

# Criminal Detention in the EU: Conditions and Monitoring

Update of FRA's Criminal Detention Database

(FRANET)

**Country:** Romania

**Contractor's name:** Human European Consultancy

**Author:** Diana-Olivia Hatneanu

**Research manager:** Romanița Iordache

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## Part I: National standards

### Background information on legal framework and application of standards

In Romania, the enforcement of criminal punishments and measures involving deprivation of liberty is mainly regulated by the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial.<sup>1</sup> This norm provides the general framework for the enforcement of preventive measures (24 hours detention<sup>2</sup> – *reținere*, preventive arrest<sup>3</sup> – *arest preventiv*) as well as criminal imprisonment sanctions or deprivation of liberty educative measures for the underaged (commitment into an educative centre – *internarea într-un centru educativ* and commitment into a detention centre – *internarea într-un centru de detenție*). Law no. 254/2013 is applied together with the Government Decision no. 157/2016<sup>4</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>5</sup>).

The Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>6</sup> provides that prisons (Article 11) as well as educative centres and detention centres (Article 139) are organized under the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*). Within prisons, special sections dedicated to accommodate individuals under preventive arrest can be organized (Article 13). The National Administration of Penitentiaries is subordinated to the Ministry of Justice (*Ministerul Justiției*), therefore secondary legislation applicable to detention facilities under the National Administration of Penitentiaries is regulated by orders issued by the Ministry of Justice (*Ministerul Justiției*).

The Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>7</sup> provides that the 24 hours detention and the preventive arrest during criminal investigation are served in centres for 24 hours detention and preventive arrest (Article 108), which are under the Ministry of the Interior (*Ministerul Afacerilor Interne*) – Article 107. In the present report, the centres shall be referred to as pre-trial detention facilities or police lock-ups.

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<sup>1</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>2</sup> The 24 hours detention – *reținere* is a preventive measure ordered by the prosecutor which precedes the preventive arrest ordered by a judge.

<sup>3</sup> The preventive arrest is a preventive measure which can be ordered by a judge both during the criminal investigation and during trial (first instance and/or appeal),

<sup>4</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no. 254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>5</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>6</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>7</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

The Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>8</sup> includes a title dedicated to the enforcement of measures served in the pre-trial detention facilities and also mentions that most of the provisions on prisons also apply to pre-trial detention facilities, as appropriate (Article 110). The Government Decision no. 157/2016<sup>9</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>10</sup>) is also applying to pre-trial detention facilities, as appropriate. In addition, the Ministry of the Interior (*Ministerul Afacerilor Interne*) issued the specific Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures.<sup>11</sup>

Therefore, in the present report, wherever specific provisions apply either only to pre-trial detention facilities or prisons, they shall be mentioned as such. In the absence of any mentioning, the standards apply to all facilities.

## 1. Cells

### a. Cell space

In detention units under the National Administration of Penitentiaries, the Romanian minimum standard for cell space is at least 4 m<sup>2</sup> per detainee in existing detention facilities, with priority for maximum security and closed detention regimes. In newly built or refurbished detention facilities the standard is at least 4 m<sup>2</sup> in multi-occupancy cells and 6 m<sup>2</sup> in single-occupancy cells, with a minimum of 2 m between walls and at least 2.5 m cell height. The standard is provided by Order of the Ministry of Justice (*Ministerul Justiției*) no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty and is applicable to all detention regimes and facilities.<sup>12</sup>

In prison hospitals, the minimum standard for cell space is the same as the one for all hospitals, of 7 m<sup>2</sup> per bed, and it is provided by Order of the Ministry of Justice (*Ministerul Justiției*) no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty,<sup>13</sup> together with Annex 2 of the Order of the Ministry of Health (*Ministerul Sănătății*) no. 914/2006 on standard conditions

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<sup>8</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>9</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no. 254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>10</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>11</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>12</sup> Romania, [Order of the Ministry of Justice no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty](#) (*Ordinul Ministerului Justiției nr. 2772/C/2017 pentru aprobarea Normelor minime obligatorii privind condițiile de cazare a persoanelor private de libertate*).

<sup>13</sup> Romania, [Order of the Ministry of Justice no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty](#) (*Ordinul Ministerului Justiției nr. 2772/C/2017 pentru aprobarea Normelor minime obligatorii privind condițiile de cazare a persoanelor private de libertate*).

required for sanitary authorisation of hospitals.<sup>14</sup> The minimum of 7 m<sup>2</sup> per detainee standard for prison hospitals is applicable only to individuals committed to such facilities for medical treatments. For detainees detained in prison hospitals for other reasons, such as their vulnerable status, the minimum 4 m<sup>2</sup> per detainee standard applies.

For existing pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*), the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>15</sup> does not spell out the 4 m<sup>2</sup> standard, but only refers in general to minimum standards in relation to the inhabited area (Article 12). The only concrete standard mentioned by the regulation is the 6 cubic meters of air for each person, in multi-occupancy rooms with 3 tiers bunk-beds. For future facilities, the regulation again does not include a specific area per detainee standard, but only a general reference that they should observe the law and a minimum of 2 m between walls and at least 2.5 m cell height. Therefore, the 4 m<sup>2</sup> per detainee standard is applied to pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*) *mutatis mutandis*.

The minimum standards observe the calculation requirements spelled out by the CJUE in the operative part of the *Dorobanțu* ruling, with the note that only for detention facilities to be newly build or to be refurbished the national standards (for both prisons and pre-trial detention facilities) explicitly require that area occupied by sanitary facilities should not be taken into account.

In practice the standards are not fully implemented. According to the statistics provided on its website <http://anp.gov.ro/> periodically by the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*), all facilities for minors observe the 4 m<sup>2</sup> per detainee standard and all prison hospitals observe the 7 m<sup>2</sup> per detainee standard.<sup>16</sup> As regards the regular prisons for adults, there are more detainees than places available based on the 4 m<sup>2</sup> per detainee standard. As for 23 April 2024, in five prison facilities the average cell space is more than 4 m<sup>2</sup><sup>17</sup>, in 17 prisons the average cell space is between 3 m<sup>2</sup> and 4 m<sup>2</sup><sup>18</sup> and in 12 prisons it is between 2.43 m<sup>2</sup> and 3 m<sup>2</sup><sup>19</sup>. It results that overcrowding is a particular problem in regular prison facilities for adults, where the average cell space is 3,43 m<sup>2</sup> per detainee.

There are no statistics publicly available for pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*), but from the NPM and CPT reports during the reference period (discusses below) it results that the standard of 4 m<sup>2</sup>/person in multi-occupancy cells is not fully observed.

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<sup>14</sup> Romania, [Order of the Ministry of Public Health no. 914/2006 on standard conditions required for sanitary authorization of hospitals](#) (*Ordinul Ministerului Sănătății Publice nr.914/2006 pentru aprobarea normelor privind condițiile pe care trebuie să le îndeplinească un spital în vederea obținerii autorizației sanitare de funcționare*); [Annex 2 – Norm of 26 July 2006 2 on the general functional organization of a hospital](#) (*Anexa 2 – Normă din 26 iulie 2006 privind organizarea general funcțională a spitalului*).

<sup>15</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>16</sup> The National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) periodically provides statistics on prison occupancy on their [website](#). The latest available statistics are for [23 April 2024](#).

<sup>17</sup> București Rahova, Giurgiu, Găești, Iași, Miercurea Ciuc penitentiaries.

<sup>18</sup> București – Jilava, Mărgineni, Ploiești – Târgșoru Nou, Constanța - Poarta Albă, Tulcea, Bacău, Focșani, Aiud, Codlea, Baia Mare, Gherla, Arad, Deva, Timișoara, Craiova, Craiova – Pelendava, Drobeta Turnu Severin penitentiaries.

<sup>19</sup> Mioveni, Ploiești, Brăila, Galați, Slobozia, Botoșani, Vaslui, Târgu Mureș, Bistrița, Oradea, Satu Mare, Târgu Jiu penitentiaries.



## b. Access to natural light and fresh air, cell equipment, furniture, and facilities

The Order of the Ministry of Justice (*Ministerul Justiției*) no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty includes general provisions on cell equipment, furniture and facilities in Articles 3 to 8, but no specific measurements.<sup>20</sup> Annexes 1-5 to the Order of the Ministry of Justice (*Ministerul Justiției*) no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty mention the exact cell equipment and facilities for each type of detention regime (maximum security, closed, semi-open, open) and for solitary confinement cells.<sup>21</sup>

Annex 1 to the Order of the Ministry of Justice (*Ministerul Justiției*) no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty describes in details the layout of maximum-security cells, designed for single occupancy, within a single detention area which includes the toilets, separated by a partial wall.<sup>22</sup> Measurements are provided for beds (90 cm X 200 cm and must be positioned at 55 cm above the floor), tables (40 cm X 50 cm and must be positioned at 75 – 80 cm above the floor), bath shelves ( maximum 30 cm x 12.5 cm), bath mirror (maximum 30 X 30 cm), closet for personal belongings (maximum 3 shelves with a volume of 0.25 m<sup>3</sup>, 0.4 m X 0.5 m X 1.25 m), location of a TV shelf (1.60 – 1.70 m above the floor).

Annex 2 to the Order of the Ministry of Justice (*Ministerul Justiției*) no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty describes in details the layout of closed regime cells, also applicable for pre-trial detention, quarantine, and detainees not-assigned to a detention regime.<sup>23</sup> Such cells are designed for two detainees, within a single detention area which includes the toilets, separated by a partial wall. Measurements are provided for and are similar to those for maximum-security cells. Specific measurements are provided for the bunkbeds (the lower bed must be positioned at 55 cm above the floor and the upper bed at 162.5 cm above the floor) and tables (40 cm X 100 cm). The closet for personal belongings should provide 3 shelves with a volume of 0.25 m<sup>3</sup>, 0.4 m X 0.5 m X 1.25 m for each detainee.

Annex 3 to the Order of the Ministry of Justice (*Ministerul Justiției*) no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty describes in details the layout of semi-open regime cells, designed as multi-occupancy cells for a maximum of 10 persons<sup>24</sup>. The provided measurements are similar to those for closed regime cells, only multiplied by the number of additional persons. There should be two tables of 75 cm X 150 cm. The cells should include two separate areas, one for sleeping and one for hygiene-related activities.

Annex 4 to the Order of the Ministry of Justice (*Ministerul Justiției*) no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty describes in details the layout of open

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<sup>20</sup> Romania, [Order of the Ministry of Justice no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty](#) (*Ordinul Ministerului Justiției nr. 2772/C/2017 - aprobarea Normelor minime obligatorii privind condițiile de cazare a persoanelor private de libertate*).

<sup>21</sup> Romania, [Order of the Ministry of Justice no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty](#) (*Ordinul Ministerului Justiției nr. 2772/C/2017 - aprobarea Normelor minime obligatorii privind condițiile de cazare a persoanelor private de libertate*).

<sup>22</sup> Romania, [Order of the Ministry of Justice no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty](#) (*Ordinul Ministerului Justiției nr. 2772/C/2017 - aprobarea Normelor minime obligatorii privind condițiile de cazare a persoanelor private de libertate*).

<sup>23</sup> Romania, [Order of the Ministry of Justice no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty](#) (*Ordinul Ministerului Justiției nr. 2772/C/2017 - aprobarea Normelor minime obligatorii privind condițiile de cazare a persoanelor private de libertate*).

<sup>24</sup> Romania, [Order of the Ministry of Justice no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty](#) (*Ordinul Ministerului Justiției nr. 2772/C/2017 - aprobarea Normelor minime obligatorii privind condițiile de cazare a persoanelor private de libertate*).

regime cells, designed for as multi-occupancy cells for a maximum of 10 persons.<sup>25</sup> The provided measurements are similar to those for closed regime cells, only multiplied by the number of additional persons. There should be two tables of 75 cm X 150 cm. The cells should include three separate areas, one for sleeping, one for hygiene-related activities and one for personal belongings.

Annex 5 to the Order of the Ministry of Justice (*Ministerul Justiției*) no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty describes in details the layout of solitary confinement cells.<sup>26</sup> The measurements provided are the same as those for maximum-security cells, with the exception of the space for personal belongings which consist of a single shelf of 30 cm X 40 cm, located at 140 – 160 cm above the floor.

For the pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*), the Annex 1 A of the 2018 Regulation on the organization and functioning of the police lock-ups and on the necessary security measures<sup>27</sup> describes the layout of the cells in a similar manner. Measurements are provided for beds (90 cm X 200 cm and if they are bunk beds the lower bed must be positioned at 55 cm above the floor and the upper bed at 162.5 cm above the floor), tables (40 cm X 50 cm and must be positioned at 75 – 80 cm above the floor), bath shelves (maximum 30 cm x 12.5 cm), bath mirror (maximum 30 X 30 cm), shower tube (75 cm x 75 cm).

As regards the temperature in the cells, both the Order of the Ministry of Justice (*Ministerul Justiției*) no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty<sup>28</sup> (Article 8) and the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>29</sup> (Article 12) mention that the heating systems must provide at least 19 C during the cold season. Similarly, they both provide that the cells must have access to natural and artificial light and that the detainees must have direct access to open the windows for air.

### c. Video-surveillance of cells

Article 8 of the Rules on security of detention facilities under the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*)<sup>30</sup> approved by the Order of the Ministry of

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<sup>25</sup> Romania, [Order of the Ministry of Justice no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty](#) (*Ordinul Ministerului Justiției nr. 2772/C/2017 - aprobarea Normelor minime obligatorii privind condițiile de cazare a persoanelor private de libertate*).

<sup>26</sup> Romania, [Order of the Ministry of Justice no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty](#) (*Ordinul Ministerului Justiției nr. 2772/C/2017 - aprobarea Normelor minime obligatorii privind condițiile de cazare a persoanelor private de libertate*).

<sup>27</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>28</sup> Romania, [Order of the Ministry of Justice no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty](#) (*Ordinul Ministerului Justiției nr. 2772/C/2017 - aprobarea Normelor minime obligatorii privind condițiile de cazare a persoanelor private de libertate*).

<sup>29</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>30</sup> Romania, [Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Regulament privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

Justice (*Ministerul Justiției*) no 4800/C/2018 provides that video-surveillance must be used in all detention areas except for the detention cells and toilets.<sup>31</sup>

Article 176 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>32</sup> provides that video surveillance is installed inside and outside the facility, and recordings kept for 30 days, with the exception of detention cells, where only thermal cameras can be used. Such cameras shall be monitored in real-time, without information being recorded or kept. No video surveillance should be placed in areas used for body searches (Article 35).

#### d. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

- [2021 reports for visits in prisons](#)<sup>33</sup>
- [2021 reports for visits in police lock-ups](#)<sup>34</sup>
- [2022 reports for visits in prisons](#)<sup>35</sup>
- [2022 reports for visits in police lock-ups](#)<sup>36</sup>
- [2023 reports for visits in prisons](#)<sup>37</sup>
- [2023 reports for visits in police lock-ups](#)<sup>38</sup>
- [2024 reports for visits in prisons](#)<sup>39</sup>
- [2024 reports for visits in police lock-ups](#)<sup>40</sup>

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>41</sup>, [2022](#)<sup>42</sup> and [2023](#)<sup>43</sup>.

As regards prisons, the 2021 the annual NPM report mentions as a general issue that *“in many of the visited prisons, we have found overcrowding of detention sections/rooms (occupancy levels varying between 130%-160%”* (*“În multe dintre penitenciarele vizitate s-a constatat supraaglomerarea secțiilor/camerelor de deținere (gradul de ocupare varia între 130% -160%”*).

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<sup>31</sup> Romania, [Order of the Ministry of Justice no. 4800/C/2018 on approving the Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Ordinul Ministerului Justiției nr.4800/C/2018 privind aprobarea Regulamentului privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>32</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>33</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>34</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>35</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>36</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>37</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>38</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>39</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>40</sup> Romania, NPM [2024 reports for visits in police lock-ups](#)

<sup>41</sup> Romania, NPM [2021 annual report](#)

<sup>42</sup> Romania, NPM [2022 annual report](#)

<sup>43</sup> Romania, NPM [2023 annual report](#)

In addition, as regards prisons, the annual NMP reports mention, among deficiencies, that:

“● *prisons conditions were not adequate (lack of furniture needed for personal belongings, poor hygiene, presence of bugs etc) (condițiile de cazare erau necorespunzătoare (lipsă mobilier necesar depozitării bunurilor personale, stare de igienă precară, prezența insectelor dăunătoare etc.)*”. (2021 annual report)

“● *overcrowding – in Vaslui Prison there were detention sections in which the overcrowding was obvious: E6 – 196,43%, E3 – 187,93% and E1 173,68%, a situation which can be the source of serious problems as regards the treatment, health, security and rehabilitation (supraaglomerarea - în Penitenciarul Vaslui existau secții de deținere în care supraaglomerarea era evidentă: E6 – 196,43%, E3 – 187,93% și E1 173,68%, situație care poate fi sursa unor probleme grave în domeniul tratamentului, sănătății, securității și reabilitării)*; (2022 annual report)

● *accommodation conditions were not adequate (thermal discomfort, old and broken steel beds, insufficient storage spaces (condiții de cazare necorespunzătoare (disconfort termic; paturi din metal vechi, deteriorate, spații de depozitare insuficiente etc.)*”. (2022 annual report)

“● *accommodation conditions were not adequate: overcrowding – 128% of legal capacity at Focșani Prison, where it was also found [...] broken room equipment and mattresses, water leaks in bathrooms, rooms had no furniture, the detainees had to eat in bed; at Ploiești and Mărgineni Prisons overcrowding in some of the detention rooms/sections, used/old equipment and furniture, 3-tier bunk-beds, insufficient storage furniture for personal belongings of detainees, [...] unpainted walls, used floors [...] (condițiile de cazare erau necorespunzătoare: supraaglomerare - 128% din capacitatea legală, la Penitenciarul Focșani, unde s-a mai constatat: [...], cazarmament și saltelele deteriorate, infiltrații de apă în baie, mizerie, rugină și mucegai; camerele nu aveau mobilier, deținuții fiind obligați să mănânce în pat; în Penitenciarele Ploiești și Mărgineni, supraaglomerare în unele camere/secții de deținere, mobilier și cazarmament uzat/vechi, paturi suprapuse pe 3 niveluri, dulapuri insuficiente pentru depozitarea bunurilor personale ale persoanelor private de libertate, [...] pereți cojiți, nezugrăviți, pardoseală uzată, [...])*”. (2023 annual report).

In respect of police-lock-up, the annual NPM reports mention the following deficiencies:

● *“the conditions of accommodation were not adequate (the lack of natural light and of artificial lighting, poor hygiene, walking courts without facilities – for example, in the Suceava and Brăila Detention and Preventive Arrest Centres) (condițiile de cazare erau necorespunzătoare: (lipsa luminii naturale și a iluminatului artificial, igienă precară, curți de plimbare fără dotări – de exemplu, în Centrul de Reținere și Arestare Preventivă Suceava și Centrul de Reținere și Arestare Preventivă Brăila)*; (2021 annual report)

● *the minimum space of 4 m<sup>2</sup>/person was not observed in the rooms (în camere nu era asigurat un spațiu de minim de 4 mp/persoană);,, (2021 annual report)*

“● *the accommodation conditions were not adequate: the centres were functioning at the semi-basement level, the natural light and air was insufficient (in Dâmbovița Detention and Preventive Arrest Centre, the windows were protected with metal bars covered with transparent polycarbonate, which blocked the natural light and rooms were dark including during the day, even when sunny as it was during the visit) [...] (deficiencies found in most Romanian detention and preventive arrest centres) (condițiile de cazare erau necorespunzătoare: centrele funcționau la demisolul clădirii, lumina naturală și aerisirea erau deficitare (în Centrul de Reținere și Arestare Preventivă din cadrul Inspectoratului de Poliție Județean Dâmbovița, ferestrele erau protejate cu gratii metalice acoperite cu policarbonat*

transparent, ce împiedicau pătrunderea luminii naturale, camerele fiind întunecoase, inclusiv în timpul zilei, chiar însorită, cum era la data vizitei), [...] (deficiențe existente în majoritatea centrelor de reținere și arestare preventive din România)” (2022 annual report)

“● the accommodation conditions were not adequate: the detention rooms were very narrow and dark, the windows being covered with bars which blocked the light and ventilation; the windows were insufficient for allowing natural light and air, and the light bulbs above the doors were not sufficient to allow artificial light; the rooms had no furniture, except for two-tiers bunkbeds and a few plastic shelving for the arrested persons, the detainees being forced to eat in bed (Vaslui Detention and Preventive Arrest Centre); (condițiile de cazare erau necorespunzătoare: camerele de cazare erau foarte înguste și întunecoase, geamurile fiind acoperite cu gratii care împiedicau pătrunderea luminii și aerisirea camerelor; ferestrele nu asigurau iluminatul natural și aerisirea camerelor, iar becurile plasate deasupra ușilor nu erau suficiente pentru asigurarea iluminatului artificial; camerele nu aveau mobilier, în afară de paturi supraetajate pe două nivele și câteva rafturi de plastic ale persanelor arestate), deținuții fiind obligați să mănânce în pat).” (2023 annual report)

● “in some centres natural light and air were insufficient in all detention rooms, because they were located at semi-basement level, on one hand, and , on the other hand, the windows were protected with metal bars panels covered with transparent polycarbonate, which blocked the natural light and rooms were dark including during the day; (în unele centre, lumina naturală și aerisirea erau deficitare în toate camerele de detenție, din cauză că acestea erau situate la demisolul clădirii, pe de o parte, iar, pe de altă parte, ferestrele erau protejate cu gradene din gratii metalice acoperite cu policarbonat transparent, ce împiedicau pătrunderea luminii naturale, camerele fiind întunecoase, inclusiv în timpul zilei);,, (2023 annual report)

● “the artificial night-lighting was not provided in all centre’s rooms; (nu era asigurat iluminatul de veghe în toate camerele centrului)”. (2023 annual report)

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>44</sup> had findings in respect of cells in both pre-trial facilities and in prisons and concluded:

“39. The Galați DPAC [Detention and Preventive Arrest Centre] had been refurbished in June 2018 with six of the 12 cells completely renovated. These cells (two single and four triple-occupancy) provide satisfactory conditions in terms of access to natural light and ventilation, state of repair and cleanliness. Nevertheless, the cells had no personal storage space for the detained persons’ belongings and the triple-occupancy cells were equipped with a table but no chairs. The men’s section at Bucharest No. 1 DPAC [Detention and Preventive Arrest Centre] was also recently renovated and offered similar material conditions. The material conditions of detention in the remaining part of Galați arrest detention centre as well as in most of the other centres visited by the CPT’s delegation, Bucharest No. 1 (women’s section) and 2, Craiova, Giurgiu and Galați arrest detention centres, remained poor. The cells were generally dilapidated and in a state of disrepair (walls, beds, mattresses, lighting), access to natural light was inadequate (window sizes of 30 cm x 40 cm and triple/quadruple rows of grilles/bars in front of and behind the windows) and artificial lighting insufficient. The cells in Bucharest No.2 were notably infested with cockroaches and bedbugs. Further, the cells were also generally poorly ventilated, and many cells had water infiltration along the walls and ceilings (e.g. Bucharest No.2, Craiova and Târgoviște).

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<sup>44</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

[...] *None of the cells in the centres visited possessed a space or cupboards for storing clothes and other belongings, and many cells did not possess chairs.*

[...]

