answer the police's questions, it is advisable to tell the truth as anything you say may be used against you in court. [Criminal Procedure Code](#), Article 83(a).

If you are a witness, you have the obligation to tell the truth. [Criminal Procedure Code](#), Article 114.

[Criminal Procedure Code](#), Articles 83 and 114.

How do I make a complaint if I have questions or feel my rights have been violated?

Proposed Information

It is important to follow this advice:

- The Romanian Police falls under the supervision of the Ministry of the Interior.
- If you have a complaint, you can submit it in a [petition](#) and ask for a hearing.
- If you have an issue with the response given to you by the Ministry of the Interior (for example, you do not think it properly addresses your complaint), you can submit a petition for assistance to the [People's Advocate Institution](#).
- The petition form is available to be printed from [the People's Advocate Institution website](#). Once you have completed the form, submit it to the Institution through one of the following ways:
 - Mail the form to or drop it off at the People's Advocate Institution office: Bucharest, George Vraca Street, No. 8, Sector 1
 - Email the form to petittii@avp.ro
- Additionally, The Helsinki Committee (APADOR-CH). APADOR-CH is a non-governmental organization that aims to raise the level or awareness of and respect for human rights and the rule of law in Romania and in neighboring countries. You can contact them via:
 - www.apador.org
 - office@apador.org
 - T: +40 (0)733 078 720
 - APADOR-CH, 8A Nicolae Tonitza Street, Sector 3 – Bucharest 030113

What if I feel I was a victim of discrimination or racism?

Proposed Information

It is important to follow this advice:

- The [Romanian law on the Protection and Promotion of the Rights of Child](#) protects minors (including minors without citizenship but located in Romania) equally without any discrimination and irrespective of race, color, gender, nationality, etc. (Article 7).
- If you feel you were a victim of discrimination, you may report to the National Council for Combating Discrimination, a Romanian government agency responsible for applying Romanian and EU antidiscrimination laws in Romania, by email at office@cncd.org.ro.

[Romanian law on the Protection and Promotion of the Rights of Child](#), Article 7.

How can I respond to circumstances involving discrimination?

Proposed Information

It is important to follow this advice:

- As mentioned in Questions 13-14 above, you may report to the National Council for Combating Discrimination by email at office@cncd.org.ro or contact the Helsinki Committee (APADOR-CH).

What can you do if the police perform an improper search? Or I was improperly detained?

Proposed Information

It is important to follow this advice:

- If you believe that the police performed an improper search or you have been improperly taken into custody or arrested, you can file a complaint with the prosecutor's office or a court of law. [Criminal Procedure Code](#), Articles 209(14)-(15), 242 and Chapter VII: Challenging Criminal Investigation Measures and Acts.
- If your rights have been violated, you can contact a lawyer and discuss your case with them. You can also ask them about how to make a complaint. If you do not have a lawyer, the court will arrange a lawyer for you; afterwards, you can choose to change your lawyer during the criminal proceeding. [Criminal Procedure Code](#), Article 83(c) and 91. Mandatory legal assistance will be provided if you are a minor. [Criminal Procedure Code](#), Article 90.
- You can also contact the Helsinki Committee (APADOR-CH) as mentioned in Question 13 above.

[Romanian Constitution](#) Article 23 and 27

[Criminal Procedure Code](#), Article 83, 90-91, 209, 242, and Chapter VII.

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Law is generally described as of May 2025.