40. *As was the case in 2018, the Ministry of the Interior (Ministerul Afacerilor Interne) is able to monitor the occupancy levels in arrest detention centres with a view to transferring detained persons to other detention facilities in order to ensure a minimum living space of 4 m<sup>2</sup> in multiple-occupancy cells. While the minimum standard was respected at the Craiova and Târgoviște centres, it was apparent that in many of the centres visited such a minimum standard was not always being respected. For example, at Bucharest No.2 centre, cells of 9m<sup>2</sup>, including an unpartitioned sanitary annexe, contained two sets of bunk beds and were accommodating three (sometimes four) persons.*

*The Cîmpina centre consisted of six cells with a capacity to hold 34 persons and it was accommodating 21 persons, including one woman and one male juvenile, at the time of the visit. However, the capacity was based upon only 3m<sup>2</sup> of living space.*

41. *Each centre possessed a kitchen equipped with a refrigerator, microwave oven and cooking hot plate, which was used to heat meals coming from the prisons or from the local police canteen on a daily basis and for the storage of food purchased by detainees or received from their respective families. [...]*

42. *The CPT recalls that the conditions of detention in DPACs should comply with the same minimum standards which are applicable to persons held in remand detention in prisons. In particular, the minimum personal living space in such facilities should be 6m<sup>2</sup> for a single-occupancy cell and 4m<sup>2</sup> per detainee in a multiple-occupancy cell, excluding the sanitary annexe. Further, all cells should have direct access to natural light, adequate ventilation, equipped with basic furniture (such as tables, chairs, individual lockers and a TV set), kept in an acceptable state of hygiene and the sanitary annex should be fully partitioned.*

*Reference should also be made to the CPT's 30th General Report where the Committee sets out "a decency threshold for prisons – criteria for assessing conditions of detention" and enumerates the essential elements that are necessary to maintain humane living conditions for prisoners (including remand prisoners). Such a decency threshold is essential for those indigent prisoners who do not have any support from family members.*

43. *In the light of the above remarks, the CPT calls on the Romanian authorities to take the requisite measures to ensure that police detention and preventive arrest centres:*

- offer every detained person at least 4m<sup>2</sup> of living space in multiple-occupancy cells (Bucharest No. 2, Cîmpina and Galați centres);*
- provide sufficient access to light, natural and artificial, and adequate ventilation in each cell (Bucharest No. 2, Giurgiu and the unrenovated cells in Galați,);*
- the surplus multiple grilles/bars on the windows should be removed (and the windows enlarged);*

[...]

- provide every detained person with a cupboard space to keep their belonging;*

[...]

76. *The conditions of detention in the four prisons visited [Craiova Prison, Galați Prison, Giurgiu Prison, Mărgineni Prison] could be considered as generally poor, exacerbated by the overcrowding. In each prison certain measures were being taken to tackle the deficiencies; for example, at Galați Prison at least 12 cells were being refurbished every year. Nevertheless, much more concerted action is required to render the conditions appropriate.*

77. *In each of the four prisons visited, the vast majority of persons were held in less than 4m<sup>2</sup> of living space per person in multiple-occupancy cells.*

*As noted above, Craiova Prison was severely overcrowded. [...] There were not sufficient tables and chairs for all persons, which meant prisoners had to eat their meals on their beds, and many persons were not provided with a personal cupboard or storage space. [...] Many complaints were also received about the lack of heating in winter.*

*The 40 renovated cells at Galați Prison offered decent living conditions with modern sanitary facilities, even if the newly installed equipment was already showing signs of wear and tear. By contrast, the conditions in the unrenovated cells were very poor with crumbling mouldy walls and decrepit furniture (rusty beds, broken tables and worn mattresses stained with urine). The deficient ventilation in cells generated constant humidity and mould on the walls and many persons stressed that cells were cold in winter due to insufficient heating and inadequate thermal insulation. Further, cells continued to generally accommodate up to eight persons in 16.5m<sup>2</sup> (excluding the separate sanitary annexe). The cramped and humid conditions will rapidly degrade the renovated cells unless action is taken to remedy these problems.*

*Giurgiu Prison consisted of 14 sections with all persons (apart from the separate stand-alone open regime section) held within the three-storey U-shaped contiguous accommodation blocks. Despite having only opened in 2000, the facilities appeared overused and showed signs of decay. The vast majority of persons were accommodated in multiple occupancy cells of varying sizes such as cells for four, six or nine persons. However, the long narrow individual cells which measured less than 7m<sup>2</sup> including the toilet and basin area situated next to the bunk bed, were mostly accommodating two persons. The CPT considers that all cells should be at least 2m wide which was not the case for these cells. Traces of mould were found in different sections throughout the establishment and there was no storage space for a person's belongings. [...]*

*At Mărgineni Prison, conditions of detention were acceptable in Pavilion 3, where persons under an open and semi-open regime were accommodated (adequate lighting; sufficient ventilation and suitably equipped, with the sanitary annexes in a good state of repair). In Pavilion 2, cells had good lighting, were sufficiently ventilated and were relatively clean. However, the cells were crowded with, for example, 18 persons accommodated in some 60m<sup>2</sup>. The most problematic conditions of detention were found in Pavilion 1, the oldest building of the prison, where cells were humid, often dilapidated, including a regular presence of mould, and were allegedly very cold in winter. The vast majority of persons were held in very cramped conditions: for example, 32 persons held in a cell of 44m<sup>2</sup> (offering only 1.35m<sup>2</sup> living space per person), 13 persons held in a cell of 23m<sup>2</sup>; or 18 persons held in a cell of 30m<sup>2</sup>. The atmosphere in these cells was oppressive. The cells used for double- (almost 9m<sup>2</sup>) and quadruple-occupancy (12m<sup>2</sup>) were dilapidated but not overcrowded.*

78. *For a number of persons held in each of the four prisons visited, the cumulative effect of being accommodated in overcrowded cells with poor material conditions, combined with a regime offering extremely limited time-out-of-cell (see below) could amount to inhuman or degrading treatment.*



In addition to the general recommendation above to guarantee at least 4m<sup>2</sup> of living space to each person held in multiple-occupancy cells, **the CPT recommends that the Romanian authorities take specific steps to improve the living conditions in each of the prisons visited, including by:**

- **rapidly reducing the severe levels of overcrowding at Craiova, Galați and Mărgineni Prisons;**
- **ensuring all cells are appropriately equipped with tables and chairs and personal storage space;**

[...]

- **renovating dilapidated cells and addressing the problem of humidity at Craiova, Galați and Mărgineni Prisons;**

[...]

**Similar measures should be taken in all Romanian Prisons facing comparable overcrowding and inappropriate material conditions of detention.**

**Further, the CPT would like to be informed of the measures taken to ensure that cells are sufficiently heated during winter, notably at Galați and Mărgineni Prisons.**<sup>45</sup>

The two NPM members consulted acknowledged that overcrowding is a problem, especially in the prisons.<sup>46</sup> As regards the access to natural light and fresh air it is observed in the prisons, but not observed in the police lock-ups, due to their layout (usually underground location), a situation which shall change only when new accommodations will be built. On the other hand, the furniture in the police lock-ups has been changed, as well as in many prisons (around 70%-75%), with the exception of the exterior sections. The rooms have been equipped with TVs, phones and even air conditioning in some cases. In respect of the video-surveillance it is installed only in common spaces, not in the rooms.<sup>47</sup>

## 2. Allocation of detainees

### a. Geographical allocation

In accordance with Article 11 (5) of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>48</sup>, the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) is the entity which decides the allocation of convicts to prisons, based on the proximity to their home, considering also the detention regime, the necessary security measures to be taken, the identified social reintegration needs, sex and age.

As regards the geographical allocation to police lock-ups, there are no standards on the initial allocation which is determined rather based on practical reasons (the proximity to the judicial bodies in charge of the criminal investigation or trial). When the capacity of a pre-trial arrest centre is reached, the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary

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<sup>45</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021. Bolded in original text.

<sup>46</sup> NPM representatives interviewed on 14 May 2024.

<sup>47</sup> NPM representatives interviewed on 14 May 2024.

<sup>48</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepșelor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).



security measures<sup>49</sup> provides for certain criteria for approving the transfer: the capacity and occupancy of the destination centre; the operative situation of the police unit where the destination centre is located; the distance between the two centres which should allow the presence of the arrested person before the judicial bodies; the possibility to observe the requests of the judicial bodies for the proper administration of the criminal investigation (Article 239).

#### b. Allocation within detention facilities

In prisons, according to Articles 43 and 47 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>50</sup>, convicted detainees are kept separated by sex and age: women separated from men, young detainees separated from adults, minors separated from persons over 18 years old, with the observance of their detention regime (maximum security, closed, semi-open, open).

Allocation to detention regimes is done by a commission within each prison, initially based on the duration of sentence, the degree of risk of the convict, the criminal record, the age and health of the convict, the convict's behaviour, including prior detention, the identified needs and abilities of the convict, for the inclusion in educational, social and psychological assistance programmes, the availability of the convict to work and participate in various activities (Article 39 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>51</sup>).

The maximum-security regime is initially applied to life imprisonment convicts, those convicted to more than 13 years of prison and those who pose a high security risk. It cannot be applied to persons over 65 years of age, pregnant women, persons with first degree disabilities and those with serious mobility issues, who shall serve the sentence in closed regime sections. The closed regime is initially applied to detainees convicted to 3 to 13 years of imprisonment. The semi-open regime is initially applied to detainees convicted to 1 to 3 years of imprisonment. The open regime is initially applied to detainees convicted up to 1 year of imprisonment (Articles 34 to 38 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>52</sup>).

In addition, as regards minors who serve educational measures with deprivation of liberty, according to Article 159 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of

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<sup>49</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>50</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>51</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>52</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

liberty ordered by judicial bodies during the criminal trial<sup>53</sup>, they are kept separated from young detainees and from adults over 21 years old.

According to Article 29 of the Government Decision no. 157/2016<sup>54</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>55</sup>), in prisons, detainees who pose a high security risk are kept separated in special room in maximum security sections. In prison hospitals or prison infirmaries, detainees are allocated based on medical criteria with the observance of general segregation criteria (sex, age, minors separated from adults).

The above segregation rules apply to all detention regimes. In addition, for the semi-open and open regimes, Articles 29 and 82 of the Government Decision no 157/2016<sup>56</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>57</sup>) mention additional criteria for allocation: intellectual and cultural compatibility and the interest in participating in resocialization activities and work.

In police lock-ups, according to Article 256 of the Government Decision no. 157/2016<sup>58</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>59</sup>) women are kept separated from men and young persons from the other adults. Other criteria which can be taken into consideration for the allocation of arrested persons are: the legal status (conviction, preventive arrest or detention), intellectual and cultural compatibility, the interest for working, as well as the degree of risk or vulnerability. According to Article 266 of the Government Decision no. 157/2016<sup>60</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>61</sup>), convicts who are temporarily held in police lock-ups are separated from arrested persons under criminal investigation or on trial. Minors who are arrested are also kept separated from adults (Article 264 of the Implementing Regulation).

Additionally, according to Article 42 of the of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>62</sup>, persons kept separated from others

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<sup>53</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>54</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no. 254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>55</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>56</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no. 254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>57</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>58</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no. 254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>59</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>60</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no. 254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>61</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>62</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și*

are those that: pose a high degree of danger; are kept in the centre for their protection, according to the law; are under criminal investigation or under trial and the judicial body indicated persons they cannot come in contact with for a period of time; are drug users, for the period indicated by the medical doctor; suffer from acute medical conditions or contagious diseases which need medical supervision, until there are transferred to medical facilities; are at risk of victimisation due to their previous occupation or the crime committed. Where available space allows, smokers should be kept separated from non-smokers.

### c. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

- [2021 reports for visits in prisons](#)<sup>63</sup>
- [2021 reports for visits in police lock-ups](#)<sup>64</sup>
- [2022 reports for visits in prisons](#)<sup>65</sup>
- [2022 reports for visits in police lock-ups](#)<sup>66</sup>
- [2023 reports for visits in prisons](#)<sup>67</sup>
- [2023 reports for visits in police lock-ups](#)<sup>68</sup>
- [2024 reports for visits in prisons](#)<sup>69</sup>
- [2024 reports for visits in police lock-ups](#)<sup>70</sup>

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>71</sup>, [2022](#)<sup>72</sup> and [2023](#)<sup>73</sup>.

As regards prisons, the 2021 the annual NPM report mentions, among deficiencies with detainee allocation, that:

*“● some of the detainees were serving their sentence in prisons located at great distance from their domicile (for example in Slobozia Prison), and, because of this, were very rarely visited by their families’ members (unele persoane private de libertate executau pedeapsa în penitenciare situate la distanță mare de domiciliul acestora (de exemplu, în Penitenciarul Slobozia), iar din această cauză, erau vizitate foarte rar de către membrii familiei)”. (2021 annual report)*

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măsurile necesare pentru siguranța acestora), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures \(Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora\)](#).

<sup>63</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>64</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>65</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>66</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>67</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>68</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>69</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>70</sup> Romania, NPM [2024 reports for visits in police lock-ups](#)

<sup>71</sup> Romania, NPM [2021 annual report](#)

<sup>72</sup> Romania, NPM [2022 annual report](#)

<sup>73</sup> Romania, NPM [2023 annual report](#)

There are no deficiencies as regards allocation of detainees in prisons in the 2022 and 2023 NPM annual reports.

In respect of police-lock-up, annual NPM reports mentions that:

“● *the segregation criteria for allocating detainees to the rooms, as provided by the legal provisions, were not observed (in Dolj Detention and Preventive Arrest Centre, a convict was held together with arrested persons (nu erau respectate criteriile de separație la repartizarea persoanelor private de libertate în camerele de deținere, în conformitate cu prevederile legale (în Centrul de Reținere și Arestare Preventivă Dolj, o persoană condamnată era cazată împreună cu persoane arestate)*” (2021 annual report).

“● *a person who was just brought in was allocated alone in a room, which represents a significant risk factor for suicide (cazarea unei singure persoane nou depuse în cameră, act care reprezintă un factor semnificativ de risc în majoritatea cazurilor de suicid);*” (2022 annual report)

● *“in Dâmbovița Detention and Preventive Arrest Centre, the national and international legal provisions on separating persons based on age, minors separated from adults were not observed, as during the visit in the detention rooms there were 4 minors accommodated with adults (în Centrul de Reținere și Arestare Preventivă din cadrul Inspectoratului de Poliție Județean Dâmbovița nu erau respectate prevederile legale naționale și internaționale cu privire la principiul separației pe vârste, respectiv cazarea minorilor separat de adulți, având în vedere că la data vizitei, în camerele de deținere erau 4 minori cazați cu adulți”.* (2022 annual report)

“● *the national and international legal provisions on separating persons based on age, minors separated from adults were not observed (for example in Giurgiu Detention and Preventive Arrest Centre during the visit one minor was accommodated with 2 adults (nu erau nerespectate prevederile legale naționale și internaționale cu privire la principiul separației pe vârste, respectiv cazarea minorilor separat de adulți (spre exemplu, la Centrul de Reținere și Arestare Preventivă Giurgiu, la data vizitei, un minor era cazat cu 2 persoane majore);*” (2023 annual report).

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>74</sup> had findings in respect of allocation of detainees in pre-trial facilities and concluded:

“44. *The CPT’s delegation again met a number of minors in the various DPACs visited. The vulnerability of minors who are placed in detention is recognised by Law No. 254/2013, and notably in Article 117 which states that minors accommodated in DPACs should be separated from adults, receive the necessary psychological assistance and increased contacts with family members. [...] At the Câmpina centre, the single minor was being held together in a cell with adults. [...] At the Galați centre, a 14-year-old boy, who was still in a state of shock over the events that had led to his detention, was held together with two unrelated adults and was not provided with any specific support or attention apart from a weekly meeting with a psychologist.*

45. [...] *Further, a minor should not be detained together with unrelated adults.*

[...]

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<sup>74</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

**47. The CPT recommends that the Romanian authorities take steps in all DPACs to ensure that minors are held in decent conditions in a dedicated custody area [...]. In addition, the management of DPACs must ensure that minors are not held together with unrelated adults. [...]**<sup>75</sup>

The two NPM members consulted indicated that allocation of detainees raises issues only in respect of police lock-ups. As regards prisons, geographic allocation in most cases respects a maximum of 60 km distance between the prison and the home of the detainee, with exception of administrative problems or when the detainee has judicial affairs far from home. Since 2018 they have not received complaints from detainees, during the visits, as regards the allocation.<sup>76</sup>

### 3. Hygiene and sanitary conditions (note – section 11 contains specific questions concerning female detainees)

#### a. Access to toilets

According to Article 5 of the Order of the Ministry of Justice (*Ministerul Justiției*) no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty, each cell has to have access to toilets and sinks located inside the room, so that the detainees can freely access them at any time.<sup>77</sup> Toilets of cells in the open regime can be located outside the room. All toilets must offer privacy, in accordance with the rules laid down in Annexes 1-5 to the Order of the Ministry of Justice (*Ministerul Justiției*) no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty.<sup>78</sup> They must be separated by at least a partial wall and have doors or, when appropriate, curtains instead of doors.

As regards the pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*), according to Article 13 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>79</sup>, the toilets must be separated from the detention rooms. By way of exception, toilets can be placed outside the detention rooms, as well.

#### b. Access to showers and warm and running water

According to Article 5 of the Order of the Ministry of Justice (*Ministerul Justiției*) no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty each cell has to have access to bathing facilities located inside the room, so that the detainees can freely access them at any

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<sup>75</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021. Bolded in original text.

<sup>76</sup> NPM representatives interviewed on 14 May 2024.

<sup>77</sup> Romania, [Order of the Ministry of Justice no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty](#) (*Ordinul Ministerului Justiției nr. 2772/C/2017 - aprobarea Normelor minime obligatorii privind condițiile de cazare a persoanelor private de libertate*).

<sup>78</sup> Romania, [Order of the Ministry of Justice no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty](#) (*Ordinul Ministerului Justiției nr. 2772/C/2017 - aprobarea Normelor minime obligatorii privind condițiile de cazare a persoanelor private de libertate*).

<sup>79</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

time.<sup>80</sup> Facilities of cells in the open regime can be located outside the room. All sanitary facilities must offer privacy, in accordance with the rules laid down in Annexes 1-5 to the Order of the Ministry of Justice (*Ministerul Justiției*) no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty.<sup>81</sup> They must be separated by at least a partial wall and have doors or, when appropriate, curtains instead of doors.

In practice, according to the information provided by the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) following a request for information, bathing is done either within the facilities inside the detention rooms or in the baths within the detention sections, based on a bathing schedule approved by the head of the prison. The hot water is provided in all detention sections, at least twice per week, within the hours set in the bathing schedule approved by the head of the prison.

As regards the pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*), according to Article 13 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>82</sup>, showers must be separated from the detention rooms. By way of exception, they can be placed outside the detention rooms, as well.

### c. Access to sanitary products

In prisons, the Order of the minister of justice no.3848/C/2016 on approving the norms for individual and collective cleaning and hygiene products provided by the administration of the detention facility<sup>83</sup> indicates that the following products for individual use are distributed between day 10 and 15 of each month:

Product	Minimum quantity per year	Maximum quantity per year	Notes
Toothbrush	4	6	
Tooths paste 75 ml	12	24	
Shaving cream in tubes (minimum 50 ml)	6	12	Including for women
Single use shaving razor	12	24	Including for women

<sup>80</sup> Romania, [Order of the Ministry of Justice no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty](#) (*Ordinul Ministerului Justiției nr. 2772/C/2017 - aprobarea Normelor minime obligatorii privind condițiile de cazare a persoanelor private de libertate*).

<sup>81</sup> Romania, [Order of the Ministry of Justice no. 2772/C/2017 on the minimum standards on detention conditions for people deprived of liberty](#) (*Ordinul Ministerului Justiției nr. 2772/C/2017 - aprobarea Normelor minime obligatorii privind condițiile de cazare a persoanelor private de libertate*).

<sup>82</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>83</sup> Romania, [Order of the minister of justice no.3848/C/2016 on approving the norms for individual and collective cleaning and hygiene products provided by the administration of the detention facility](#) (*Ordinul ministrului justiției nr.3848/C/2016 pentru aprobarea Normelor privind articolele de curățenie individual și colectivă asigurate de către administrația locului de deținere*).



Soap 80g/piece	12	24	
Hair shampoo 250 ml	6	12	
Toilet paper	24	36	
Comb	1	2	
Nail clipper without knife	1	2	Per product lifespan

As regards the collective hygiene the order provides that each detainee should receive in one year 10 kg of detergent, 3 kg of soap and 3 kg of bleach. The soap can be substituted with detergent and the bleach with caustic soda. In cases of epidemiological risks or when the situation requires, based on the proposal of the prison doctor, the detergent can be supplemented with 4 kg and the beach with 2 kg, to be used for the washing of underwear, bed linen and clothes.

Article 6 of the Order of the Minister of Justice no.3848/C/2016 on approving the norms for individual and collective cleaning and hygiene products provided by the administration of the detention facility<sup>84</sup> provides that, upon written request, detainees can also buy the products for individual and collective cleaning and hygiene from the in-house commercial shops.

These provisions apply to all detention regimes.

In respect of police lock-ups, Article 41 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>85</sup> only provides that upon admission, the person deprived of liberty is provided with a package of sanitary products, whose content is established via regulations of the Ministry of the Interior (*Ministerul Afacerilor Interne*). No such regulations were indicated by the General Inspectorate of the Romanian Police (*Inspectoratul General al Poliției Române*) in the answer to a request for information. Article 169 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>86</sup> further states that arrested person shall be provided with sanitary products and can also receive such products from visitor or can buy them.

<sup>84</sup> Romania, [Order of the minister of justice no.3848/C/2016 on approving the norms for individual and collective cleaning and hygiene products provided by the administration of the detention facility](#) (*Ordinul ministrului justiției nr.3848/C/2016 pentru aprobarea Normelor privind articolele de curățenie individual și colectivă asigurate de către administrația locului de deținere*)

<sup>85</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>86</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

#### d. Hygienic conditions in cells

Article 4 of Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>87</sup> provides as a matter of principle that all forms of deprivation of liberty should be enforced under conditions which ensure the respect of human dignity.

For prisons, according to the information provided by the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) following a request for information, the Order of the Minister of Justice no. 2138/C/2007 on the norms for the quantities of products for cleaning, maintenance and housekeeping of the unities in the penitentiary administration system<sup>88</sup> sets the minimum quantities to be used based on the detention area and the number of sanitary facilities inside a room. According to the same answer, the Decision no. 366/2014 of the director of the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) on approving the hygienic norms on carceral environment (*Decizia directorului general nr.366/2014 privind aprobarea unor norme de igienă privind mediul de viață carcerală*)<sup>89</sup> provides that on a periodic bases, the detention facilities are going through processes of disinfection, rat and pest extermination. The obligation to maintain hygiene in the detention rooms bears on the detainees, who must participate in cleaning and airing of rooms on a daily basis.

Also, the Decision no. 467/2016 of the director of the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) on the bedding provided to persons deprived of liberty placed in detention facilities under the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*)<sup>90</sup> provides for bedding received by each detainee and the maximum lifespan of such objects. In detention facilities other than prison hospitals, each detainee should receive one plastic bed cover (with no lifespan), one mattress, one pillow and one blanket (two during the cold season, upon request), each with a lifespan of 4 years, as well as 4 bedsheets and 4 pillow cases, with a lifespan of 1 years. In prison hospitals, each detainee should receive one plastic bed cover (with no lifespan), one mattress, one pillow and one blanket (two during the cold season, upon request), each with a lifespan of 2 years, as well as 10 bedsheets and 4 pillow cases, with a lifespan of 1 years. At half-life, the bedding should be reconditioned.

These provisions apply to all detention regimes.

As regards the pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*), the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>91</sup> mentions that access should be provided to cleaning clothes and

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<sup>87</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>88</sup> The Order was not available from public sources.

<sup>89</sup> The decision is available from public sources.

<sup>90</sup> Romania, [Decision no. 467/2016 of the director of the National Administration of Penitentiaries on the bedding provided to persons deprived of liberty placed in detention facilities under the National Administration of Penitentiaries](#) (*Decizia nr.467/2016 a Directorului Administrației Naționale a Penitenciarelor privind cazarmamentul asigurat persoanelor private de libertate aflate în locurile de deținere din subordinea Administrației Naționale a Penitenciarelor*)

<sup>91</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*)



equipment internally or via contractors. Article 13 provides also that bed linen should be changed at least once a week, or when needed.

#### e. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

- [2021 reports for visits in prisons](#)<sup>92</sup>
- [2021 reports for visits in police lock-ups](#)<sup>93</sup>
- [2022 reports for visits in prisons](#)<sup>94</sup>
- [2022 reports for visits in police lock-ups](#)<sup>95</sup>
- [2023 reports for visits in prisons](#)<sup>96</sup>
- [2023 reports for visits in police lock-ups](#)<sup>97</sup>
- [2024 reports for visits in prisons](#)<sup>98</sup>
- [2024 reports for visits in police lock-ups](#)<sup>99</sup>

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>100</sup>, [2022](#)<sup>101</sup> and [2023](#)<sup>102</sup>.

As regards prisons, the annual NPM reports mention, among deficiencies related to hygiene and sanitary conditions, that:

“● *prisons conditions were not adequate ([...], poor hygiene, presence of bugs etc) (condițiile de cazare erau necorespunzătoare ([..], stare de igienă precară, prezența insectelor dăunătoare etc.)*” (2021 annual report) (2023 annual report)

● *”prisons conditions were not adequate [...] at Focșani Prison there were bugs, dirt and water vapours in rooms, [...] in bathrooms dirt, rust and mold [...]; in Ploiești and Mărgineni prisons [...] dampness and moisture [...] bedbugs and cockroaches (condițiile de cazare erau necorespunzătoare: [...] la Penitenciarul Focșani, unde s-a mai constatat: prezența insectelor dăunătoare, mizerie și condens în camere, [...] în baie, mizerie, rugină și mucegai; [...]; în Penitenciarele Ploiești și Mărgineni, [...], igrasie, umezeală [...] ploșnițe și gândaci”* (2023 annual report)

In respect of police-lock-ups, the annual NPM reports mentions the following deficiencies on hygiene and sanitary conditions:

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<sup>92</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>93</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>94</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>95</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>96</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>97</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>98</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>99</sup> Romania, NPM [2024 reports for visits in police lock-ups](#)

<sup>100</sup> Romania, NPM [2021 annual report](#)

<sup>101</sup> Romania, NPM [2022 annual report](#)

<sup>102</sup> Romania, NPM [2023 annual report](#)

- "the conditions of accommodation were not adequate ([...] poor hygiene, [...] – for example, in the Suceava and Brăila Detention and Preventive Arrest Centres) (condițiile de cazare erau necorespunzătoare: ([...] igienă precară, [...] – de exemplu, în Centrul de Reținer și Arestare Preventivă Suceava și Centrul de Reținer și Arestare Preventivă Brăila); (2021 annual report)
- "the toilet was not isolated, being separated from the rest of the room by only a curtain, which did not fully ensured the privacy of the detainees (grupul sanitar nu era izolat, fiind separat de restul camerei doar printr-o perdea, care nu asigura în totalitate intimitatea persoanelor private de libertate);" (2021 annual report)
- "the sanitary conditions for the functioning of the centre were not periodically evaluated, until an above ground arrest centre will be built (Prahova Detention and Preventive Arrest Centre (nu erau evaluate periodic condițiile sanitare de funcționare a centrului, până la construirea unui arest suprateran (Centrul de Reținer și Arestare Preventivă Prahova)". (2021 annual report)
- "the privacy of detainees in the showers was not ensured (nu era asigurată intimitatea persoanelor private de libertate la dușuri);" (2023 annual report)

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>103</sup> had findings in respect of hygiene and sanitary conditions in both pre-trial facilities and in prisons and concluded:

"39. The Galați DPAC had been refurbished in June 2018 with six of the 12 cells completely renovated. These cells (two single and four triple-occupancy) provide satisfactory conditions in terms of [...] cleanliness. [...] The men's section at Bucharest No. 1 DPAC was also recently renovated and offered similar material conditions. [...] The cells in Bucharest No.2 were notably infested with cockroaches and bedbugs. [...]"

Further, apart from at the Câmpina centre, the sanitary annexes remained in a poor state of hygiene, notably at the Târgoviște centre, and the provision of cleaning and personal hygiene products was irregular. [...]"

[...]. While the minimum [living space] standard was respected at the Craiova and Târgoviște centres, it was apparent that in many of the centres visited such a minimum standard was not always being respected. For example, at Bucharest No.2 centre, cells of 9m<sup>2</sup>, including an unpartitioned sanitary annexe [...]."

42. The CPT recalls that the conditions of detention in DPACs should comply with the same minimum standards which are applicable to persons held in remand detention in prisons. [...] Further, all cells should [be] kept in an acceptable state of hygiene and the sanitary annex should be fully partitioned. [...]"

43. In the light of the above remarks, **the CPT calls on the Romanian authorities to take the requisite measures to ensure that police detention and preventive arrest centres:**

[...]"

**- provide every detained person with clean bed linen;**

<sup>103</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

**- have fully partitioned (i.e. up to the ceiling) sanitary annexes in the cells (at Bucharest No. 2, Craiova and the unrenovated cells at Galați);**

**- guarantee the regular maintenance and cleanliness of the cells and sanitary facilities;**

**- ensure regular and adequate supplies of personal hygiene products, [...] free of-charge**

[...]

76. *The conditions of detention in the four prisons visited could be considered as generally poor [...]*

*Further, in all the cells and dormitories visited, the delegation was able to observe that many of the mattresses were worn out and infested with bed bugs and cockroaches. [...]*

*The renovated cells at Galați Prison offered decent living conditions with modern sanitary facilities, even if the newly installed equipment was already showing signs of wear and tear. [...]*

*Giurgiu Prison [...] Traces of mould were found in different sections throughout the establishment [...]. Moreover, many mattresses were worn and infested with bed bugs and cockroaches.*

*At Mărgineni Prison, conditions of detention were acceptable in Pavilion 3 [...] the sanitary annexes in a good state of repair). In Pavilion 2, cells [...] were relatively clean. [...] The most problematic conditions of detention were found in Pavilion 1 [...] including a regular presence of mould [...].*

**[...] the CPT recommends that the Romanian authorities take specific steps to improve the living conditions in each of the prisons visited, including by:**

[...]

**• taking measures to tackle the infestations of bed bugs and cockroaches in all cells and to replace worn mattresses;**

[...]

**• ensuring the sanitary facilities in the cells at Giurgiu Prison are partitioned up to the ceiling.**

**Similar measures should be taken in all Romanian Prisons facing comparable overcrowding and inappropriate material conditions of detention.**

[...]

79. In the four prisons visited, hot water was available for a maximum of an hour and half per day. This was often insufficient for the number of persons held in a cell and was a constant source of additional tension. Further, hot water was sometimes only available during the time allocated for outdoor exercise forcing persons to choose between having a shower or accessing outdoor fresh air. The availability of hot water is directly linked to maintaining a decent standard of hygiene and a good state of general health. **The CPT recommends that the Romanian authorities ensure that persons in all prisons have regular access to hot water, both for personal hygiene reasons as well as for washing clothes and dishes.**

80. As regards hygiene, the supply of detergent and personal hygienic products was insufficient (e.g. two rolls of toilet paper and a small soap per month) to maintain personal and in-cell hygiene. Unrenovated sanitary facilities were often in an extremely poor state of repair (dirty, dilapidated and, in many cases, humid and mouldy with rusty pipes, broken toilets or sinks, dripping taps or missing showerheads) in all four prisons.

At Mărgineni Prison, the collective shower room of E4 section consisted of a dirty and dark room with a rusty pipe below the ceiling distributing water. The only access to the exercise yard for the section was through the shower room making it totally unhygienic despite the efforts of the staff. It is undignified for persons to have to shower in such conditions.

**The CPT recommends that the Romanian authorities take further steps to renovate the sanitary facilities in the four prisons visited. Priority should be given to repairing damaged equipment and closing down the E4 section shower room at Mărgineni Prison, once a solution had been found to provide them with an alternative means of taking a shower. In addition, detained persons should be provided with appropriate quantities of detergent and hygiene products.”<sup>104</sup>**

The two NPM members consulted indicated that the national standards regarding hygiene and sanitary conditions are observed, in general.<sup>105</sup> The toilets in the police lock-ups have been updated so that they provide full separation from the room, up to the wall, using PVC walls instead of curtains. In prisons, all rooms have access to toilets/showers with the exception of the exterior sections. The hot water is provided according to the schedule and sanitary products are provided on a monthly basis, as well as clothing, if necessary. The pest infestation was addressed by changing all mattresses in both police lock-ups and prisons and extermination procedures take place on a monthly basis as well as upon request.<sup>106</sup>

## 4. Nutrition

### a. Quality and quantity of food

According to Article 50 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, the nutrition standards are approved by order of the Ministry of Justice (*Ministerul Justiției*). According to Article 113 of the of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>107</sup>), detainees must receive three meals per day. The nutritional norms are defined by content in calories and are provided for in the Government’s Ordinance no. 26/1994.<sup>108</sup> Standards 12C1, 15 to 20 and 22 to 23 are applicable to persons deprived of liberty and are either main daily standards or supplements for special situations (personal or event related). They apply both to the National Penitentiary Administration facilities and the Ministry of the Interior (*Ministerul Afacerilor Interne*) facilities.

The Order of the Ministry of Justice (*Ministerul Justiției*) no. 3147/C/2018 on the approval of rules of food ratios for the detainees held in penitentiary administration system<sup>109</sup> provide the detailed content of each nutritional norm, including the necessary minimum and maximum quantities, breakdown by

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<sup>104</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021. Bolded in original text.

<sup>105</sup> NPM representatives interviewed on 14 May 2024.

<sup>106</sup> NPM representatives interviewed on 14 May 2024.

<sup>107</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>108</sup> Romania, [Government’s Ordinance no. 26/1994 on the rights to food of the national defense, public order and national security personnel and of persons deprived of liberty, in times of peace](#) (*Ordonanța de Guvern nr. 26 din 22 iulie 1994 privind drepturile de hrană, în timp de pace, ale personalului din sectorul de apărare națională, ordine publică și securitate națională și ale persoanelor private de libertate*).

<sup>109</sup> Romania, [Order of the Ministry of Justice no. 3147/C/2018 on the approval of rules of food ratios for the detainees held in penitentiary administration system](#) (*Ordinul nr.3147/C/2018 privind aprobarea Normelor de acordare a repturilor de hrană pentru persoanele private de libertate din sistemul administrației penitenciare*)

seasons (summer/winter), daily menus and rules for preparing and substituting the food. The Order of the Ministry of Justice (*Ministerul Justiției*) no. 1365/C/2020 on the approval of updated financial values of the nutrition norms of persons deprived of liberty<sup>110</sup> provides for the maximum costs for each type of nutritional norm.

For police lock-ups, Article 14 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>111</sup> provides that the nutritional norms for detainees in prisons are applicable.

Standard	Caloric intake/person/day		Application
	minimum	maximum	
Nutritional norm no. 12 C-1	600	925	Festive days supplement
Nutritional norm no. 14B (Substitutions)	-	-	Food substitutions
Nutritional norm no. 15	3.000	3.820	For the underaged and young persons in 24 hours custody, under preventive arrest, convicted to imprisonment or life imprisonment, as well as for the persons against whom was issued an educative measure with deprivation of liberty – placed in pre-trial detention facilities, prisons, detention centres or educative centres.
Nutritional norm no. 16	2.250	2.855	For the adults in 24 hours custody, under preventive arrest placed in pre-trial detention facilities, prisons, as well as for the persons against whom was issued an educative measure with deprivation of liberty – placed in detention centres or educative centres.
Nutritional norm no. 17	2.250	2.855	For the adults convicted to imprisonment or life imprisonment, as well as for the persons against whom was issued an educative measure with deprivation of liberty.
Nutritional norm no. 17 A: - cold meal – warm meal	600	790	Supplement for easy or medium work
Nutritional norm no. 17 B: - cold meal – warm meal	800	1.065	Supplement for hard work
Nutritional norm no. 17 C	255	410	Antidote supplement

<sup>110</sup> Romania, [Order of the Ministry of Justice no. 1365/C/2020 on the approval of updated financial values of the nutrition norms of persons deprived of liberty](#) (*Ordinul nr.1365/C/2020 privind aprobarea valorilor financiare actualizate ale normelor de hrană ale persoanelor private de libertate*).

<sup>111</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

Nutritional norm no. 18	2.500	3.175	For sick persons and pregnant women
Nutritional norm no. 18 A	500	860	Supplement. For persons in 24 hours custody, under preventive arrest, convicted to imprisonment or life imprisonment, as well as for the persons against whom an educative measure with deprivation of liberty was issued – pregnant women months 5 to 9 included and women who gave birth and who are not breastfeeding (for 12 months after giving birth).
Nutritional norm no. 18 B	600	1.255	Supplement. For persons in 24 hours custody, under preventive arrest, convicted to imprisonment or life imprisonment, as well as for the persons against whom an educative measure with deprivation of liberty was issued – women who gave birth and are breastfeeding their baby until 1 year old.
Nutritional norm no. 18 C	900	1.195	Supplement. For persons in 24 hours custody, under preventive arrest, convicted to imprisonment or life imprisonment, as well as for the persons against whom an educative measure with deprivation of liberty was issued – under insulin treatment before comatose state.
Nutritional norm no. 18 D	1.000	1.400	Supplement. For persons in 24 hours custody, under preventive arrest, convicted to imprisonment or life imprisonment, as well as for the persons against whom an educative measure with deprivation of liberty was issued – TB, HIV/AIDS.
Nutritional norm no. 18 E	600	825	Supplement. For persons in 24 hours custody, under preventive arrest, convicted to imprisonment or life imprisonment, as well as for the persons against whom an educative measure with deprivation of liberty was issued – dystrophic.
Nutritional norm no. 19	2.400	3.160	Cold meal for the underaged and young persons in 24 hours custody, under preventive arrest, convicted to imprisonment or life imprisonment, as well as for the persons against whom an educative measure with deprivation of liberty was issued – placed in pre-trial detention facilities, prisons, detention centres or educative centres.
Nutritional norm no. 20	2.000	2.725	Cold meal for the adults in 24 hours custody, under preventive arrest, convicted to imprisonment or life imprisonment, as well as for the persons against whom an educative measure with deprivation of liberty was issued – placed in pre-trial detention facilities, prisons, detention centres or educative centres.
Nutritional norm no. 22	920	1.190	For children 0 to 5 months accompanying their mothers in places of detention.
Nutritional norm no. 23	1.200	1.650	For children 6 to 12 months accompanying their mothers in places of detention.

For example, the regular nutritional norm 17 (for adult convicts) is detailed by the Order of the Ministry of Justice (*Ministerul Justiției*) no. 3147/C/2018 on the approval of rules of food ratios for the detainees held in penitentiary administration system<sup>112</sup> as follows:

Product	Minimum daily content (g/ml)		Maximum daily content (g/ml)	
	Summer	Winter	Summer	winter
Additives	10	10	15	15
Aromas, condiments, ingredients	6	7	5	5
Biscuits	20	20	20	20
Feta Cheese	20	20	40	
Pork meat (semi-fat)	40	40	70	70
Veal	20	20	40	40
Potatoes	400	400	500	500
Herbal tea	2	2	1	1
Onion	35	35	35	35
Vegetables preserved in water or tomato pulp	0	45	0	100
Beans	50	50	60	60
White wheat flour	5	5	4	4
Fresh fruit	50	50	50	50
Mixed marmalade	30	30	30	30
Fresh vegetables	300	0	400	0
Pickled vegetables	0	50	0	50
Margarine	10	10	15	15
Rice	20	20	25	25
Vinegar	2	2	1	1

<sup>112</sup> Romania, [Order of the Ministry of Justice no. 3147/C/2018 on the approval of rules of food ratios for the detainees held in penitentiary administration system](#) (Ordinul nr.3147/C/2018 privind aprobarea Normelor de acordare a repturilor de hrană pentru persoanele private de libertate din sistemul administrației penitenciare)

Semi-white wheat bread	350	350	400	400
Tomato paste	30	30	35	35
Simple wheat pasta	20	20	20	20
Meat products	10	20	30	30
Roots	50	50	100	100
Salt	10	10	10	10
Lard	0	10	10	10
Pork meat subproducts	10	20	20	20
Wheat bran	5	5	5	5
Edible oil	10	10	15	15
Garlic	3	4	4	4
Sauerkraut	0	100	0	150
Sugar	20	20	20	20

### b. Drinking water

According to the information provided by the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) upon request, all prisons are connected to the running water systems and detainees have continuous access to drinking water. The quality of the drinking water is periodically monitored, based on analysing water samples.

For police lock-ups, Article 13 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>113</sup> provides that the centres should be connected to the drinking water systems or have access to their own source of drinking water and detainees should have access to running water on a permanent basis.

### c. Dietary requirements

According to Article 113 of the of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>114</sup>), meals are provided in accordance with the religious and health related dietary restrictions.

<sup>113</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>114</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).



According to Article 48 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>115</sup>), the daily activities of pregnant women or women with babies under one year old are established by the prison doctor or the medical director, in prison hospitals. The Government's Ordinance no. 26/1994<sup>116</sup> provides for a diet of 2,500 to 3,175 calories per day for pregnant women, with supplements of 500 to 860 calories, or 600 to 1,255 depending on specific circumstances (advanced pregnancy, breastfeeding etc.).

According to Article 113 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>117</sup>), the diet for pregnant detainees, detainees who are breastfeeding and babies is decided by the prison doctors based on their specific needs.

Some of the nutritional standards provided for by the Government's Ordinance no.26/1994 are designed for certain categories of detainees based on their health conditions, but are defined only in terms of number of calories per day.<sup>118</sup> For prisons, they are further detailed by Order of the Ministry of Justice (*Ministerul Justiției*) no. 3147/C/2018 on the approval of rules of food ratios for the detainees held in penitentiary administration system. The necessary minimum and maximum quantities are provided, breakdown by seasons (summer/winter), as well as examples of menus and meal hours for certain categories such as the diabetics<sup>119</sup>. For police lock-ups, Article 14 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>120</sup> provides that the nutritional norms for detainees in prisons are applicable.

Standard	Caloric intake/person/day		Application
	minimum	maximum	
Nutritional norm no. 18	2.500	3.175	For sick persons and pregnant women
Nutritional norm no. 18 A	500	860	Supplement. For persons in 24 hours custody, under preventive arrest, convicted to imprisonment or life imprisonment, as well as for the persons against whom an educative measure with deprivation of liberty was issued – pregnant women months 5 to 9 included and women who gave birth and who are not breastfeeding (for 12 months after giving birth).

<sup>115</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>116</sup> Romania, [Government's Ordinance no. 26/1994 on the rights to food of the national defense, public order and national security personnel and of persons deprived of liberty, in times of peace](#) (*Ordonanța de Guvern nr. 26 din 22 iulie 1994 privind drepturile de hrană, în timp de pace, ale personalului din sectorul de apărare națională, ordine publică și securitate națională și ale persoanelor private de libertate*).

<sup>117</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>118</sup> Romania, [Government's Ordinance no. 26/1994 on the rights to food of the national defense, public order and national security personnel and of persons deprived of liberty, in times of peace](#) (*Ordonanța de Guvern nr. 26 din 22 iulie 1994 privind drepturile de hrană, în timp de pace, ale personalului din sectorul de apărare națională, ordine publică și securitate națională și ale persoanelor private de libertate*).

<sup>119</sup> Romania, [Order of the Ministry of Justice no. 3147/C/2018 on the approval of rules of food ratios for the detainees held in penitentiary administration system](#) (*Ordinul nr.3147/C/2018 privind aprobarea Normelor de acordare a repturilor de hrană pentru persoanele private de libertate din sistemul administrației penitenciare*)

<sup>120</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de rețineră și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de rețineră și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

Nutritional norm no. 18 B	600	1.255	Supplement. For persons in 24 hours custody, under preventive arrest, convicted to imprisonment or life imprisonment, as well as for the persons against whom an educative measure with deprivation of liberty was issued – women who gave birth and are breastfeeding their baby until 1 year old.
Nutritional norm no. 18 C	900	1.195	Supplement. For persons in 24 hours custody, under preventive arrest, convicted to imprisonment or life imprisonment, as well as for the persons against whom an educative measure with deprivation of liberty was issued – under insulin treatment before comatose state.
Nutritional norm no. 18 D	1.000	1.400	Supplement. For persons in 24 hours custody, under preventive arrest, convicted to imprisonment or life imprisonment, as well as for the persons against whom an educative measure with deprivation of liberty was issued – TB, HIV/AIDS.
Nutritional norm no. 18 E	600	825	Supplement. For persons in 24 hours custody, under preventive arrest, convicted to imprisonment or life imprisonment, as well as for the persons against whom an educative measure with deprivation of liberty was issued – dystrophic.
Nutritional norm no. 22	920	1.190	For children 0 to 5 months accompanying their mothers in places of detention.
Nutritional norm no. 23	1.200	1.650	For children 6 to 12 months accompanying their mothers in places of detention.

For example, the regular nutritional norm 18 (for sick persons and pregnant women) is detailed by the Order of the Ministry of Justice (*Ministerul Justiției*) no. 3147/C/2018 on the approval of rules of food ratios for the detainees held in penitentiary administration system<sup>121</sup> as follows:

Product	Minimum daily content (g/ml)		Maximum daily content (g/ml)	
	Summer	Winter	Summer	Winter
Additives (no salt)	10	10	10	10
Biscuits	30	30	50	50
Feta Cheese	25	25	50	50
Pork meat (semi-fat)	50	60	100	100
Veal	30	30	50	50
Potatoes	400	400	500	500
Herbal tea	2	2	1	1

<sup>121</sup> Romania, [Order of the Ministry of Justice no. 3147/C/2018 on the approval of rules of food ratios for the detainees held in penitentiary administration system](#) (*Ordinul nr.3147/C/2018 privind aprobarea Normelor de acordare a repturilor de hrană pentru persoanele private de libertate din sistemul administrației penitenciare*)

Onion	35	35	50	50
Vegetables preserved in water or tomato pulp	0	80	0	100
White wheat flour	5	5	5	5
Fresh fruit	100	100	100	100
Semolina	15	15	15	15
Mixed marmalade	30	30	30	30
Cow milk	200	200	200	200
Fresh vegetables	300	0	400	0
Margarine	15	20	20	20
Rice	25	25	30	30
Eggs	1	1	1	1
Vinegar	1	1	1	1
Semi-white wheat bread	350	350	400	400
Tomato paste	30	30	35	35
Simple wheat pasta	20	20	30	50
Meat products	20	30	50	60
Roots	20	50	50	110
Wheat bran	5	5	5	5
Edible salt	5	5	5	5
Edible oil	10	10	15	15
Sugar	20	20	20	20

#### d. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

- [2021 reports for visits in prisons](#)<sup>122</sup>
- [2021 reports for visits in police lock-ups](#)<sup>123</sup>
- [2022 reports for visits in prisons](#)<sup>124</sup>
- [2022 reports for visits in police lock-ups](#)<sup>125</sup>
- [2023 reports for visits in prisons](#)<sup>126</sup>
- [2023 reports for visits in police lock-ups](#)<sup>127</sup>
- [2024 reports for visits in prisons](#)<sup>128</sup>
- [2024 reports for visits in police lock-ups](#)<sup>129</sup>

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>130</sup>, [2022](#)<sup>131</sup> and [2023](#)<sup>132</sup>.

As regards prisons, only the 2023 annual NPM report mention a deficiency in respect of food:

*“● the food was not individually distributed, to each person deprived of liberty in accordance to the nutritional norm she/he was allocated to; it was not distributed in proper containers, under conditions which would prevent the alteration of nutritious, organoleptic and physical and chemical properties as well as microbial contamination (hrana nu era distribuită individual, fiecărei persoane private de libertate, în funcție de norma de hrană la care aceasta era alocată; nu era distribuită în recipiente corespunzătoare în condiții care să prevină modificarea proprietăților nutritive, organoleptice și fizico-chimice precum și contaminarea microbiană).” (2023 annual report)*

In respect of police-lock-ups, only the annual 2022 NPM report mentions an issue related to nutrition:

*“● During the monitoring visits, the NPM found that the persons newly introduced in the detention and preventive arrest centres were not receiving their first meal immediately, but even after 48 hours. In this regard, the NPM recommended to the visited units to draft a procedure/to modify the procedures (if they exist) or to modify the protocol for providing food to newly introduced detainees (such is the case with the one between the Bucharest Police and Rahova Prison, based on which the food was brought from the prison to the No.3 Detention and Preventive Arrest Centre Bucharest, visited by the NPM), to the aim that the first meal is provided immediately (În cursul vizitelor de monitorizare, MNP a constatat că persoanele nou depuse în centrele de reținere și arestare preventivă nu beneficiau de prima hrană imediat, ci chiar și după 48 de ore de la depunere. Cu privire la acest aspect, MNP a recomandat unităților vizitate elaborarea unei proceduri/modificarea procedurii (dacă aceasta exista) sau, după caz, modificarea convenției de furnizare a hranei privind alocarea la hrană a persoanelor private de libertate nou introduse (cum este cazul celei încheiate de Poliția Capitalei cu Penitenciarul Rahova, în baza căreia era furnizată hrana de la penitenciar către Centrul de Reținere și Arestare Preventivă nr. 3 București, vizitat de MNP), astfel încât acestea să beneficieze de prima masă care se*

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<sup>122</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>123</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>124</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>125</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>126</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>127</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>128</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>129</sup> Romania, NMP [2024 reports for visits in police lock-ups](#)

<sup>130</sup> Romania, NMP [2021 annual report](#)

<sup>131</sup> Romania, NMP [2022 annual report](#)

<sup>132</sup> Romania, NPM [2023 annual report](#)

*distribuie în centrul de reținere și arestare preventivă de la momentul introducerii acestora în centru).”*  
(2022 annual report)

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>133</sup> had findings in respect of food in both pre-trial facilities and in prisons and concluded:

“41. Each centre possessed a kitchen equipped with a refrigerator, microwave oven and cooking hot plate, which was used to heat meals coming from the prisons or from the local police canteen on a daily basis and for the storage of food purchased by detainees or received from their respective families. Nevertheless, the CPT’s delegation again received numerous complaints, in particular from persons held at Bucharest Nos. 1 and 2 and Giurgiu centres, about the quality and quantity of food provided by the prisons (notably, concerning a lack of vegetables and fruit).

[...]

43. In the light of the above remarks, **the CPT calls on the Romanian authorities to take the requisite measures to ensure that police detention and preventive arrest centres:**

[...]

**- offer an adequately nutritious diet, which includes fresh vegetables and fruit.**

[...]

81. The CPT notes that the budget for food [in prisons] was substantially increased from 3.76 Lei in 2018 to 5.94 Lei (per adult per day) at the time of the visit. Nevertheless, many persons complained about the quality and the quantity of the food served, and most persons stated that they relied upon parcels of food (including vegetable and fruit) from home.

In its 30th General Report, the CPT insisted that a wide variety of foods should be made available in the right proportions to enable prisoners to maintain an adequately nutritious, sufficiently calorific and well-balanced diet, as well as access to plenty of fluids. **The Committee encourages the Romanian authorities to ensure that persons in prisons are offered food of both a sufficient quantity and an adequate nutritional value.**<sup>134</sup>

The two NPM members consulted indicated that there are no specific issues with nutrition, either in police lock-ups (where food is brought by contractor or from prison, such is the case in Bucharest) not in prisons. The historic problem with the quality of the drinking water in Bucharest Jilava Prison has been also resolved.<sup>135</sup>

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<sup>133</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

<sup>134</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021. Bolded in original text.

<sup>135</sup> NPM representatives interviewed on 14 May 2024.

## 5. Time spent outside the cell and outdoors

### a. Time spent outdoors

The standard for time spent outside the cells (outdoors) is provided for in the Government Decision no. 157/2016<sup>136</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>137</sup>). For prisons, it varies depending on the different regimes, as follows:

- For maximum security – 1 hour/day outdoors exercise for detainees who work and 2 hours/day outdoors for detainees who do not work; detainees who do not work should spend 3 hours in various activities (including outdoor exercise) outside the cell.
- For closed regime – 1 hour/day outdoors exercise for detainees who work and 3 hours/day outdoors for detainees who do not work; detainees who do not work should spend 4 hours in various activities (including outdoor exercise) outside the cell;
- For semi-open regime– the detainees can freely circulate outside the cells during the day;
- For open regime – the detainees can freely circulate outside the cells during the day;
- For pre-trial detainees, the time outside is the same as for those in the closed regime.

As regards the pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*), according to Article 122, each person has the right to a minimum of one hour of daily outside walk, in specially designed walking courts.

### b. Time spent indoors

There are no specific national standards on time spent indoor by the detainees, the time spent indoor outside the detention cell being included in the time spent outdoors.

The Government Decision no. 157/2016<sup>138</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>139</sup>) only mentions general measures that detainees should be included in recreational, educational, therapeutic, religious activities. The maximum security and closed regime detainees should be included in such activities in accordance to an individual intervention plan. There are no further national standards for activities outside the cells.

According to the information provided by the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) following a request for information on this topic, each detainee is offered various activities and opportunities which maximise the time spent outside the cell: the possibility to shop, the access to the sports facilities of the prison unit, consultation of their legal documents via info-points based within each section, visits and online communications.

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<sup>136</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no. 254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>137</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>138</sup> Romania, [Government Decision no.157/2016 on approving the implementing regulation of Law no.254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>139</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

### c. Recreational facilities

There are no general national standards on providing facilities for sport and other recreational and/or educational facilities to be available to detainees. The Government Decision no. 157/2016<sup>140</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>141</sup>) only mentions general measures that detainees should be included in (recreational, educational, therapeutic, religious activities). The maximum security and closed regime detainees should be included in such activities in accordance with an individual intervention plan).

According to the information provided by the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) following a request for information on this topic, each prison should make available adequate conditions for practicing individual or collective sport games and activities, including dedicated areas. The sport activities should take place under a monitor or a person designated to this aim and the time used for sport activities is included in the time for educational and social and psychological assistance activities. Once in every three months one sport competition is organized in each prison.

In police lock-ups, Article 15 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>142</sup> provides that where possible, a room for recreational activities should be set up.

### d. Educational activities

There are no general national standards on providing facilities for sport and other recreational and/or educational facilities to be available to detainees. The Government Decision no. 157/2016<sup>143</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>144</sup>) only mentions general measures that detainees should be included in recreational, educational, therapeutic, religious activities. The maximum security and closed regime detainees should be included in such activities in accordance with an individual intervention plan).

According to the information provided by the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) following a request for information on this topic, in prisons educational activities are organized in the following fields: school instruction, vocational training, education and culture, physical education and sport, psychological assistance, social assistance.

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<sup>140</sup> Romania, [Government Decision no.157/2016 on approving the implementing regulation of Law no.254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>141</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>142</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>143</sup> Romania, [Government Decision no.157/2016 on approving the implementing regulation of Law no.254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>144</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).



According to Article 196 of the Government Decision no. 157/2016<sup>145</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>146</sup>, there is one library in each prison, with book, magazines and newspapers, free of charge. Detainees can also buy such educational materials.

In police lock-ups, Article 15 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>147</sup> in each centre there is one library with books, magazines and folders with laws and regulations, to which detainees have access daily according to a schedule.

#### e. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

- [2021 reports for visits in prisons](#)<sup>148</sup>
- [2021 reports for visits in police lock-ups](#)<sup>149</sup>
- [2022 reports for visits in prisons](#)<sup>150</sup>
- [2022 reports for visits in police lock-ups](#)<sup>151</sup>
- [2023 reports for visits in prisons](#)<sup>152</sup>
- [2023 reports for visits in police lock-ups](#)<sup>153</sup>
- [2024 reports for visits in prisons](#)<sup>154</sup>

[2024 reports for visits in police lock-ups](#)<sup>155</sup>.

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>156</sup>, [2022](#)<sup>157</sup> and [2023](#)<sup>158</sup>.

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<sup>145</sup> Romania, [Government Decision no.157/2016 on approving the implementing regulation of Law no.254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>146</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>147</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>148</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>149</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>150</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>151</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>152</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>153</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>154</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>155</sup> Romania, NPM [2024 reports for visits in police lock-ups](#)

<sup>156</sup> Romania, NPM [2021 annual report](#)

<sup>157</sup> Romania, NPM [2022 annual report](#)

<sup>158</sup> Romania, NPM [2023 annual report](#)



In its 2021 annual report the NPM highlight a general problem in respect of personnel in all visited facilities, which reflect on the activities with detainee:

*“● This year as well, the insufficient personnel compared to the real needs of the monitored units represented the main deficiency found by the NPM monitoring teams. For example, in Slobozia Prison, there are 279 staff positions, out of which, on the day of the visit, 94 were not occupied (29 for officers and 65 for agents); also, the social assistance was provided by only one qualified person. Having in mind this aspect and the fact that on the day of the visit there were 361 detainees, there was need for the opening for an additional position for a social assistant, to the aim that a high as possible number of detainees receive specialized counselling and support, as well as social and educational activities, to increase the potential of psycho-social reintegration after release (the NMP issued a recommendation in this respect) (Numărul redus de personal față de nevoile reale ale unităților monitorizate a reprezentat și în acest an principala deficiență constatată de echipele MNP. De exemplu, în Penitenciarul Slobozia, în organigrama unității penitenciare era prevăzut un număr de 279 de posturi din care, la data vizitei, 94 de posturi erau vacante (29 pentru ofițeri și 65 pentru agenți); de asemenea, activitatea de asistență socială era asigurată de un singur asistent social care deținea aviz de exercitare a profesiei și treapta de competență profesională corespunzătoare activității pe care o desfășura (principal). Având în vedere acest aspect, coroborat cu faptul că la data vizitei efectivul penitenciarului era de 361 persoane custodiate, se impunea suplimentarea organigramei cu cel puțin un post de asistent social, pentru ca un număr cât mai mare de persoane private de libertate să poată beneficia de consiliere specializată și sprijin, precum și de programe sociale și educative, în scopul creșterii premiselor de reintegrare psihosocială, după executarea pedepsei (MNP a formulat o recomandare în acest sens).” (2021 annual report)*

Further, for prisons, the annual NPM reports mention, among deficiencies related to time outside the cell, that:

*“● there are no spaces specific for sport activities for detainees (nu existau spații destinate desfășurării activităților sportive, de către persoanele private de libertate custodiate); (2021 annual report).*

*● there were no specific activities for social reintegration, to the aim of ensuring the detainees with a favourable environment, to reduce educational, psychological, and social vulnerability and to facilities social reintegration (lipseau activități specifice domeniului reintegrării sociale, astfel încât să se asigure persoanelor private de libertate un climat favorabil, care să reducă vulnerabilitatea educațională, psihologică și socială și să faciliteze reintegrarea social);” (2021 annual report).*

*“● there were no spaces designated for cultural and educational, social and psychological assistance activities, in order to guarantee the access of detainees to such activities (lipseau spațiile destinate activităților cultural-educative, de asistență socială și asistență psihologică, astfel încât să fie garantat accesul persoanelor private de libertate la astfel de activități); (2022 annual report)*

*● the walking courts were not equipped in accordance with the legal provisions, in order for the detainees to adequately exercise their right to air (curțile de plimbare nu erau dotate conform prevederilor legale, astfel încât persoanele private de libertate să poată să-și exercite dreptul la plimbare în mod corespunzător); (2022 annual report)*

*● The Târgu Ocna Educational Centre in Bacău county had no sport field, the outdoors sports activities being organized in the interior court of the centre; sometimes, according to the information provided by the personnel, based on a request, the minors/young detainees used the sport field of the Târgu Ocna National School for Training of Prison Agents, located next to the centre; during the interviews, several persons declared they have not had access to sport material and articles, and that there was*

only one football in the while centre (there is one sport hall indoors, but this is equipped with one tennis table and one espalier for gymnastics) Centrul Educativ Târgu Ocna, județul Bacău, nu avea amenajat un teren de sport, activitățile sportive de exterior fiind desfășurate în curtea interioară a centrului; uneori, potrivit informațiilor oferite de personalul centrului, în baza unei solicitări, minorii/tinerii deținuți foloseau terenul de sport al Școlii Naționale de Pregătire a Agenților de Penitenciare Târgu Ocna, situată lângă centru; în timpul interviurilor, mai multe persoane private de libertate au declarat că nu au acces la materiale și articole sportive, existând doar o singură minge de fotbal disponibilă în tot centrul (exista o sală de sport în interior, dar aceasta era dotată doar cu o masă de tenis și un spalier pentru gimnastică); (2022 annual report)

“● absence of info-kiosks for the detainees (at the exterior section Chilia Veche – Tulcea Prison, for example, during the fist NPM visit in 2021, the management claimed it could not expand the computer network, but this should be correct by the end of 2021; during the 2022 visits, the NMP found the recommendation was not implemented, which happened in 2022 after the visit, according to the communicated response (lipsa unor puncte de informare (info-chioșcuri) pentru persoanele private de libertate (la Secția Exterioară Chilia Veche - Penitenciarul Tulcea, de exemplu, motivul invocat de către conducere în cadrul primei vizite MNP efectuate în unitate, în anul 2021, a fost imposibilitatea de extindere a rețelei de calculatoare, conducerea precizând că vor fi întreprinse demersuri pentru instalarea acestora, până la finalul anului 2021; cu ocazia vizitei efectuate în anul 2022, MNP a constatat neimplementarea recomandării, aceasta fiind pusă în aplicare, conform răspunsului comunicat, abia în cursul anului 2022, ulterior vizitei MNP)”. (2022 annual report)

“● the ares for educational activities and psychological and social assistance activities with the detainees were insufficient and with minimum inventory compared with the present needs (spațiile destinate desfășurării activităților de educație și asistență psihosocială cu deținuții erau insuficiente și dotate la un nivel mimim raportat la cerințele actuale)”. (2023 annual report)

In respect of police-lock-ups, the annual NPM reports mention the following deficiencies:

“● the walking courts had no resting benches or equipment for physical activities (curțile de plimbare nu erau dotate cu bănci de odihnă și aparate pentru efectuarea exercițiilor fizice); (2022 annual report)

● the pshycological assistance was not continuous, that is when the psychologist was absent it was not substituted and the psychological assistance was not provided in accordance with the legal framework; the detainees’ request for psychological assistance were answered after the legal dead-line of 72 hours (asistența psihologică nu se asigura cu continuitate, respectiv în cazurile în care psihologul era absent, acesta nu era înlocuit, astfel încât serviciile psihologice să fie acordate respectându-se cadrul legal existent; răspunsul la solicitările persoanelor private de libertate, de acordare a asistenței psihologice, depășea termenul legal prevăzut de 72 de ore”. (2022 annual report)

“● not all minors detained in the centre received psychological assistance (nu era acordată asistența psihologică tuturor persoanelor minore custodiate în centru); (2023 annual report)

● the walking court was not equipped in accordance to the legal provisions, so that the detainees can exercise their outdoor activities right adequately (curtea de plimbare nu era dotată conform prevederilor legale, astfel încât persoanele private de libertate să poată să-și exercite dreptul la plimbare în mod corespunzător)”. (2023 annual report)

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14

April 2022<sup>159</sup> had findings in respect of outside activities in both pre-trial facilities and in prisons and concluded:

“38. The regime in force at arrest detention centres is regulated by Article 122 of Law No. 254/2013 on the enforcement of custodial measures and generally should consist of a minimum of one hour of outdoor exercise per day in a courtyard containing exercise equipment and the possibility to access a library, to perform a working activity in the maintenance of the facility and to attend vocational, recreational and cultural activities. In practice, the regime on offer at all the DPACs visited was as impoverished as that encountered during the 2018 visit. It consisted merely of access to a courtyard for one hour or less a day, with detained persons spending the remaining 23 hours of the day in their cells watching television (if they had one) or listening to the radio and reading (most centres had a small library). Further, there was no possibility for detained persons to attend any type of cultural, recreational and vocational activity during their detention. [...]

Exercise in the open air lasted in general for only one hour per day and took place in yards which were usually small (ranging from 15 m<sup>2</sup> to 21 m<sup>2</sup> at Bucharest No.1 and Craiova centres), austere and oppressive (surrounded by walls and enclosed by one or more layers of low-level metal grilles overhead) and were partially covered by a plexiglas roof panel. The courtyards were generally equipped with exercise bars, 36 but several lacked any means of rest (Bucharest No.2, Craiova, Giurgiu). In summary, apart from at the Câmpina and Târgoviște centres, the yards in the other centres visited were not appropriate for daily exercise and access to fresh air. [...]

**The CPT calls upon the Romanian authorities to devise and implement a comprehensive regime of out-of-cell activities at all arrest detention centres nationwide. The aim should be to ensure that remand prisoners are able to spend a reasonable part of the day, eight hours or more, outside their cells, engaged in purposeful activity of a varied nature (work, preferably with vocational value, education, sport, recreation/association). To this end, communal rooms should be created at the level of each arrest detention facility where detained persons can spend an amount of time daily in purposeful activities organised by competent staff.**

**Further, all detained persons, without exception, must be offered at least one hour of outdoor exercise a day in suitable facilities of an adequate size (i.e. sufficient to exert themselves physically) and possessing means of rest, exercise equipment and permitting a view of the sky (the low-lying metal overhead mesh grilles should be removed from the exercise yards). [...]**

[...]

85. In the course of the 2021 visit, the CPT’s delegation examined again the activities on offer to persons in prison, the evaluation of participation in an activity to the progression in regime status and the link to the individualised sentence plan. To begin with, despite the elaboration of a sentence plan based upon 207 questions, the actual plan consisted of only a one-page summary of the main lines of action and the plan did not include an input from the prisoner concerned. Second, the offer of activities and means available were far too sparse to meet the real needs. For example, at Giurgiu Prison, there were only 36 places in the school for a prison population of over 1,500 and the “club” rooms on the wings were equipped with desks and chairs suitable for children rather than adults. Further, the activities proposed did not seem to be oriented to any identified need to assist persons with their preparation to reintegrate into the community. Both prisoners and staff told the delegation that participation in activities was motivated by a desire to earn some points which were necessary to

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<sup>159</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

cancel out a disciplinary sanction and to earn an additional visit and, more generally, to progress to a better regime. In addition to the activities having no value for the prisoners, the points system was considered as unjust. For example, a prisoner was docked 75 points for a disciplinary offence but in more than four years could only earn 50 points from various activities.

The CPT considers that the points system is undermining the work of the socio-educative teams in prisons and that it does not treat persons in prison as responsible adults. Progression in prison should be based upon genuine participation in activities which have a beneficial impact on a person's preparation for reintegration into the community. Further, the imposition of negative points for a disciplinary offence acts as a double punishment and undermines a prisoner's motivation for self-improvement.

**The CPT recommends that the Romanian authorities replace the points system with a more qualitative assessment of the activities undertaken by the socio-educative team in each prison. Such an approach should be accompanied by an increase in the offer of purposeful activities that persons in prison can undertake.**

[...]

88. The regime offered to persons on remand remains very poor with pre-trial detained persons in the prisons visited locked in their cells for 22 or more hours a day for months on end with hardly any access to purposeful activities. While it is positive that Article 122 (2) 2 of the Law 254/2013 is now implemented in practice, much more needs to be done to ensure that persons on remand can access work and other purposeful activities. For example, only 5 out of 126 persons at Galați Prison and only 16 out of 141 persons at Craiova Prison worked. Otherwise, remand prisoners were only offered access to outdoor exercise for one to two hours per day and a few hours of educational classes every month. Having in mind the extreme overcrowding described above whereby remand prisoners were, at times, held in only 2m<sup>2</sup> of living space per person, the need for more out-of-cell time was essential.

The CPT considers that it is not acceptable to lock up persons in their cells for 22 hours or more a day and to leave them without any structured activity. As stated in the report on the 2018 visit, the aim should be for persons on remand to be able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells, engaged in purposeful activity of a varied nature (work, preferably with vocational value, education, sport, recreation/association). The longer the period of remand detention, the more varied the regime should be.

**The CPT reiterates its recommendation that the Romanian authorities take steps to offer a comprehensive regime of out-of-cell activities for remand persons (the aim should be for prisoners to spend eight hours out of their cells every day). An immediate step would be to offer, daily, at least two hours of outdoor exercise in appropriate yards as well as one hour of structured activity.**

89. As indicated above, the applicable regime for sentenced persons depends on their classification. In the four prisons visited, they were offered access daily to outdoor exercise for one to three hours, and occasionally gym or sport activities with an instructor for one hour. Sentenced persons were offered a few social courses (improving relations with the family and children; preparation for release) usually lasting an hour as well as a weekly educational programme (geography, history, literature, politics, etc.) with a quiz allowing them to earn credits. Each prison also had a psychological service that offered various behavioural courses (such as addressing addiction, aggression, violence and personal choices) to a limited number of persons (due to staff shortages) which were usually taking place on a weekly basis in individual sessions or in small groups.

[...]

**91. The CPT recommends that the Romanian authorities increase their efforts to offer purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association) which are essential for preparing persons in prison for reintegration into the community as well as contributing to developing a more secure environment within prison. The aim should be for prisoners to spend eight hours out of their cells every day.**<sup>160</sup>

The two NPM members consulted indicated that time outside the cells is limited to outdoors daily time in the yards and physical exercises, using the telephones and, in the police lock-ups, the time spent in the libraries. The access to the activities is limited by the insufficient specialized personnel.<sup>161</sup>

## 6. Solitary confinement

### a. Placement in solitary confinement

Solitary confinement is the most serious disciplinary sanction regulated by Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>162</sup> and is detailed by the Government Decision no. 157/2016<sup>163</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>164</sup>). It can be applied for up to 10 days. There are no provisions that expressly allow the 10 days limit to be extended, either due to cumulative sanctions or for any other reasons, in the Law no.254/2013 or in its implementing regulation.

Article 221 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>165</sup>) mentions that solitary confinement cannot be executed in rooms without access to light or ventilation. Article 225 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>166</sup>) mentions that the solitary confinement cells must have access to natural light, ventilation, heating, water and other sanitary facilities. Article 226 of the Implementing Regulation provides that the detainees in solitary confinement should spend at least one hour per day outdoors, in areas separate from the rest of the prison population.

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<sup>160</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021. Bolded in original text.

<sup>161</sup> NPM representatives interviewed on 14 May 2024.

<sup>162</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>163</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no.254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>164</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>165</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>166</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

According to Article 142 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>167</sup>), pregnant women and those who gave birth and are taking care of their baby in prison cannot be punished with solitary confinement.

#### b. Monitoring of detainees

Article 225 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>168</sup>) mentions that the health of persons in solitary confinement is checked by the prison doctor daily. If the doctors finds that the detainee is not fit for solitary confinement, he or she can recommend the termination of the sanction. There are no provisions for video-surveillance of detainees in isolation.

#### c. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

- [2021 reports for visits in prisons](#)<sup>169</sup>
- [2021 reports for visits in police lock-ups](#)<sup>170</sup>
- [2022 reports for visits in prisons](#)<sup>171</sup>
- [2022 reports for visits in police lock-ups](#)<sup>172</sup>
- [2023 reports for visits in prisons](#)<sup>173</sup>
- [2023 reports for visits in police lock-ups](#)<sup>174</sup>
- [2024 reports for visits in prisons](#)<sup>175</sup>

#### [2024 reports for visits in police lock-ups](#)<sup>176</sup>

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>177</sup>, [2022](#)<sup>178</sup> and [2023](#)<sup>179</sup>. None of these annual reports include any recommendations regarding solitary confinement, in prisons or police lock-ups.

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>180</sup> has no findings in respect of solitary confinement.

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<sup>167</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>168</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>169</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>170</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>171</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>172</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>173</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>174</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>175</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>176</sup> Romania, NPM [2024 reports for visits in police lock-ups](#)

<sup>177</sup> Romania, NPM [2021 annual report](#)

<sup>178</sup> Romania, NPM [2022 annual report](#)

<sup>179</sup> Romania, NPM [2023 annual report](#)

<sup>180</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

The two NPM members consulted have not provided any specific input on solitary confinement, considering it does not raise any issues. Also, they indicated they have not met any person in solitary confinement during their monitoring visits.<sup>181</sup>

## 7. Work and education of detainees to promote social reintegration

### a. General measures to promote social reintegration

In respect of police lock-ups, there are no standards as regards social reintegration, given their purpose.

The Government Decision no. 157/2016<sup>182</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>183</sup>) mentions general measures that detainees should be included in recreational, educational, therapeutical, religious activities. The maximum security and closed regime detainees should be included in such activities in accordance with an individual intervention plan).

According to the information provided by the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) on a request for information on this topic once a detainee enters the penitentiary system it is evaluated from three perspectives: education, psychological assistance and social assistance and an individualized plan for evaluation and educational and therapeutical intervention is drafted. In this plan all activities and programmes for education, psychological assistance and social assistance are included, for the entire duration of the sentence. The plan, which includes the consent of the prison administration and of the detainee, is updated whenever it is needed. There is also a standard offer for activities and programmes for education, psychological assistance and social assistance which is communicated to the detainee since admission and also displayed in visible places inside the prison.

In order to provide as many activities as possible, the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) has protocols with various non-governmental organization and public institutions in the following fields: human rights, religious assistance, moral or financial support during detention or after release, vocational training, services for certain categories of detainees.

### b. Access to work

As regards prisons, the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>184</sup> regulates the right to work for convicted persons (Articles 78 and 83 to 88). The duration of work is based on general labour provisions and convicted persons can be involved in other activities only outside working hours (Article 89). Work can be paid, including outside the prisons, or not-paid, within and for the prison facilities.

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<sup>181</sup> NPM representatives interviewed on 14 May 2024.

<sup>182</sup> Romania, [Government Decision no.157/2016 on approving the implementing regulation of Law no.254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>183</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>184</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

Article 112 of the same law provides that persons in pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*) can only work without payment for the pre-trial detention facilities and with the approval of the prosecutor. Maximum security detainees can only work inside the prisons.

#### c. Access to education

The Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>185</sup> regulates the right to education for convicted persons (Articles 79 and 90 to 92). School education, university education and vocational training are available for the detainees in the prison system, based on protocols with the Ministry of Education (*Ministerul Educației*). University education (at distance or without presence) is available only for open regime detainees.

#### d. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

- [2021 reports for visits in prisons](#)<sup>186</sup>
- [2021 reports for visits in police lock-ups](#)<sup>187</sup>
- [2022 reports for visits in prisons](#)<sup>188</sup>
- [2022 reports for visits in police lock-ups](#)<sup>189</sup>
- [2023 reports for visits in prisons](#)<sup>190</sup>
- [2023 reports for visits in police lock-ups](#)<sup>191</sup>
- [2024 reports for visits in prisons](#)<sup>192</sup>

[2024 reports for visits in police lock-ups](#)<sup>193</sup>

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>194</sup>, [2022](#)<sup>195</sup> and [2023](#)<sup>196</sup>.

In its 2021 annual report the NPM highlight a general problem in respect of personnel in all visited facilities, which reflect on the activities with detainees:

“● *This year as well, the insufficient personnel compared to the real needs of the monitored units represented the main deficiency found by the NPM monitoring teams. For example, in Slobozia Prison,*

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<sup>185</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>186</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>187</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>188</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>189</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>190</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>191</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>192</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>193</sup> Romania, NPM [2024 reports for visits in police lock-ups](#)

<sup>194</sup> Romania, NPM [2021 annual report](#)

<sup>195</sup> Romania, NPM [2022 annual report](#)

<sup>196</sup> Romania, NPM [2023 annual report](#)



there are 279 staff positions, out of which, on the day of the visit, 94 were not occupied (29 for officers and 65 for agents); also, the social assistance was provided by only one qualified person. Having in mind this aspect and the fact that on the day of the visit there were 361 detainees, there was need for the opening for an additional position for a social assistant, to the aim that a high as possible number of detainees receive specialized counselling and support, as well as social and educational activities, to increase the potential of psycho-social reintegration after release (the NMP issued a recommendation in this respect) (Numărul redus de personal față de nevoile reale ale unităților monitorizate a reprezentat și în acest an principala deficiență constatată de echipele MNP. De exemplu, în Penitenciarul Slobozia, în organigrama unității penitenciare era prevăzut un număr de 279 de posturi din care, la data vizitei, 94 de posturi erau vacante (29 pentru ofițeri și 65 pentru agenți); de asemenea, activitatea de asistență socială era asigurată de un singur asistent social care deținea aviz de exercitare a profesiei și treapta de competență profesională corespunzătoare activității pe care o desfășura (principal). Având în vedere acest aspect, coroborat cu faptul că la data vizitei efectivul penitenciarului era de 361 persoane custodiate, se impunea suplimentarea organigramei cu cel puțin un post de asistent social, pentru ca un număr cât mai mare de persoane private de libertate să poată beneficia de consiliere specializată și sprijin, precum și de programe sociale și educative, în scopul creșterii premiselor de reintegrare psihosocială, după executarea pedepsei (MNP a formulat o recomandare în acest sens).”(2021 annual report)

Further, for prisons, the annual NPM reports mention, among deficiencies related to activities, that:

“● there are no spaces specific for sport activities for detainees (nu existau spații destinate desfășurării activităților sportive, de către persoanele private de libertate custodiate); (2021 annual report).

● there were no specific activities for social reintegration, to the aim of ensuring the detainees with a favourable environment, to reduce educational, psychological, and social vulnerability and to facilities social reintegration (lipseau activități specifice domeniului reintegrării sociale, astfel încât să se asigure persoanelor private de libertate un climat favorabil, care să reducă vulnerabilitatea educațională, psihologică și socială și să faciliteze reintegrarea social;)” (2021 annual report).

“● there were no spaces designated for cultural and educational, social and psychological assistance activities, in order to guarantee the access of detainees to such activities (lipseau spațiile destinate activităților cultural-educative, de asistență socială și asistență psihologică, astfel încât să fie garantat accesul persoanelor private de libertate la astfel de activități)”. (2022 annual report)

“● there was no psychological cabinet (nu era amenajat un cabinet de asistență psihologică); (2023 annual report)

● the areas for educational activities and psychological and social assistance activities with the detainees were insufficient and with minimum inventory compared with the present needs (spațiile destinate desfășurării activităților de educație și asistență psihosocială cu deținuții erau insuficiente și dotate la un nivel minim raportat la cerințele actuale)”. (2023 annual report)

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>197</sup> had findings in respect of work and activities in both pre-trial facilities and in prisons and concluded:

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<sup>197</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

“38. The regime in force at arrest detention centres is regulated by Article 122 of Law No. 254/2013 on the enforcement of custodial measures and generally should consist of [...] the possibility to access a library, to perform a working activity in the maintenance of the facility and to attend vocational, recreational and cultural activities. In practice, the regime on offer at all the DPACs visited was as impoverished as that encountered during the 2018 visit. [...] Further, there was no possibility for detained persons to attend any type of cultural, recreational and vocational activity during their detention. A few detained persons were involved in unremunerated work which consisted in the cleaning and maintenance of common areas in exchange for some benefits (such as prolonged visiting entitlements).

[...]

**The CPT calls upon the Romanian authorities to devise and implement a comprehensive regime of out-of-cell activities at all arrest detention centres nationwide. The aim should be to ensure that remand prisoners are able to spend a reasonable part of the day, eight hours or more, outside their cells, engaged in purposeful activity of a varied nature (work, preferably with vocational value, education, sport, recreation/association). To this end, communal rooms should be created at the level of each arrest detention facility where detained persons can spend an amount of time daily in purposeful activities organised by competent staff.**

[...]

85. In the course of the 2021 visit, the CPT’s delegation examined again the activities on offer to persons in prison, the evaluation of participation in an activity to the progression in regime status and the link to the individualised sentence plan. To begin with, despite the elaboration of a sentence plan based upon 207 questions, the actual plan consisted of only a one-page summary of the main lines of action and the plan did not include an input from the prisoner concerned. Second, the offer of activities and means available were far too sparse to meet the real needs. For example, at Giurgiu Prison, there were only 36 places in the school for a prison population of over 1,500 and the “club” rooms on the wings were equipped with desks and chairs suitable for children rather than adults. Further, the activities proposed did not seem to be oriented to any identified need to assist persons with their preparation to reintegrate into the community. Both prisoners and staff told the delegation that participation in activities was motivated by a desire to earn some points which were necessary to cancel out a disciplinary sanction and to earn an additional visit and, more generally, to progress to a better regime. In addition to the activities having no value for the prisoners, the points system was considered as unjust. For example, a prisoner was docked 75 points for a disciplinary offence but in more than four years could only earn 50 points from various activities.

[...]

88. The regime offered to persons on remand remains very poor with pre-trial detained persons in the prisons visited locked in their cells for 22 or more hours a day for months on end with hardly any access to purposeful activities. While it is positive that Article 122 (2) 2 of the Law 254/2013 is now implemented in practice, much more needs to be done to ensure that persons on remand can access work and other purposeful activities. For example, only 5 out of 126 persons at Galați Prison and only 16 out of 141 persons at Craiova Prison worked. Otherwise, remand prisoners were only offered access to outdoor exercise for one to two hours per day and a few hours of educational classes every month. Having in mind the extreme overcrowding described above whereby remand prisoners were, at times, held in only 2m<sup>2</sup> of living space per person, the need for more out-of-cell time was essential.

The CPT considers that it is not acceptable to lock up persons in their cells for 22 hours or more a day and to leave them without any structured activity. As stated in the report on the 2018 visit, the aim should be for persons on remand to be able to spend a reasonable part of the day (i.e. eight hours or more) outside their cells, engaged in purposeful activity of a varied nature (work, preferably with vocational value, education, sport, recreation/association). The longer the period of remand detention, the more varied the regime should be.

**The CPT reiterates its recommendation that the Romanian authorities take steps to offer a comprehensive regime of out-of-cell activities for remand persons (the aim should be for prisoners to spend eight hours out of their cells every day). An immediate step would be to offer, daily, at least two hours of outdoor exercise in appropriate yards as well as one hour of structured activity.**

89. As indicated above, the applicable regime for sentenced persons depends on their classification. In the four prisons visited, they were offered access daily to outdoor exercise for one to three hours, and occasionally gym or sport activities with an instructor for one hour. Sentenced persons were offered a few social courses (improving relations with the family and children; preparation for release) usually lasting an hour as well as a weekly educational programme (geography, history, literature, politics, etc.) with a quiz allowing them to earn credits. Each prison also had a psychological service that offered various behavioural courses (such as addressing addiction, aggression, violence and personal choices) to a limited number of persons (due to staff shortages) which were usually taking place on a weekly basis in individual sessions or in small groups.

90. At Craiova Prison, 95 persons were enrolled for the school year 2020/2021 and 51 had passed the first semester. Several educational, religious or artistic activities, usually lasting an hour per week, were also organised in small groups. Further, 95 sentenced persons (including 12 under RMS) worked in prison-related jobs (cleaning, kitchen and maintenance).

At Galați Prison, an increased attention was put on education with schooling provided by teachers from the community and the possibility to pass vocational baccalaureates. At the time of the visit, 14 persons were registered in primary school, 14 in second degree and 12 in high school<sup>83</sup> and 13 persons attended literacy classes in 2021. Further, the two sports instructors offered daily programmes to small groups of detained persons. In addition, 97 sentenced persons worked (including 5 under RMS).

At Giurgiu Prison, 202 persons worked (including 41 under RMS) in various jobs provided by the prison and 12 persons in the open regime for a private company, at the time of the visit. They were also offered social, educational and psychological activities in the form of individual sessions or in small group classes.

At Mărgineni Prison, 124 detained persons were enrolled in a job provided by the prison. As regards education, 33 persons were attending primary school classes. Vocational trainings (carpenter and builder) were also offered, and 13 detained persons had obtained a diploma in 2020. However, the lack of resources and inadequate staffing combined with the Covid-19 pandemic constraints reduced even further the level of activities on offer. For example, the number of persons allowed to participate in a classroom activity had to be divided by two or three and private companies almost stopped completely offering work opportunities.

**91. The CPT recommends that the Romanian authorities increase their efforts to offer purposeful activities of a varied nature (work, preferably with vocational value; education; sport; recreation/association) which are essential for preparing persons in prison for reintegration into the**

**community as well as contributing to developing a more secure environment within prison. The aim should be for prisoners to spend eight hours out of their cells every day.”<sup>198</sup>**

The two NPM members consulted indicated that both educational training (including certified vocational training) and work are available to detainees in an adequate manner. The access to the activities is limited by the insufficient specialized personnel.<sup>199</sup>

## 8. Healthcare (note – section 11 contains specific questions concerning female detainees)

### a. Access to healthcare

The right to medical care is provided by Article 71 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>200</sup> and it is specified by the Government Decision no. 157/2016<sup>201</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>202</sup>).

In police lock-ups, access to healthcare is detailed in Articles 136 to 168 of the of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>203</sup>. It is provided free of charge, and it includes emergency care, specialized treatment, treatment for chronic diseases and dental care.

According to Article 26 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>204</sup> approved by the Order of the Ministry of the Interior (*Ministerul Afacerilor Interne*) no. 14/2018, if after the initial examination it results that the arrestee needs further investigations or treatment it shall be referred to a medical unit for the investigations or commitment. Such unit can be part of the penitentiary system (Article 137) or other unit with contract with a health insurance fund.

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<sup>198</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021. Bolded in original text.

<sup>199</sup> NPM representatives interviewed on 14 May 2024.

<sup>200</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>201</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no. 254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>202</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>203</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>204</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

In respect of prisons, access to healthcare for detainees is detailed in the Joint Order of the Ministry of Justice (*Ministerul Justiției*) and the Ministry of Health (*Ministerul Sănătății*) no. 4858/C/3363/2022<sup>205</sup>, which replaced the Joint Order of the Ministry of Justice (*Ministerul Justiției*) and the Ministry of Health (*Ministerul Sănătății*) no. 429/C/125/2012.<sup>206</sup>

Healthcare is provided free of charge and, according to article 17 of the Joint Order of the Ministry of Justice (*Ministerul Justiției*) and the Ministry of Health (*Ministerul Sănătății*) no. 4858/C/3363/2022<sup>207</sup> in prisons it covers first necessary interventions in cases of emergencies and acute conditions, preventive medicine, curative care, palliative care, medical counselling, support activities and other specialized care activities. Healthcare is provided based on the framework contract with the National Health Insurance House (*Casa Națională de Asigurări de Sănătate*), by specialised personnel within the prison system, both in regular facilities and in six prison hospitals, as well as by outside doctors, when necessary. Telemedicine services are also available in accordance with the general legal framework regulating such services.

Access to dental healthcare within the prison system is specifically provided for by the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>208</sup>) and further detailed in Articles 45 to 48 of the Joint Order of the Ministry of Justice (*Ministerul Justiției*) and the Ministry of Health (*Ministerul Sănătății*) no. 4858/C/3363/2022.<sup>209</sup>

#### b. Availability of medical staff

According to Article 153 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>210</sup>), primary healthcare is provided by specialized medical doctors, of which at least one is a general practitioner doctor or a family doctor, and by a minimum number of nurses in order to provide continuous (24/7) healthcare.

In police lock-ups Article 136 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>211</sup> indicated that the medical care is provided by the

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<sup>205</sup> Romania, [Joint Order of the Ministry of Justice and the Ministry of Health no.4858/C/3363/2022 on providing healthcare to persons deprived of liberty in custody of the National Administration of Penitentiaries](#) (*Ordinul comun nr.4858/C/3363/2012 privind asigurarea asistenței medicale persoanelor private de libertate aflate în custodia Administrației Naționale a Penitenciarelor*).

<sup>206</sup> Romania, [Joint Order of the Ministry of Justice and the Ministry of Health no.429/C/125/2012](#) on providing healthcare to persons deprived of liberty in custody of the National Administration of Penitentiaries (*Ordinul comun nr.429/C/125/2012 privind asigurarea asistenței medicale persoanelor private de libertate aflate în custodia Administrației Naționale a Penitenciarelor*).

<sup>207</sup> Romania, [Joint Order of the Ministry of Justice and the Ministry of Health no.4858/C/3363/2022 on providing healthcare to persons deprived of liberty in custody of the National Administration of Penitentiaries](#) (*Ordinul comun nr.4858/C/3363/2012 privind asigurarea asistenței medicale persoanelor private de libertate aflate în custodia Administrației Naționale a Penitenciarelor*).

<sup>208</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>209</sup> Romania, [Joint Order of the Ministry of Justice and the Ministry of Health no.4858/C/3363/2022 on providing healthcare to persons deprived of liberty in custody of the National Administration of Penitentiaries](#) (*Ordinul comun nr.4858/C/3363/2012 privind asigurarea asistenței medicale persoanelor private de libertate aflate în custodia Administrației Naționale a Penitenciarelor*).

<sup>210</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>211</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

medical personnel of the Ministry of the Interior (*Ministerul Afacerilor Interne*) or other medical personnel. There is no specific provision of availability.

### c. Medical examination upon admission

According to Article 26 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>212</sup> approved by the Order of the Ministry of the Interior (*Ministerul Afacerilor Interne*) no. 14/2018, the person deprived of liberty has the obligation to undergo an initial medical examination upon entry in a police lock-up, in order to identify signs of violence, or any other issues which require medical attention or measures (such as addictions, mental disturbance, suicidal risks, existence of contagious diseases or parasites, medical history etc). If the medical staff of the police lock-up is not available, the medical examination shall be carried out in a civilian hospital. Article 137 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>213</sup> provides that all medical examinations (initial or upon request) must be carried out by observing confidentiality, as well as the dignity and the privacy of the person deprived of liberty, unless the doctor expressly requests additional supervision, for safety reasons.

According to Article 72 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, a medical examination is carried out upon entry in a prison and then periodically, during the incarceration.<sup>214</sup> If signs of violence are identified or the detainee claims s/he was subjected to violence, the medical doctor must note it down in the medical file. In such cases, the detainee has the right to a forensic examination on his/her own expense. In case s/he has no funds available, the costs are supported by the prison and later deducted from further earnings of the detainee.

According to Articles 100 and 101 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>215</sup>), as modified in 2023, after the initial summary medical examination, a medical evaluation of the detainee's state of health is carried out by the prison doctor in maximum 72 hours since admission. According to Article 106 of the same Implementing Regulation, the medical evaluation might be followed by investigations so that in maximum 21 days the detainee's state of health, medical needs, nutrition needs and capacity to works are established and noted in his or her medical record. The procedure for the initial medical evaluation is regulated by a decision of the Director of the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*).<sup>216</sup>

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<sup>212</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>213</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>214</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>215</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>216</sup> The decision could not be identified from public sources and was not indicated by the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) in its answer to a request of information.



According to Article 10 of the Joint Order of the Ministry of Justice (*Ministerul Justiției*) and the Ministry of Health (*Ministerul Sănătății*) no. 4858/C/3363/2022<sup>217</sup> the medical examination upon admission is applicable to all incoming detainees, either transferred from police lock-ups or other prisons, in transit or re-admitted after a legal or illegal absence (such as leave, suspension of execution of sentence or prison-breaking).

#### d. Preventive care

Articles 19 to 22 of the Joint Order of the Ministry of Justice (*Ministerul Justiției*) and the Ministry of Health (*Ministerul Sănătății*) no. 4858/C/3363/2022<sup>218</sup> provides for the preventive care in prisons. It includes an annual medical evaluation in the fourth trimester for all adult detainees, which covers a general clinical examination, anthropometrical examination, measuring blood pressure, and scheduling specialized examinations, laboratory test or screening tests.

Preventive care also includes vaccinations for infectious diseases or in national campaigns, upon medical recommendations.

There are no specific provisions on preventive care in police lock-ups.

#### e. Specialised care

Care for drug users deprived of liberty is provided as for drug users outside the prison system based on the Joint Order no. 1216/C/1310/543/2006 of the Ministry of Justice (*Ministerul Justiției*), the Ministry of the Interior (*Ministerul Afacerilor Interne*) and the Ministry of Health (*Ministerul Sănătății*)<sup>219</sup>. In addition, the Joint Order of the Ministry of Justice (*Ministerul Justiției*) and the Ministry of Health (*Ministerul Sănătății*) no. 4858/C/3363/2022<sup>220</sup> provides that drug users under substitution treatment should be transferred to prison hospital. In respect of police lock-ups, according to Article 26 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>221</sup> approved by the Order of the Ministry of the Interior (*Ministerul Afacerilor Interne*) no. 14/2018, if, upon admission in a centre a person declares she or he is under a substitution treatment,

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<sup>217</sup> Romania, [Joint Order of the Ministry of Justice and the Ministry of Health no.4858/C/3363/2022 on providing healthcare to persons deprived of liberty in custody of the National Administration of Penitentiaries](#) (*Ordinul comun nr.4858/C/3363/2012 privind asigurarea asistenței medicale persoanelor private de libertate aflate în custodia Administrației Naționale a Penitenciarelor*).

<sup>218</sup> Romania, [Joint Order of the Ministry of Justice and the Ministry of Health no.4858/C/3363/2022 on providing healthcare to persons deprived of liberty in custody of the National Administration of Penitentiaries](#) (*Ordinul comun nr.4858/C/3363/2012 privind asigurarea asistenței medicale persoanelor private de libertate aflate în custodia Administrației Naționale a Penitenciarelor*).

<sup>219</sup> Romania, [Joint Order of the Ministry of the Interior no.1310/2006](#) (Order of the Ministry of Justice no.1216/C/2006; Order of the Ministry of Health no.543/2006) on implementing medical, psychological and social assistance integrated programs for drug users deprived of liberty (*Ordinul comun nr. 1310/ 1216/C/543/2006 privind modalitatea de derulare a programelor integrate de asistență medicală, psihologică și socială pentru persoanele aflate în stare privativă de libertate, consumatoare de droguri*).

<sup>220</sup> Romania, [Joint Order of the Ministry of Justice and the Ministry of Health no.4858/C/3363/2022 on providing healthcare to persons deprived of liberty in custody of the National Administration of Penitentiaries](#) (*Ordinul comun nr.4858/C/3363/2012 privind asigurarea asistenței medicale persoanelor private de libertate aflate în custodia Administrației Naționale a Penitenciarelor*).

<sup>221</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

the National Antidrug Agency (*Agencia Națională Antidrog*) is informed and in charge of the further treatment.

According to the Joint Order of the Ministry of Justice (*Ministerul Justiției*) and the Ministry of Health (*Ministerul Sănătății*) no. 4858/C/3363/2022<sup>222</sup>, there are specific provisions on the medical care of individuals with transmissible diseases, including TB and with mental disorders. Pregnant detainees are also provided specialist care.

The decision of the General Director of the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) on classifying the prisons under the National Administration of Penitentiaries mentions (*Administrația Națională a Penitenciarelor*) the medical specialty of the sections within the prison hospitals.<sup>223</sup>

#### f. Treatment of the detainee's choosing

According to Article 71 the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, detainees can receive care from outside doctors, upon request, within the prison, if they cover the expense<sup>224</sup> According to the Joint Order of the Ministry of Justice (*Ministerul Justiției*) and the Ministry of Health (*Ministerul Sănătății*) no. 4858/C/3363/2022<sup>225</sup>, treatment of the detainee's choosing is available also for preventive care (Article 21), dental care (Article 46) or toxicology tests (Article 103).

In police lock-ups, according to Article 136 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>226</sup>, detainees have access to a doctor of their choosing, inside the centre, with the approval of the medical personnel of the centre and if they cover the expenses.

#### g. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

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<sup>222</sup> Romania, [Joint Order of the Ministry of Justice and the Ministry of Health no.4858/C/3363/2022 on providing healthcare to persons deprived of liberty in custody of the National Administration of Penitentiaries](#) (*Ordinul comun nr.4858/C/3363/2012 privind asigurarea asistenței medicale persoanelor private de libertate aflate în custodia Administrației Naționale a Penitenciarelor*).

<sup>223</sup> Romania, [Decision no. 360/2020 of the general director of the National Administration on classifying the detention facilities under the National Administration of Penitentiaries](#) (*Decizia nr. 360/2020 a directorului general al Administrației Naționale a Penitenciarelor privind profilarea locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*), with [Annexes 1 to 7](#) (*Anexele 1-7 la Decizia nr.360/2020 a directorului general al Administrației naționale a Penitenciarelor*).

<sup>224</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>225</sup> Romania, [Joint Order of the Ministry of Justice and the Ministry of Health no.4858/C/3363/2022 on providing healthcare to persons deprived of liberty in custody of the National Administration of Penitentiaries](#) (*Ordinul comun nr.4858/C/3363/2012 privind asigurarea asistenței medicale persoanelor private de libertate aflate în custodia Administrației Naționale a Penitenciarelor*).

<sup>226</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).



- [2021 reports for visits in prisons](#)<sup>227</sup>
- [2021 reports for visits in police lock-ups](#)<sup>228</sup>
- [2022 reports for visits in prisons](#)<sup>229</sup>
- [2022 reports for visits in police lock-ups](#)<sup>230</sup>
- [2023 reports for visits in prisons](#)<sup>231</sup>
- [2023 reports for visits in police lock-ups](#)<sup>232</sup>
- [2024 reports for visits in prisons](#)<sup>233</sup>

[2024 reports for visits in police lock-ups](#)<sup>234</sup>

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>235</sup>, [2022](#)<sup>236</sup> and [2023](#)<sup>237</sup>.

As regards prisons, the annual NPM reports mention, among deficiencies with health care of detainees, that:

- *the procedure to register the detainee' refusal of medical care was not observed (nu era respectată procedura de înregistrare a refuzului asistenței medicale de către o persoană privată de libertate);* (2021 annual report)
- *the psychiatric medical evaluations were not carried out in due time (evaluările medicale psihiatrice nu erau efectuate la timp)* (2023 annual report)

In respect of police-lock-ups, only the 2021 the annual NPM report mentions the following deficiencies:

- *the working hours of medical personnel was not adapted to the aim that the medication be distributed by the said personnel or in its presence (programul de lucru al personalului medical nu era adaptat astfel încât distribuirea medicamentelor să se realizeze de către acesta sau în prezența sa);* (2021 annual report)
- *the continuous medical assistance was not ensured (nu era asigurată permanența asistenței medicale);* (2021 annual report)
- *the detainees were brought to the recommended medical examinations with delays from the appointed days (persoanele private de libertate erau prezentate la consultațiile medicale recomandate, cu întârzieri față de data programată)."* (2021 annual report)

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14

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<sup>227</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>228</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>229</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>230</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>231</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>232</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>233</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>234</sup> Romania, NMP [2024 reports for visits in police lock-ups](#)

<sup>235</sup> Romania, NMP [2021 annual report](#)

<sup>236</sup> Romania, NMP [2022 annual report](#)

<sup>237</sup> Romania, NPM [2023 annual report](#)

April 2022<sup>238</sup> had findings in respect of healthcare provided in both pre-trial facilities and in prisons and concluded:

“48. The provision of health care in DPACs remains under the responsibility of the Medical Directorate of the Ministry of the Interior (Mol) and is regulated by a specific Instruction issued in April 2016 covering the recording of injuries, screening for transmissible and infectious diseases, treatment of drug addiction, hunger strike and access to specialised care as well as by the Implementing Regulation of Law No. 254/2013 on the enforcement of sentences and custodial measures and by ROFCRAP.

The staffing levels of general practitioners (GP) and nurses present in the DPACs at the time of the visit appeared to be good; at a minimum, a doctor and a nurse were present on working days. A full-time doctor for centres holding less than 40 persons contrasts positively with the situation found in the prisons (see paragraph 96). However, the doctors at the Giurgiu and Târgoviște centres had no back-up and were apparently unable to take time off in over 18 months. Further, the doctor at Giurgiu centre also had to provide care for serving and retired police officers as well as their families, a practice which was supposed to have ended following the re-organisation of the Medical Directorate in 2016. At the Câmpina and Craiova centres, a different doctor was present each day of the week which undermined the continuity of care.

Further, the CPT’s delegation noted that health care staff in some of the DPACs visited wore police uniforms which is not conducive to developing a doctor-patient relationship with the detained persons as it reinforces the perception of the lack of independence of health care staff.

**The CPT recommends that the working arrangements for healthcare staff in the DPACs be reviewed, in the light of the above remarks. Further, health care staff should not wear police uniforms. The CPT would also like to receive confirmation that doctors working in DPACs are no longer assigned duties to care for Ministry of the Interior personnel.**

**In addition, the recommendation in paragraph 95 relating to greater oversight by the Ministry of Health applies equally in relation to the provision of health in the DPACs.**

49. All detained persons are screened within 24 hours upon arrival at the DPAC, including for injuries and the offer of a systematic chest X-ray screening for tuberculosis. However, no systematic blood check was offered for blood-borne viruses such as hepatitis B (HBV), hepatitis C (HCV) and HIV, not even for high-risk patients such as drug users.

[...]

**The CPT recommends that all persons being admitted to a DPAC, in particular those with a history of drug use, should be offered a voluntary blood test for blood borne viruses (HIV, HBV, HCV) and that hepatitis B (HBV) vaccination be offered to HBV negative patients [...].**

50. The delegation noted that in the centres visited the various files and registers were well maintained.

The medical room at the Bucharest No.1 was adequately furnished with basic and emergency equipment for the needs of the detained population (such as an ECG machine, defibrillator, oxygen mask and oximeter). At Craiova and Târgoviște DPACs, the medical rooms were similarly well equipped apart from lacking oxygen, while the Câmpina, Galați and Giurgiu centres contained no ECG and were lacking

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<sup>238</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

basic life-saving equipment (e.g. defibrillators and oxygen). There was also no sink and running water for washing hands in the medical room at Craiova.

At all the centres visited, health care staff was distributing medication to detained persons or preparing them in sealed envelopes to be distributed by custodial staff.

**The CPT recommends that the medical services of all DPACs be equipped with basic life-saving equipment (i.e. defibrillator and oxygen) and an ECG. Further, the medical room at Craiova DPAC must be provided with access to running water.**

51. As was the case in 2018, newly admitted detained persons were routinely asked about substance use and could be referred to the national anti-drug agency (NAA) for the prescription of opioid agonist therapy (OAT). The NAA is responsible for both the continuation of the substitution therapy for drug users enrolled in an anti-drug programme outside prison prior to their detention or arrest as well as for deciding on the induction and stabilisation of methadone treatment for drug users who need this type of therapy. These programmes are administered out of Bucharest within the structure of the “Dr. Nicolae Kretzulescu” Outpatient Diagnosis and Treatment Centre and, if necessary, users detained in DPACs around the country may be transferred to Bucharest for assessment and OAT. For those persons admitted to a DPAC with an opioid dependence, who are not already enrolled in an anti-drug programme outside prison, psychotropic symptom-relieving medication is prescribed.

For example, a person met at Bucharest No.2 centre with a clear history of opioid addiction had been provided symptomatic treatment upon admission to counter the withdrawal symptoms which had been further increased following a consultation with a psychiatrist. However, despite a request to be tested for HIV and Hepatitis C (HCV), no blood test had been undertaken. Given that the person had had HCV in 2016 and that he was a regular consumer of heroin via intravenous injection, he represents a high-risk patient who should be offered screening for blood borne viral diseases (**see recommendation in paragraph 49 above**).

In the response of the Romanian authorities to the CPT’s report on the 2018 visit, the Romanian authorities stated that a cooperation protocol for providing the necessary assistance for detained persons with a drug addiction was under discussion between the NAA, the Medical Directorate of the Ministry of the Interior and the General Inspectorate of the Romanian Police.

**The CPT would like to be informed, for the period 2020 and the first nine months of 2021, of the number of persons who were provided with OAT while held in a DPAC and whether any persons were transferred from a county DPAC to Bucharest to be assessed and provided OAT by the NAA.**

[...]

95. The findings of the 2021 visit showed that there had been some progress in the provision of health care in prisons, notably in the administrative independence of prison health care services and personnel from prison management and custodial staff. It is also positive that health care staff no longer wore the same uniforms as prison officers. Nevertheless, the continued habitual breaches of clinician-patient confidentiality undermined the position of health care services in the prisons visited. As noted in the report on the 2018 visit, some of these breaches result from inappropriate legislation: for example, the obligation to report deliberate self-harm, which erodes patients' trust in their clinicians and impairs clinicians' roles as health care providers and patient advocates (see paragraph 126). Further, there is still too much reliance on prison officers acting as chaperones and intermediaries in the patient journey such as patients having to request health care appointments via prison officers who then perform inappropriate triage.

Moreover, clinical staff still need to demonstrate their true independence from prison staff when dealing with ill-treatment allegations which requires them to adequately document any injuries. The CPT acknowledges that neither the Ministry of Justice nor the Ministry of Health consider it appropriate to transfer the responsibility for clinical staff to the Ministry of Health, given the structure of the health care service in the country. Nevertheless, improved coordination between the prison administration and local public health services would help to ensure optimum health care for prisoners, as well as implementation of the general principle of the equivalence of health care in prison with that in the wider community. Further, the Ministry of Health ought to have an oversight of health care services in prisons including diseases prevalence and staffing resources.

In this context, the CPT has taken note that in September 2021 a two-year project with the Council of Europe on “Strengthening health care and mental health care in Romanian prisons” was launched which inter alia will support the development of a human resources strategy for health care in prisons as well as address issues such as medical ethics, confidentiality and recording of injuries. The Committee looks forward to following the progress of this project.

**The CPT recommends that the Romanian authorities pursue their efforts to ensure that health care services in prisons are truly independent.**

**Further, it recommends that steps be taken to enhance the coordination between prisons and local public health services and to put in place a system of oversight of prison health care services by the Ministry of Health in conjunction with the Ministry of Justice.**

96. At each of the four prisons visited, the number of health-care staff in situ was clearly insufficient.

[...]

97. On a positive note, staff shifts were organised at each of the prisons to ensure that a nurse was always present in the premises. All the prisons also had at least one hygienist nurse, one pharmacy nurse and one dental technician.

However, the lack of GPs impacted negatively on the care provided as GPs in the prisons visited had to prioritise the consultations and limit their duration. Further, doctors were not replaced when on holiday or sick leave even if the prison was left without any GP cover. As an illustration, there was no qualified medical doctor providing a service at Galați Prison at the time of the delegation’s visit; the GP had been absent for the previous two days and it was anticipated that the absence would be prolonged for two weeks. Further, the delegation’s doctors identified situations of medical neglect with patients no longer receiving their essential medical treatment (in connection, for example, with diabetes or cardiac diseases) and were not considered as priority cases by the health care services.

98. Apart from Galați Prison, none of the establishments visited had a functioning dental service. At Mărgineni Prison, the management stated that an agreement has been reached with a local dentist to consult one day every two weeks; while certainly an improvement it nevertheless does not sufficiently address the very real needs of the prisoner population to have access to a dentist. Prisoners in all the establishments visited complained of their inability to get any dental care, including for urgent extractions. The provision of dental care appears to have deteriorated further since the 2018 visit, with many prisoners manifesting a poor state of oral hygiene, cavities and gum disease. Some prisoners had apparently resorted to extracting their own teeth due to the lack of dental care while others stated that they had difficulties to eat any food due to continual toothache.

**99. The CPT recommends once again that the health care staffing levels in the prisons visited be reviewed with a view to ensuring that:**

- at Craiova Prison, the three full-time equivalent general practitioners' posts are filled and the number of nurses significantly increase, notably nurses with a mental health qualification;
- at Galați Prison, the presence of an additional general practitioner should be sought;
- at Giurgiu Prison, the five full-time equivalent general practitioners' posts should be filled, and the number of nurses significantly increased, including nurses with a mental health qualification;
- At Mărgineni Prison, at least two full-time equivalent general practitioners are in place and the nursing complement is reinforced with nurses having a mental health qualification.

**In addition, steps should be taken to ensure that appropriate GP and nursing cover is in place for any prolonged absences. Further, the CPT recommends that urgent measures be taken at Craiova, Giurgiu and Mărgineni Prisons to ensure that adequate dental care provision is offered.**

100. The CPT's delegation again found that access to the health care service in the prisons visited was managed by custodial staff. In their response to the 2018 visit report, the Romanian authorities had stated that it was not feasible to put in place a system whereby prisoners can make a request directly to the health care service by placing a paper in a box on their landing/wing indicating the reason for the request and with such requests being collected by members of the health care staff at the end of each day (e.g. when the final round of medication is distributed).

The CPT reiterates that it is not appropriate for custodial staff to filter requests from prisoners to see the health care service. On occasion, prisoners even had to reveal the reason for their requests. Such a system must change with the health care service registering all the requests it receives from prisoners for a consultation and the custodial staff, at the request of the health care service, being responsible for ensuring prisoners are escorted to the health care unit to attend their appointments on time. Any existing rules and regulations should be changed to ensure that this new system can be put in place.

Further, on those days when a particular unit was not scheduled to have access to a doctor (i.e. "the doctor day" as described by many prisoners and custodial staff), arrangements must be put in place to ensure that those prisoners requiring urgent access to the doctor are promptly seen. The existing problem of prisoners being refused access to a doctor outside of the official "doctor day" will be resolved with the change of system of access to the health care service as it will be health care staff who triage the patients based upon the requests made.

**The CPT reiterates its recommendation that the Romanian authorities put in place a system whereby prisoners can make a request directly to the health care service by placing a paper in a box on their landing/wing indicating the reason for the request.**

101. The CPT's delegation again found that prison health care services were poorly equipped and that none of them possessed basic emergency medical equipment such as a defibrillator, oxygen, nebuliser or electrocardiography (ECG) machine. The Committee was surprised by the response to the 2018 visit report which stated that such equipment was not part of the "minimum mandatory equipment required for receiving operation permits needs to comply with the provisions of Order no. 153/2003 of the Ministry of Health". Urgent steps should be taken to remedy this situation.

**The CPT reiterates its recommendation that at a minimum every prison be equipped with a defibrillator, nebuliser and oxygen as well as an ECG machine.**

102. In all prisons visited, medication was distributed by nursing staff three times per day. While psychotropic medicine was given supervised, other medication such as antihypertensive drugs were given in possession, notably at Mărgineni Prison. Basic treatments were provided free of charge.

103. The policy regarding medical screening on admission, observed during previous visits, has remained unchanged. All newly admitted persons, whether coming from the community or being transferred from a police establishment or prison, were screened by a nurse on the day of their arrival and reviewed by a doctor, in principle, within 72 hours of their arrival. However, due to the lack of medical staff in the prisons visited, the admission screening by a doctor was sometimes delayed several days or even weeks (until the return of the doctor from holidays for example) or filtered by nurses.

The proforma template for initial screening covered general health issues, mental health, infectious diseases and injuries. The form was not systematically used or filled out completely. Newly arrived persons were screened for syphilis and tuberculosis, if they had not already been tested in a Detention and Preventative Arrest Centre.

As it was the case in 2018, voluntary screening for bloodborne viruses (hepatitis B and C or HIV) was not always offered. The CPT's delegation found once again that there was still no specific screening for women upon their entry to prison which goes through their history, including any mental health and gynaecological issues, self-harm and medical care and, importantly, which addresses sexual abuse and other gender-based violence issues.

**The CPT recommends that the Romanian authorities ensure that all prisons carry out a comprehensive medical screening on admission. All newly admitted persons should be offered a systematic, voluntary blood test for blood borne viruses, vaccinations (hepatitis A and B) and treatment when appropriate.**

[...]

104. Important efforts were made to record injuries after each incident, notably in case of violence among detained persons. The traumatic injury form contained several boxes to describe lesions as well as predefined topographical anatomic drawings. However, as was the case in 2018, injuries sustained in prison were often not correctly recorded - or even not recorded at all in the prisons visited (see also the paragraph below regarding the confidentiality of the examination) and the clinician's report did not contain the allegations made by the concerned person. They lacked detailed description and precise information regarding the type and the size of the injuries. This was particularly obvious when comparing them with subsequent forensic medical certificate when they existed (see paragraph below). The CPT recalls that the lack of proper recording of injuries undermines the ability to report and investigate cases of alleged ill-treatment.

The recommendation contained in paragraph 21 above applies equally to prison health care services.

105. Following any incident resulting in injury, whether as a result of use of force by prison staff or inter-prisoner violence, detained persons have the right to be examined by a forensic doctor. However, it appeared that they tended to refuse the offer of such an examination as they would have to pay for it, unless they were recognised as indigent, and due to the fact that they were not able to access a forensic doctor rapidly. To ensure that such examinations are timely and effective, the CPT recommends that the Romanian authorities offer the possibility of such a forensic examination free of charge to prisoners who have received injuries following a violent incident in prison.

106. Regrettably, health care services continued to record patient information in a variety of paper registers. An individual paper medical file was opened for every newly admitted person and usually contained the admission proforma, and any hospital correspondence and test results. Daily interventions by nursing and medical staff were recorded in a daily journal and traumatic lesions in a dedicated register. It was therefore impossible to form a complete picture of the health care condition

of a patient without reference to a multitude of files, records, journals, and registers. Nurses and medical staff interviewed were unable to recall the medical history of their patients.

Further, most of the clinical notes in the medical records were of poor quality, incomplete and clearly insufficient to properly trace the medical history of a patient.

**The CPT recommends once again that the current practice of using multiple registers to record patient information be phased out and replaced by a centralised paper or electronic data system. Further, health care staff should be reminded, once again, of the importance to record properly and in full the findings from a consultation with a patient; appropriate trainings should be organised if necessary.**

107. The CPT's delegation again found that the confidentiality of medical consultations in prisons was not being guaranteed.

Medical examinations, especially relating to traumatic injuries, continued to be performed in the presence of custodial staff. In such circumstances, it is not feasible to establish a therapeutic doctor/nurse-patient relationship; trust in the health care service is diminished and the potential for complicity between health care staff and prison officers is increased. Alternative solutions must be found to reconcile legitimate security requirements with the principle of medical confidentiality. As suggested in previous CPT reports, the installation of an alarm system, whereby a doctor would be in a position to rapidly alert prison officers, could be envisaged.

**Once again, the CPT calls upon the Romanian authorities to ensure that all medical examinations be conducted out of the hearing and – unless the doctor concerned expressly requests otherwise on an exceptional basis – out of the sight of non-medical staff. The necessary measures should include instructing the custodial staff that no pressure should be exercised on health care personnel to force them to conduct medical examinations in their presence as it is detrimental to the establishment of a therapeutic doctor/nurse-patient relationship and unnecessary from a security point of view, except in exceptionally rare circumstances.**

108. With the exception of Galați Prison, persons with HIV-infection were held together as “vulnerable prisoners” (see paragraph 87), clearly identified and known by custodial staff in the three other establishments. Indeed, an A4 poster marked “HIV” was even displayed on certain cell doors at Giurgiu and Mărgineni Prisons stigmatising these persons even further. Several indicated having been bullied by other persons and custodial staff (verbal abuse, threats, and occasionally physical violence) due to their HIV-infection. They were constantly in fear of being aggressed outside of their cells.

The CPT considers that the approach to identify detained persons by certain pathology is stigmatising and a breach of confidentiality. There is no necessity for non-health care staff to be systematically informed about whether a person has a specific illness or not. Health care staff may inform custodial officers on a need-to-know basis about the state of health of a detained person; however, the information provided should be limited to that necessary to prevent a serious risk for the detained person or other persons, unless the detained person consents in writing to additional information being given.

**The CPT recommends once again that measures be taken to ensure the strict confidentiality of medical information in light with the above remarks. Further, an information programme should be put in place for staff and persons in prison on transmissible diseases and notably on HIV. Clear instructions should be issued to ensure that HIV-infected persons are treated equally and have access to the same regime as other persons.**

109. The CPT's delegation met many prisoners who were suffering from a mental illness and/or a personality disorder, and who were not being provided with the appropriate care. For example, at Mărgineni Prison, persons received psychotropic medication, but no psychiatrist visited the establishment while at Giurgiu Prison, 398 persons received psychotropic medication, with a psychiatrist present only one day per week. Further, detained persons in need of psychiatric care had to cope with conditions of detention which had a negative impact on their mental and physical health: most of them were held in large collective dormitories. Often such an environment exacerbated their condition and made it harder for them to adapt to prison life which resulted in conflict with other prisoners and bullying by staff. As a consequence, they were moved from one dormitory to another with their mental health deteriorating further. For many of these prisoners, a more therapeutic environment was necessary.

**The CPT recommends once again that the Romanian authorities ensure that all prisons have appropriate psychiatric input from both a psychiatrist (i.e. at least one psychiatrist in each prison) and nurses dedicated to mental health.**

110. The National Prison Administration, recognising the need to provide increased psychiatric care in prison, decided to establish four units for the accommodation of vulnerable inmates who suffer from serious mental illnesses. The CPT was informed that a unit for each regime category had been established in the prisons of Iași (open), Craiova (closed), Gherla (maximum security) and Bucharest Jilava (semi-open).

However, at Craiova Prison, the CPT's delegation found that no dedicated unit existed and that the 98 persons identified as having a severe and enduring mental health disorders, including seven under a court-imposed measure, were held in cells together with other persons in the closed regime section. Moreover, the single psychiatrist had left his full-time position and was only working 20% of FTE at the establishment since May 2020. Therefore, at the time of the visit, a psychiatrist visited the establishment one day per week which is clearly insufficient. Not surprisingly, the CPT's delegation found many patients who had been neglected and whose mental health was deteriorating. Further, most of them were held in large dormitories which were inappropriate considering the patients' physical and mental capacities.

For example, the CPT's delegation met a young woman who was unable to look after herself and was living in unhygienic conditions in dirty clothes in a filthy cell with dirty bedding. She had a number of skin lesions caused by bedbugs and acts of self-harm. According to her medical files, a psychiatrist considered that she needed to be placed in "an environment providing psychological protection and support" whereas she was held in an RMS cell with another person with whom she had limited interaction. Diagnosed with a severe personality disorder and psychosis, and most likely an intellectual disability, she had not seen a psychiatrist for 12 months.

This situation demonstrates the incapacity of Craiova Prison to provide for the essential needs of patients with a severe mental health disorder and the extent of neglect to which this woman is exposed which could amount to inhuman and degrading treatment. **The CPT recommends that this person be rapidly transferred to an appropriate facility (e.g. mental health facility or social care home) where she will receive appropriate care.**

111. Persons with mental health disorders should not only receive pharmacotherapy nor be warehoused in prison cells or dormitories, but should be provided with psycho-social therapy and appropriate occupation. Moreover, all sentenced persons under Article 109 of the Criminal Code who require mandatory psychiatric treatment should be treated in a hospital and not in prison. The CPT recalls that,



to be meaningful, dedicated prison psychiatric units must be appropriately staffed with clinical psychologists and mental health nurses, under the regular supervision of a psychiatrist. They should further offer activities and care targeted to the needs of the patients.

By communication of 28 September 2021, the Romanian authorities informed the CPT that, in response to the delegation's preliminary observations, an expert commission had been sent to Craiova Prison to evaluate the care of mentally ill prisoners in the establishment. The commission identified 48 prisoners with a psychiatric pathological history of whom 14 had a serious mental illness and were transferred to a prison hospital. The remaining 34 prisoners were apparently relocated to prisons where they could be held in appropriate conditions.

**The CPT recommends that the Romanian authorities review the operation of the special units for persons with a mental health disorder to ensure that they are properly staffed and are able to offer a range of activities to cater to the needs of the patients. To this end, the CPT would like to be informed in detail of the steps taken at Craiova Prison to develop a dedicated unit for persons with a mental health disorder and to provide appropriate treatment and living conditions for those patients assigned to the unit.**

**The CPT would also like to be informed of the prison establishments to which the abovementioned 34 prisoners were transferred and of the health care and living conditions afforded to them.**

112. Mechanical fixation to a bed could be applied to detained persons within a prison setting. The measure was not resorted to frequently and in the first four and half months of 2021, the CPT's delegation only came across three cases in the prisons visited, one at Giurgiu Prison, one at Craiova Prison in January and a third at Galați Prison in April. In the latter two cases, the measure was imposed with the authorisation of a doctor (GP or psychiatrist). The persons were immobilised and strapped to a bed by the ankles, the body and the hands - in hyperextension - by EOS members. However, in both cases, the measure was applied for more than five hours and without constant staff supervision.

In the CPT's view, mechanically restraining a person to bed is a potentially damaging measure both physically and psychologically. Therefore, key safeguards should be applied in order to respect the dignity of the person concerned. The measure should be as short as possible and last minutes rather than hours. A person should only be restrained as a measure of last resort; an extreme action applied in order to prevent imminent injury or to reduce acute agitation and/or violence. This was not the case regarding either the case at Craiova Prison or at Galați Prison.<sup>94</sup> The application of the measure at Craiova Prison was clearly an informal punishment for the cheeky behaviour of the prisoner in knocking a small flowerpot off a ledge outside his cell which landed on a prison officer's shoulder and showered him with earth.

The CPT has examined the issue of fixation of detained persons in many countries and has concluded that if such a measure is necessary, it should be applied in a medical setting by trained health care staff. It should also be surrounded by a series of safeguards, including continuous and direct supervision by a member of staff who engages verbally with the person.

**In the light of the findings from the 2021 visit, the CPT recommends that the Romanian authorities end the resort to mechanical fixation in prisons in a non-medical setting.** Given how infrequently the measure is applied, such a recommendation should not be difficult to apply for prison managers.

113. The attitude of the health care services regarding drug use in the prisons visited appeared to be one of denial; substance abuse does not occur, thus there is no need for any specific measures. Detained persons with opioid addiction were referred to a Penitentiary Hospital for evaluation and treatment, in

accordance with the national program. Therefore, medical staff in the prisons visited had no mandate to initiate an Opioid Agonist Therapy (OAT) even in urgent situation of withdrawal. Further, no harm reduction measures were in evidence such as a needle and syringe exchange programme (NSP) or prevention group discussions. Condoms were only made available to detained persons having intimate visits and not for any consensual sexual relations between prisoners.

The approach towards drug use in prison should have as its goals, inter alia: eliminating the supply of drugs into prisons; dealing with drug use through identifying and engaging drug users, providing them with treatment options and ensuring that there is appropriate throughcare (continuity of care); developing standards, monitoring and research on drug issues; and the provision of staff training and development.

**The CPT recommends once again that the Romanian authorities ensure that a comprehensive strategy for the provision of assistance to prisoners with drug-related problems (as part of a wider national drugs strategy) is operating effectively throughout the prison system. Access to OAT should be facilitated and be managed by health care providers in the prisons (e.g. the GP's). Harm reduction measures (i.e. condom distribution, needle exchange programmes) should be introduced forthwith in all prisons.**

114. As regards hunger strikes, the CPT's delegation found that the situation had not evolved since 2018. Any prisoner considered to be on hunger strike (i.e. defined as refusing three meals in a row)<sup>95</sup> would be moved to a designated cell without any of their belongings, where they would be offered only water and denied any activity. All such persons would be seen daily by a nurse and all the relevant information was recorded in a dedicated register. Most hunger strikes lasted only a few days.

The CPT continues to consider that separating persons on hunger strike and preventing them from participating in activities is unnecessary and manifest a punitive approach. In this context, they should not be held in conditions inferior to those of other detained persons, should be offered food every day, allowed to have food in their cell and have access to the same activities and contact with the outside world.

**The CPT reiterates its recommendation that persons on hunger strike should not be moved to a separate cell but kept in their cells to avoid isolation and to prevent additional negative effects on their psychological wellbeing. Any placement in a separate cell should be exceptional and justified in writing. Further, those separate cells should offer decent conditions and the persons on hunger strike should be provided with the appropriate support from staff. Article 54 of Law no. 254/2013 and other pertinent prison regulations should be amended accordingly.**<sup>239</sup>

The two NPM members consulted indicated that in general, detainees have access to healthcare both in police lock-ups and prisons, either via the medical personnel of the facilities or the public civilian emergency services, but the quality of the care provided is seriously affected by the insufficient medical personnel. The problem was aggravated in 2023 due to the limitations to hire new personnel paid from the state budget, applicable to all public institutions.<sup>240</sup>

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<sup>239</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021. Bolded in original text.

<sup>240</sup> NPM representatives interviewed on 14 May 2024.

## 9. Prevention of violence and ill-treatment

### a. Protection from violence by prison staff

There are no provisions dedicated exclusively to protecting detainees against violence from guards/prison staff, but some measures result from the general design of the system, especially the security system of prison facilities, regulated in accordance with the principle of the general prohibition on the use of torture, inhuman or degrading treatments, spelled out also in Article 5 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial.<sup>241</sup>

According to Article 16 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>242</sup>, means of restraint can be used as a last resort, in a limited number of serious cases, only as long as it is necessary. According to Article 21, the carry and the use of firearms (lethal and non-lethal) is not permitted in the detention area, except for critical incidents, defined by the Rules on security of detention facilities under the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*)<sup>243</sup> approved by the Order of the Ministry of Justice (*Ministerul Justiției*) no. 4800/C/2018.<sup>244</sup> The use of means of restraints and of firearms is notified to the judge supervising the deprivation of liberty (Article 26 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>245</sup>). Pursuant to Article 110 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, the same provisions apply to pre-trial facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*).<sup>246</sup>

The Rules on security of detention facilities under the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*)<sup>247</sup> approved by the Order of the Ministry of Justice (*Ministerul Justiției*) no. 4800/C/2018<sup>248</sup> provide for the general measures to ensure supervision of detainees. It regulates the use for firearms in accordance with the general provisions of the legislation on the use of firearms (Article 11), in defined critical situations and the means for protection and restraint and their use (Article 12). Among the listed means is the use of force. Article 16 of the Rules on security of detention facilities under the National Administration of Penitentiaries (*Administrația*

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<sup>241</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>242</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>243</sup> Romania, [Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Regulament privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>244</sup> Romania, [Order of the Ministry of Justice no. 4800/C/2018 on approving the Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Ordinul Ministerului Justiției nr.4800/C/2018 privind aprobarea Regulamentului privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>245</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>246</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>247</sup> Romania, [Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Regulament privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>248</sup> Romania, [Order of the Ministry of Justice no. 4800/C/2018 on approving the Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Ordinul Ministerului Justiției nr.4800/C/2018 privind aprobarea Regulamentului privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

*Națională a Penitenciarelor*)<sup>249</sup> lists a series of manuals for prison staff, to be adopted by the director of the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*), including one on the use of means of restraint.

Article 8 of the Rules on security of detention facilities under the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*)<sup>250</sup> approved by the Order of the Ministry of Justice (*Ministerul Justiției*) no. 4800/C/2018 also provides that video-surveillance must be used in all detention areas except for the detention cells and toilets.<sup>251</sup>

As regards the pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*), the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>252</sup> provides for the standard procedures for intervention and restraint (Chapter VIII). Besides defining the critical situations, in which the staff can intervene, it provides for the principle of proportionality of the means applied (analysed on a case-by-case basis based the physical traits of the persons involved, presence of arms, other relevant factors such as time and place), as a last resort. It also provides that no intervention should be carried out by just one person, unless it is urgent.

There are no different standards on protection against violence applicable to different detention regimes. The regulations for pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*) and for the prison facilities under the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) are different, but that does not result in different standards of protection against violence for persons accommodated in different facilities. In prisons, the maximum-security regime is, in general, stricter than the others.

In cases of violence by prison staff, detainees can file criminal complaints, to be investigated as all other criminal complaints.

In accordance to Article 56 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, detainees can complain against any measure ordered by the prison administration before the judge supervising the deprivation of liberty, within 10 days since they were informed on the measure.<sup>253</sup> Pursuant to Article 110 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, the same remedy is available for individuals detained in pre-trial facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*)<sup>254</sup>. The decision of the judge should be issued within 15 days and can be further appealed before a local court (*juducătorie*) in

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<sup>249</sup> Romania, [Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Regulament privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>250</sup> Romania, [Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Regulament privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>251</sup> Romania, [Order of the Ministry of Justice no. 4800/C/2018 on approving the Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Ordinul Ministerului Justiției nr.4800/C/2018 privind aprobarea Regulamentului privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>252</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>253</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>254</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

5 days since it was communicated to the party. In addition, detainees can complain against the solitary confinement sanction itself, in accordance with Article 104 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial.<sup>255</sup>

All persons deprived of liberty, irrespective of their regime, can also seek to obtain damages before the courts based on the general tort law (*Codul civil*<sup>256</sup>) from the Romanian State, the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) and/or the prison in question, as well as from any other liable person. The general time-limit for claims under the tort law is 3 years since the party became aware of the cause of damage.

There are no legal provisions in depriving detainees from complaining before the Ombudsperson, so they can file such complaints as any other person. The Ombudsperson's annual reports mention the complaints received from detainees and the recommendations the Ombudsperson made to authorities. The recommendations are not binding.

#### b. Protection from violence by other detainees

The Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>257</sup> list prevention of inter-detainee violence as a goal of the security system in prison facilities (Article 15) and pre-trial detention facilities (Article 110).

Article 23 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>258</sup> provides for protection rooms, to accommodate detainees who intend to self-harm or kill themselves, harm another person, destroy goods or seriously disturb order, upon the decision of the prison director. A person can be kept in a protection room as long as necessary, but not more than 24 hours. For individuals at risk of self-harm or suicide, medical supervision is compulsory as frequent as needed, but not less than once in 4 hours. Psychological assistance should also be provided for all persons placed in protection rooms. Such rooms are under video-surveillance.

According to Article 110 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>259</sup>, the provisions on protection rooms are not applicable to pre-trial facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*).

The Rules on security of detention facilities under the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*)<sup>260</sup> approved by the Order of the Ministry of Justice

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<sup>255</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>256</sup> Romania, Article 1357 and the following of the [Civil Code](#) (*Codul civil*).

<sup>257</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>258</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>259</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>260</sup> Romania, [Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Regulament privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

(*Ministerul Justiției*) no. 4800/C/2018<sup>261</sup> also provide for the general measures to ensure supervision of detainees. Article 8 of the Rules on security of detention facilities under the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*)<sup>262</sup> approved by the Order of the Ministry of Justice (*Ministerul Justiției*) no. 4800/C/2018 provides that video-surveillance must be used in all detention areas except for the detention cells and toilets.<sup>263</sup>

As regards the pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*), the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>264</sup> provides for the standard procedures for intervention and restraint (Chapter VIII). In defining the critical situations in which the staff can intervene, the regulation mentions inter-detainee violence. Article 234 of the regulation states that before the intervention, the peaceful resolution must be tried and Article 235 states that during the intervention, efforts should be made to prevent escalation.

There are no different standards on protection against violence applicable to different detention regimes. The regulations for pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*) and for the prison facilities under the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) are different, but that does not result in different standards of protection against violence for persons accommodated in different facilities. In prisons, the maximum-security regime is, in general, stricter than the others.

In cases of violence by other detainees, detainees can file criminal complaints, to be investigated as all other criminal complaints.

In accordance to Article 56 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, detainees can complain against any measure ordered by the prison administration before the judge supervising the deprivation of liberty, within 10 days since they were informed on the measure.<sup>265</sup> Pursuant to Article 110 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, the same remedy is available for individuals detained in pre-trial facilities under the Ministry of the Interior.<sup>266</sup> The decision of the judge should be issued within 15 days and can be further appealed before a local court (*judecătorie*) in 5 days since it was communicated to the party.

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<sup>261</sup> Romania, [Order of the Ministry of Justice no. 4800/C/2018 on approving the Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Ordinul Ministerului Justiției nr.4800/C/2018 privind aprobarea Regulamentului privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>262</sup> Romania, [Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Regulament privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>263</sup> Romania, [Order of the Ministry of Justice no. 4800/C/2018 on approving the Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Ordinul Ministerului Justiției nr.4800/C/2018 privind aprobarea Regulamentului privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>264</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>265</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>266</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).



All persons deprived of liberty, irrespective of their regime, can also seek to obtain damages before the courts based on the general tort law (*Codul civil*<sup>267</sup>) from the Romanian State, the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) and/or the prison in question, as well as from any other liable person. The general time-limit for claims under the tort law is 3 years since the party became aware of the cause of damage.

There are no legal provisions in depriving detainees from complaining before the Ombudsperson, so they can file such complaints as any other person. The Ombudsperson's annual reports mention the complaints received from detainees and the recommendations the Ombudsperson made to authorities. The recommendations are not binding.

### c. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

- [2021 reports for visits in prisons](#)<sup>268</sup>
- [2021 reports for visits in police lock-ups](#)<sup>269</sup>
- [2022 reports for visits in prisons](#)<sup>270</sup>
- [2022 reports for visits in police lock-ups](#)<sup>271</sup>
- [2023 reports for visits in prisons](#)<sup>272</sup>
- [2023 reports for visits in police lock-ups](#)<sup>273</sup>
- [2024 reports for visits in prisons](#)<sup>274</sup>

[2024 reports for visits in police lock-ups](#)<sup>275</sup>

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>276</sup>, [2022](#)<sup>277</sup> and [2023](#)<sup>278</sup>.

As regards prisons, the annual NPM reports mention, in relation to security of detention, among deficiencies, that:

- *in the same penitentiary, the staff payroll was significantly under the real needs, being developed when Vaslui prison had in custody a small number of detainees, now the situation being that specific missions cannot be carried out in a secure manner (● în cadrul aceluiași penitenciar, statul de funcții era mult subdimensionat față de nevoile reale, fiind elaborat când Penitenciarul Vaslui custodia un număr mai scăzut de persoane private de libertate, ajungându-se în situația de a nu mai putea executa misiunile specifice în condiții de siguranță); (2022 annual report)*

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<sup>267</sup> Romania, Article 1357 and the following of the [Civil Code](#) (*Codul civil*).

<sup>268</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>269</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>270</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>271</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>272</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>273</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>274</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>275</sup> Romania, NPM [2024 reports for visits in police lock-ups](#)

<sup>276</sup> Romania, NPM [2021 annual report](#)

<sup>277</sup> Romania, NPM [2022 annual report](#)

<sup>278</sup> Romania, NPM [2023 annual report](#)

- *the security and surveillance personnel was not trained for: managing conflictual situations; continuous information on the mood of the detainees; taking preventive measures against negative events among staff and detainees; observing all behavioural rules in the internal regulations of the centre (personalul din serviciul de pază și supraveghere nu era instruit cu privire la: gestionarea situațiilor conflictuale; cunoașterea permanentă a stării de spirit a persoanelor internate; luarea măsurilor de prevenire a evenimentelor negative în rândul personalului și a persoanelor internate, precum și respectarea tuturor regulilor de conduită menționate în Regulamentul de Ordine Interioară și în Regulamentul de Organizare și Funcționare ale centrului).* (2023 annual report)

In respect of police-lock-ups, the 2023 the annual NPM report mentions the following deficiencies:

- *the volume of activities and missions of high compared with the number of staff and the complexity of activity ( volumul de activități și misiuni efectuate de către personal era relativ mare raportat la numărul de personal și complexitatea acestora);* (2023 annual report)

- *there was no space for the staff carrying out detailed body and belongings searches (nu era amenajat un spațiu necesar pentru personalul care efectuează percheziția corporală amănunțită și controlul bagajelor);* (2023 annual report)

- *there was no registry for traumatic marks and other psusycal marks of ill treatment/abuse or torture of detained persons (nu era întocmit un registru special pentru mărci traumatice sau al semnelor fizice de rele tratamente/abuzuri sau tortură a persoanelor custodiate).* (2023 annual report)

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>279</sup> had findings in respect of prevention of violence and ill-treatment in both pre-trial facilities and in prisons and concluded:

“28. In the course of the 2021 visit, the CPT’s delegation reviewed the safeguards afforded to persons deprived of their liberty by the police; namely, the rights of such persons to inform a close relative or another third party of their choice of their situation, to have access to a lawyer, and to have access to a doctor. It also examined whether such persons were informed without delay of all their rights and whether the custody records were properly filled out.

The legal safeguards for detained persons are provided for in the Criminal Procedure Code (CCP) and supplemented by Order 14/2018 of the Minister of Internal Affairs on the Regulation on the organisation and functioning of arrest detention centres (ROFCRAP) which came into force on 18 March 2018.

29. In the course of the visit, most persons met by the delegation stated that they had been orally informed of their rights, notably the right to a lawyer, in the first few hours following their arrest in compliance with Article 210 of the CCP. Nevertheless, a number of persons stated that they had not been orally informed of their rights and no written information was provided to anyone, including persons arrested pursuant to a European Arrest Warrant.

**The CPT recommends that the Romanian authorities reiterate to police officers their obligation to inform all apprehended persons of their rights orally and, thereafter, at the police station to provide them with written information on their rights in a language they understand. Detained persons should be asked to certify with their signature that such information has been provided.**

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<sup>279</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.



30. Article 210 of the CCP expressly provides that a person has the right, as soon as he or she is arrested, to inform or to have informed of his or her deprivation of liberty a relative or a person of his or her choice. This right may only be delayed for four hours for “well-grounded reasons which shall be recorded in a report”. As was the case in 2018, the CPT’s delegation found that the vast majority of arrested persons had rapidly been able to inform a relative, or have a relative informed, of their situation. Nevertheless, a few persons stated that this right had been delayed for several hours by police officers without a specific reason and in some cases until the first court hearing in front of the judge for rights and liberties.

**The CPT recommends once again that the Romanian authorities ensure that all persons deprived of their liberty by the police are offered the right in practice to inform a relative or a third party of their detention from the very outset of their deprivation of liberty (i.e. with effect from the time at which they are obliged to remain with the police).**

31. The CPT recalls that Articles 78, 83, 89 and 209 of the CCP provide for persons suspected of having committed a criminal offence and placed in police custody, arrested or charged, the right of access to a lawyer, and it requires either the body in charge of the investigation or the prosecutor to summon an officially appointed lawyer to a police station if the lawyer named by the person deprived of his or her liberty does not attend within two hours. Further, Article 108, paragraph 3 of the CCP stipulates that criminal suspects must be informed of their right of access to a lawyer prior to the start of the first police interview and that his/her signature in the official records is necessary and the absence of any signature should be duly justified by the police.

The findings from the 2021 visit show that the majority of persons apprehended by the police had been granted access to a lawyer (either one of their own choice or one appointed ex officio) before being questioned by officers at the police station. However, once again, a number of persons alleged that police officers had refused to let them contact a lawyer when first brought to the police station. Further, in several cases, the delegation received allegations that police officers and even prosecutors (at Craiova and Targoviște) had started to question arrested persons “informally” before the arrival of the – officially appointed – lawyers and that in a few cases lawyers had not been present at all during the interview. Steps need to be taken to ensure the practical application of the right of access to a lawyer from the outset of a person’s deprivation of liberty.

Further, the CPT’s delegation found that police officers were generally present and within earshot during conversations between a lawyer and the person suspected of having committed a criminal offence, contrary to the provisions of the CCP (Articles 78, 83, 89 and 209) which provide for the confidential nature of such conversations.

**The CPT recommends that the Romanian authorities take practical steps to ensure that whenever a detained person has made a request to have a lawyer present, police officers and prosecutors do not commence the questioning of a suspect until the arrival of the lawyer.**

**Further, the CPT recommends that the Romanian authorities reiterate to police officers that they afford any person deprived of his or her liberty the possibility to talk in private to a lawyer, as provided for in law.**

32. As was the case in 2018, the CCP still does not contain a specific provision on the right of access to a doctor for detained persons as from the outset of their deprivation of liberty. [...] **The CPT calls upon the Romanian authorities to adopt a legal provision which expressly guarantees the right of access to a doctor to all persons deprived of his or her liberty by the police as from the outset of his or her deprivation of liberty, as opposed to the obligation for the police to provide medical assistance.**

33. At the time of the visit, not all police stations were equipped with audio/video-recording equipment to record electronically police interviews. **The CPT would like to be informed about the timetable for the installation of such equipment in all police stations as well as of the rules and safeguards surrounding its use, including whether the electronic recordings are made available to the detained persons concerned, and/or their lawyers.**

[...]

60. In the course of the 2018 visit, the CPT received a considerable number of allegations of ill-treatment of persons by prison staff, notably by members of the masked intervention groups, which was often corroborated by medical evidence and video footage. The findings of the 2021 visit illustrated that concerted action by the Romanian authorities can have an impact in preventing ill-treatment in the prisons, as was evident from the follow-up visit to Galați Prison. Nevertheless, there can be no room for complacency as the CPT's delegation again received many allegations of ill-treatment by staff, in particular at Giurgiu Prison.

61. The delegation again met many committed managers and staff dedicated to their work and who were striving to improve the situation in their prisons. Many of the persons interviewed by the CPT's delegation stated that they were treated correctly by prison officers and that relations were based upon mutual respect. This was notably the case at Galați Prison where the climate of fear prevalent at the time of the 2018 visit had dissipated.

In the course of the 2021 visit, the CPT's delegation found that detained persons were no longer afraid to talk and that relations with staff appeared calmer and more respectful. That said, the CPT's delegation once again received a significant number of allegations of ill-treatment of detained persons by prison staff, including by members of the masked intervention groups (EOS), at Giurgiu Prison in particular but also at Craiova Prison. Allegations were also received, to a lesser extent, at Mărgineni Prison and even at Galați Prison. The ill-treatment was said to have been inflicted as a punishment for arguing with custodial staff or infringing the rules.

The CPT has noted the clear response of the Romanian Prison Administration (NAP) to its delegation's preliminary observations in which it clearly states that there is no tolerance for any acts of ill-treatment by prison staff and that all allegations will be communicated to the prosecutor's office and thoroughly investigated. Such an approach must be inculcated throughout the prison service.

62. The situation at Giurgiu Prison was alarming, with the CPT's delegation receiving many allegations of ill-treatment by staff which it sought to document. The prison management team appointed in October 2020 was aware of this situation and was clear in their determination to reduce the level of violence in the establishment. Members of the EOS were often implicated in the alleged ill-treatment, which consisted of punches, kicks and the use of batons and generally took place in staff offices or "club" rooms located on the accommodation wings where there was no CCTV coverage. It should also be noted that the CPT's delegation received several allegations of persons held in maximum-security regime (RMS) and closed regime having been repeatedly subjected to baton blows to the soles of their feet; a torture method known as falaka. [...]

Numerous other detained persons, particularly those held in the high-risk maximum-security regime, described having been subjected to punches, kicks and baton blows by members of the EOS and, at times, certain custodial staff, including a specific wing manager. Further, almost all persons who alleged that they had been ill-treated claimed that they had been denied access to the prison's health care service.

In addition, a number of persons were reluctant to speak to the CPT's delegation fearing that there would be repercussions. Prisoners were particularly afraid that they might be transferred to another prison or suffer a regime change or their progression to a better regime would be negatively impacted. A couple of prisoners even stated that they were threatened by the custodial staff prior to being interviewed by the CPT's delegation. More generally, they all stated that they were pressured not to file a complaint.

63. At Craiova Prison, the CPT's delegation also received numerous allegations of ill-treatment of detained persons by custodial staff, particularly from EOS members. The allegations consisted mainly of slaps, punches and kicks and, on occasion, baton blows to various parts of the body, and generally occurred in places that were not covered by CCTV such as under the staircase at the entrance to Section 6 or in staff offices, activity rooms and empty cells. [...]

64. At Mărgineni Prison, a few persons alleged ill-treatment by custodial staff. [...]

65. At Galați Prison, the delegation did not receive any first-hand allegations of ill-treatment while visiting the establishment. However, it did meet a few persons in other prisons who alleged that they had been subjected to ill-treatment during their time in Galați Prison. [...]

**66. The CPT reiterates its recommendation that the Romanian authorities hold to account all senior prison staff to ensure they fulfil their basic responsibility of guaranteeing prison staff respect the right of detained persons to physical and mental integrity. Any form of ill-treatment is illegal and totally unacceptable and must be subject to appropriate sanctions. This demands that all senior and middle managers pay special attention to the actions of staff under their responsibility and take immediate steps to address any indications that staff are acting inappropriately. Failure on the part of supervisory staff to fulfil this role is, in itself, a serious dereliction of duty.**

**Prison officers, notably members of the intervention groups, must be made fully aware that no more force than is strictly necessary should be used to control violent and/or recalcitrant prisoners and that once prisoners have been brought under control, there can be no justification for any further use of force. In this context, the authorities should ensure that all prison officers are trained in recognised control and restraint techniques.**

**Moreover, the CPT reiterates its recommendation that the Romanian authorities put in place active measures to prevent individual prisoners being the subject of reprisals. To this end, it goes without saying that prisoners should be able to make requests and complaints without fear of reprisals. Further, access to a doctor should not be refused (see also paragraph 107 regarding medical confidentiality).**

67. The CPT's delegation again received many allegations of verbal abuse by custodial staff in the four establishments visited. In particular, persons with learning difficulties or mental health disorders complained that prison officers often goaded them and made fun of their disabilities and a number of Roma prisoners complained about staff calling them by derogatory terms.

**The CPT recommends that the Romanian authorities ensure that the management in every prison reiterates to all prison staff that verbal abuse, notably of a racist nature, and goading of prisoners is unprofessional and not acceptable. Further, all prison officers, as part of their basic education, must be trained in how to interact with and offer support to prisoners with disabilities or mental disorders.**

68. The vast majority of persons who alleged ill-treatment stated that their injuries were not recorded by the health care service. Those that were escorted to the doctor or nurse claimed that they were prevented from explaining what had happened to them by the escorting prison staff. At Craiova Prison,

the CPT's delegation received allegations of ill-treatment by prison officers carried out in front of health care staff. Moreover, when injuries were noted, they were rarely documented properly.

The CPT recalls that a fundamental safeguard against ill-treatment and impunity is the requirement that a thorough medical examination be conducted on a person following a violent incident or use of force within a prison establishment. Persons against whom any means of force has been used have the right to be immediately examined and, if necessary, treated by a medical doctor. The results of the examination should be formally and appropriately recorded and made available to the detained person and transmitted to the prosecuting authorities.

**The CPT reiterates its recommendation that the national authorities put in place a comprehensive policy for the identification and investigation of allegations of ill-treatment. In this context, where the results of a medical examination suggest that a detained person has suffered ill-treatment, there should be an obligation on doctors automatically to notify the prosecutor's office, regardless of the wishes of the person concerned; any statement made by the prisoner concerned should also be transmitted.**

Further, the recommendation contained in paragraph 21 above (police section) applies equally in respect of all prison health care services.

**21. The CPT reiterates its recommendation that the Romanian authorities take the necessary steps to ensure that the record drawn up after the medical screening of a person admitted to a Detention and Preventive Arrest Centre contains:**

- i) an account of statements made by the person which are relevant to the medical examination (including his/her description of his/her state of health and any allegations of ill-treatment),**
- ii) a full account of the objective medical findings based on a thorough examination, and**
- iii) the health care professional's observations in the light of i) and ii), indicating the consistency between any allegations made and the objective medical findings.**

Recording of the medical examination in cases of traumatic injuries should be made on a special form provided for this purpose, with body charts for marking traumatic injuries that will be kept in the medical file of the prisoner. Further, it would be desirable for photographs to be taken of the injuries, and the photographs should also be placed in the medical file. In addition, a special trauma register should be kept in which all types of injury observed should be recorded.

Further, the CPT recommends that procedures be put in place to ensure that whenever injuries are recorded which are consistent with allegations of ill-treatment made by the prisoner concerned (or which, even in the absence of an allegation, are clearly indicative of ill-treatment), the record is systematically brought to the attention of the competent prosecuting authorities, regardless of the wishes of the person concerned.

Health-care staff must advise detained persons of the existence of the reporting obligation and that the forwarding of the report to the competent prosecutor's office is not a substitute for the lodging of a complaint in a proper form. They should also inform them of their right to undergo a forensic medical examination. Health care staff should be provided with the appropriate training to carry out these tasks.]

69. The credibility of the prohibition of torture and other forms of ill-treatment is undermined each time officials responsible for such offences are not held to account for their actions. For this reason, it is

essential that whenever allegations of ill-treatment by prison officers come to light, there is an effective investigation, in addition to the recording of injuries.

The CPT's delegation was informed that several criminal investigations were opened regarding possible acts of ill-treatment committed by prison officers at Giurgiu Prison. However, a review of the cases, including interviews, by the CPT's delegation revealed that investigations into allegations of ill-treatment by prison staff are often undermined by the absence of medical evidence (inadequate recording of injuries by prison health care staff and few examinations carried out by the Institute for Legal Medicine), insufficient video footage evidence and a fear of negative repercussions, including reprisals, by both victims and potential witnesses if a formal complaint was lodged.

According to the figures provided by the Romanian authorities, 1,043 cases of alleged misconduct by prison officers vis-à-vis persons [...] These resulted in the indictments of 17 prison officers. Considering the CPT's findings during this visit and in 2018, these statistics demonstrate that further efforts should be made to strengthen the investigations into allegations of ill-treatment in prisons.

**The CPT recommends that all investigations into cases of alleged ill-treatment of detained persons by prison staff strictly comply with the criteria of effectiveness. In this context, the CPT would like to be informed of the outcome of criminal investigations and of any criminal or disciplinary proceedings undertaken against custodial staff regarding ill-treatment in the four prisons visited since 2019 (see also paragraphs 22 to 27 above regarding impunity of police officers).**

70. The CPT wishes to emphasise that properly functioning CCTV systems offer a valuable additional safeguard against ill-treatment, as well as providing protection to prison officers against any unfounded allegations of ill-treatment. The systems in place should provide comprehensive video coverage of all areas outside of the cells, including corridors, exercise yards and the entrances to any other rooms in which prisoners may be placed for whatever reason. The goal should be to enable all interactions between prison staff and prisoners outside of their cells to be video recorded. The footage recorded by those cameras should be securely retained for a period of at least one month (and preferably longer) and accessible only to senior managers and those staff members whom they have specifically authorised to view it.

Regrettably, this was not the case in any of the establishments visited, and **the CPT recommends that the CCTV systems in all prisons in Romania be rendered fully operational as a safeguard against ill-treatment, in the light of the above remarks.**

71. The CPT notes that steps were taken to equip EOS members with Body Worn Video Cameras (BWVC) which should systematically be used for all planned operations. A review of the recordings showed that only at Galați Prison could the quality of the images and the documentation of the interventions be considered as good. In the other prisons, as was the case in 2018, the images did not allow for an observer to discern clearly what was happening. BWVCs can play an important role in the prevention of ill-treatment as well as protecting prison staff from unfounded allegations. Moreover, BWVC should be used by EOS members and prison officers whenever there is any incident or intervention, and its use should be properly regulated.

**The CPT recommends that the Romanian authorities make it mandatory for BWVCs to be issued, worn and turned on by all prison staff who may have to intervene in an incident and potentially use force against persons in prison.**

72. The CPT's delegation found that instances of inter-prisoner violence appeared to be lower in the prisons visited in 2021 by comparison with those visited in 2018. Nevertheless, many persons stated

that tensions were exacerbated by the overcrowding, lack of activities and limited access to hot water/showers which did, at times, spill over into violence between prisoners. In each prison, the CPT's delegation received allegations of fights happening mostly in cells and occasionally in the exercise yards. In this context, persons of Roma origin, as well as persons accused or convicted of sexual offences, appeared to be particularly at risk. The situation appeared especially problematic at Galați and Giurgiu Prisons.

[...]

Violent incidents also erupted at Craiova Prison particularly in the large dormitories in which persons with a mental disorder were accommodated.

Further, as was the case in 2018, vulnerable persons stressed that they were regularly insulted and threatened by other prisoners.

75. Addressing the phenomenon of inter-prisoner violence and intimidation requires that prison staff be alert to signs of trouble and be both resolved and properly trained to intervene when necessary. The existence of positive relations between staff and detained persons, based on the notions of dynamic security and care, is a decisive factor in this context; this will depend in large measure on staff possessing appropriate interpersonal communication skills. Such a capacity to intervene will of course depend, inter alia, on an adequate staff/prisoner ratio. Further, it is essential that detained persons need to be offered a constructive regime, with a range of purposeful activities.

As stated in the report on the 2018 visit, accommodation in large-capacity dormitories puts detained persons in extremely cramped and insalubrious conditions. In addition to a lack of privacy, the risk of intimidation and violence in such dormitories is high, and proper staff control is extremely difficult. Further, an appropriate allocation of detained persons, based on an individual needs' assessment, becomes an almost impossible task. As a consequence, the CPT continues to advocate a move away from large-capacity dormitories towards smaller living units.

**The CPT reiterates its recommendation that the Romanian authorities take pro-active steps to combat inter-prisoner violence in light of the above remarks notably by investing far more resources in recruiting additional staff and developing staff professionalism and training as well as offering detained persons a purposeful regime and decent living conditions (see also sections 3 and 4 below).<sup>280</sup>**

The two NPM members consulted indicated that they have not received complaints from detainees regarding violence, but this is due to the fact that the NPM does not receive complaints, which are addressed to the Office of the Ombudsman (*Avocatul Poporului*).<sup>281</sup> The staff receive training on human rights and sometimes, at local level, for dealing with conflictual situations. Personnel wear Body Worn Video Cameras (all security staff in prisons and some of the staff in the police lock-ups). In police lock-ups there are also panic buttons installed in the cells. Overall, the two NPM members considered that there are measures in place to prevent violence, from prison staff or from other detainees.<sup>282</sup>

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<sup>280</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021. Bolded in original text.

<sup>281</sup> NPM representatives interviewed on 14 May 2024.

<sup>282</sup> NPM representatives interviewed on 14 May 2024.

## 10. Contact with the outside world

### a. Visits

The Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>283</sup> provides that the detainees have the right to receive visits and be informed of important family issues and from their lawyer. The visits are carried out under supervision, in accordance with the rules provided for in the Government Decision no. 157/2016<sup>284</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>285</sup>). The lawyers can visit the detainees at all times and in confidentiality. In addition, the law provides for the right to conjugal visits.

As regards prisons, the right to visit is provided by Articles 138 to 144 of the Government Decision no. 157/2016<sup>286</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>287</sup>). The detainees can be visited by family or other persons with whom they have a close relationship (the latter upon approval), according to a schedule and prior appointment, during a total working time of 12 hours per day. Representatives of various organizations or other persons can visit detainees with the detainee's consent and upon approval. The visits can be open or using separation means. A detainee can receive one visit per day which can last from 30 minutes to up to 2 hours. The detainees have the right to:

- 6 visits/month for open detention regime
- 5 visits/month for semi-open regime
- 5 visits/month for detainees who were not yet placed in a detention regime
- 5 visits/month for close detention regime
- 3 visits/month for maximum security detainees
- 8 visits/month for pregnant women or who gave birth and care for the infant in the penitentiary up to 1 year
- One additional visit, upon written request and approval, for the birth of a child, the death of a family member
- Additional visits, approved by the head of the prison, in cases of terminally ill detainees.

The conjugal visit is allowed upon request and approval as follows:

- One 3 hours visit once in 3 months, for maximum security and closed detention regimes and for persons arrested during trials
- One 3 hours visit once in 2 months, for open and semi-open detention regimes
- One 48 hours visit upon marriage.

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<sup>283</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>284</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no.254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>285</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>286</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no.254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>287</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

As regards police lock-ups, the right to visit is provided by Articles 247 to 250 of the Government Decision no. 157/2016<sup>288</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>289</sup>). The arrestees can be visited by family or other persons can visit detainees with the detainee's consent (for other persons) and upon approval. The adults have the right to 4 visits/month and minors to 6 visits/month. The visits can be open (especially minors) or using separation means. The conjugal visit is allowed upon request and approval as follows:

- One 3 hours visit once in 3 months
- One 48 hours visit upon marriage.

#### b. Correspondence

The Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial provides that the convicted detainees have the right to correspondence (Article 63), the right to telephone communication (Article 65) and the right to online communication (Article 66). These rights are also applicable to police lock-ups (Article 110).

As regards prisons and convicted detainees, the right to correspondence is provided by Articles 130 to 134 of the Government Decision no. 157/2016<sup>290</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>291</sup>). The right to send and receive correspondence by letter is unlimited. For the detainees with no financial means within the prior 30 days to sending correspondence, the costs are covered by the prison. The detainees can make phone-calls from the public telephones inside the prison, bearing their cost. They can call a list of persons which is subject to approval. Detainees can use the phone on a daily basis, as follows:

- 10 calls/day with a total duration of up to 60 minutes, for open, semi-open and closed detention regime as well as for those with no detention regime yet
- 3 calls/day with a total duration of up to 30 minutes for maximum security detention regime and dangerous (high risk) detainees

Online communication is permitted to detainees who had not been sanctioned within the prior 3 months. They are allowed to up to 4 online communications/month, each of maximum 30 minutes. By exception, other detainees are also permitted to have online communications in cases their family members or other close persons are in extreme situations, serious illness or in cases of death of a family member for up to one hour daily, upon approval. If a detainee has not received all the visits in one month, she or he can be allowed to have additional online communication in the same number during the next month. The online communication is done in specially designated spaces.

As regards police lock-ups, the right to telephone communications and the right to online communications are provided by Articles 246 and 253, respectively, of the Government Decision no.

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<sup>288</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no.254/2013](#) (Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal).

<sup>289</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal).

<sup>290</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no.254/2013](#) (Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal).

<sup>291</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal).



157/2016<sup>292</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>293</sup>).

The arrestee can make phone-calls from the public telephones inside the centre, bearing their cost and have the right to receive phone-calls from family members, legal representatives and other persons. They can call a list of maximum 10 persons which is subject to approval. Detainees, including convicts temporarily transferred to police lock-ups, can use the phone on a daily basis, for 3 calls between 30 to 60 minutes each. The head of the detention and arrest centre can approve additional calls. As regards online communication it can be approved for detainees who were not visited in the last 30 days and have a proper behaviour. They can have one 30 minutes online communication once per month.

### c. Visits with children

In prisons, the Government Decision no. 157/2016<sup>294</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>295</sup>) provides that, if the architecture of the detention area and the available space allow, special rooms with child-friendly conditions can be set up (Article 138). They are to be used for visits of children under 14 with their mother/father. For children under special protection, with first- and second-degree disabilities or other conditions affecting their development, the age limit is not applicable.

In police lock-ups, the Government Decision no. 157/2016<sup>296</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>297</sup>) that Article 138 is not applicable. In turn, Article 248 provides for open visits with minors, under certain security conditions.

### d. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

- [2021 reports for visits in prisons](#)<sup>298</sup>
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<sup>292</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no.254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>293</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>294</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no.254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>295</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>296</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no.254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>297</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>298</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>299</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>300</sup> Romania, NPM [2022 reports for visits in prisons](#)

- [2022 reports for visits in police lock-ups](#)<sup>301</sup>
- [2023 reports for visits in prisons](#)<sup>302</sup>
- [2023 reports for visits in police lock-ups](#)<sup>303</sup>
- [2024 reports for visits in prisons](#)<sup>304</sup>
- [2024 reports for visits in police lock-ups](#)<sup>305</sup>

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>306</sup>, [2022](#)<sup>307</sup> and [2023](#)<sup>308</sup>.

Only the 2023 annual NPM report mentions the deficiencies in respect of visits:

- *too many sanctions restricting the right to visits were applied, which can negatively affect the reintegration process of the detainee ( se aplicau în număr mare sancțiuni privind dreptul de a primi vizite, care pot avea un impact negativ în procesul de reintegrare a persoanei private de libertate (Penitenciarul Ploiești); (prisons) (2023 annual report)*
- *visits of minors were done only with separation devices ( vizitele minorilor se acordau doar cu dispozitiv de separare); (2023 annual report)*
- *there was no space for the staff carrying out detailed body and belongings searches (nu era amenajat un spațiu necesar pentru personalul care efectuează percheziția corporală amănunțită și controlul bagajelor; (police lock-ups) (2023 annual report)*

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>309</sup> had findings in respect of visits in both pre-trial facilities and in prisons and concluded:

“54. As regards contact with the outside world [in detention and preventive arrest centres], the situation remained the same as that observed in 2018. That is, adult remand prisoners were entitled to four visits per month and juveniles to six visits per month, each of 30 minutes duration. The CPT considers that the importance of maintaining contacts with the outside world and that persons in detention should benefit from a visiting entitlement of at least one hour every week. All visits with a family member continued to take place across a screen using a telephone, which meant that there was no physical contact between a detained person and their visitors.

Further, detained persons were offered access to the telephone three times per week (five times for minors) for a duration of 10 to 30 minutes each, in line with the relevant legal provisions. Most centres offered 25-30 minutes whereas the Craiova centre permitted only 10-minute calls; efforts should be made to increase the permitted duration of each call at the Craiova DPAC.

<sup>301</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>302</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>303</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>304</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>305</sup> Romania, NPM [2024 reports for visits in police lock-ups](#)

<sup>306</sup> Romania, NPM [2021 annual report](#)

<sup>307</sup> Romania, NPM [2022 annual report](#)

<sup>308</sup> Romania, NPM [2023 annual report](#)

<sup>309</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

**The CPT recommends that, once the Covid-19 pandemic restrictions are lifted, the Romanian authorities institute a rule of open visits for all persons detained on remand, with closed visits as the exception. Further, all persons in remand detention should benefit from a visiting entitlement of at least one hour every week.**

[...]

128. The rights and modalities for the operation of prisoner visits and correspondence are set out in Law No. 254/2013 and its implementing Regulation of 2016, as described in the report on the 2018 visit.108 Article 139 of Government decision 157/2016 provides the possibility, exceptionally, for open visits to be granted to persons in closed and maximum-security regimes. However, it appeared that neither prisoners nor staff were fully aware of this possibility in the prisons visited.

The CPT recalls that the starting point should be to offer all prisoners “open” visits around a table which allows detained persons to have physical contact with their families. This is especially important for promoting and maintaining contacts with children, as well as for facilitating the process of progression to a less restrictive regime. In exceptional circumstances, for example for security-related reasons or to protect the legitimate interests of an investigation, visits could take place in booths and/or monitored. Any decision to impose closed visits must be well-founded and based on an individual assessment of the potential risk.

**The CPT recommends once again that the Romanian authorities authorise, as a matter of principle, open visits for all detained persons, with closed visits as the exception based on an individual assessment of risks.**

129. Following the outbreak of the Covid-19 pandemic, open visits in prisons were stopped. All four prisons visited took compensatory measures to reorganise their visit facilities and to equip them further with computers in order to offer more Voice over Internet Protocol (VOIP) contacts. In addition to screened visits, detained persons could benefit from up to an hour per week of visio-conference meeting with their relatives. Sentenced persons could also continue to benefit from a conjugal visit of three hours every three months. The CPT welcomes these measures.

However, contacts were limited notably to due to relatives lacking the necessary IT equipment or being reluctant to travel to the prison “only” for a screened visit. Further, many sentenced persons stated that the benefits of a conjugal visit had to be set against having to quarantine alone for 7 days afterwards. Further, parents, and especially detained women, stressed that they did not have the possibility of having any physical contact with their children since the beginning of the pandemic, which they found more and more difficult to cope with.

Considering the importance of contacts with outside world, **the CPT encourages the Romanian authorities to further their efforts to promote persons in prison maintaining contacts with their relatives, including through retaining the offer of access to VOIP and visioconferencing after the pandemic ends. Covid-19 related restrictions should be reviewed regularly and lifted as early as possible.**

130. Regarding access to telephone, almost all cells were equipped with a telephone that detained persons could use whenever they wanted, with a limit of 10 calls of up to one hour per day, which is positive. Phone booths in the wing corridors and the yards had remained in service providing potentially more privacy than calls from the cells. Further, the CPT welcomes the normative amendments which

means that indigent persons in prison can now make free of charge phone calls on a regular basis, as recommended by the Committee in 2018.<sup>310</sup>

The two NPM members consulted indicated that the right to contact with the outside world is generally observed in both prisons and police lock-ups and welcomed the introducing of public telephones in the rooms, besides those in common areas, to be used by detainees. As regards child-friendly visits, they assessed that not all units have special rooms, but where they have been set up, they are located outside the detention area, within the administrative area.<sup>311</sup>

## 11. Special measures for female detainees

### a. General conditions of detention for women and girls

There are no general national standards for conditions of detention of women, different than those for male detainees. Standards are applicable to all detainees, irrespective of gender, without discrimination. In addition, there are a few specific provisions directly aimed of women.

According to Article 39 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>312</sup>) prison staff supervising female detainees must be women, and male staff can enter female detainee sections based on special regulations. The same is applicable in the pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*), Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>313</sup> (Article 190).

According to Article 203 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>314</sup>) the female detainees should be included in educational, psychological and social assistance activities in accordance with their specific needs and character, but no concrete details are provided.

According to Article 142 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>315</sup>), pregnant women and those who gave birth and are taking care of their baby in prison are allowed to have eight visits from the outside per month. Their right to receive visits and packages cannot be suspended as a disciplinary sanction and they cannot be punished with solitary confinement.

In the pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*), the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary

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<sup>310</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021. Bolded in original text.

<sup>311</sup> NPM representatives interviewed on 14 May 2024.

<sup>312</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>313</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>314</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>315</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

security measures<sup>316</sup> has special provisions for pregnant women: the daily activities of pregnant women are decided by the doctor (Article 74); that pregnant women cannot work during the nights or in dangerous conditions (article 84); pregnant women have the right to specialized medical care and must be moved to a prison hospital 30 days before the due date and in a prison after birth, if she is taking care of her baby until one year old (Article 143); a pregnant woman cannot be handcuffed (Article 214).

#### b. Separation from men

According to the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, female detainees are detained separately from male detainees in all circumstances.<sup>317</sup>

By decision of the General Director of the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*), prisons are assigned to detain certain categories of detainees.<sup>318</sup> There is one prison assigned to detain mostly women (Târgșor Penitentiary) and sections with various detention regimes for women in Arad Penitentiary, Bacău Penitentiary, Poarta Albă Penitentiary, Craiova Penitentiary (Iașlnița exterior section), Gherla Penitentiary (the exterior section), Buziaș Educational Centre and Craiova Detention Centre. The same decision establishes the transit penitentiaries, out of which some are exclusively for male detainees.

#### c. Hygiene

There are no special standards for hygiene conditions for female detainees, but only to products they are allowed to have and receive free of charge.

The list of goods the detainees are allowed to have, enshrined in the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>319</sup>), includes a special reference to goods specifically allowed for women only:

- in prisons:  
three dresses, three skirts, menstrual tampons (in the needed quantities)
- in police lock-ups:  
two dresses, two skirts/pants, one hairdryer<sup>320</sup> (to be stored in the depot)

For detainees in prison facilities under the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*), Order no. 2890/C/2017 of the Minister of Justice on approving norms for

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<sup>316</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>317</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>318</sup> Romania, [Decision no. 360/2020 of the general director of the National Administration on classifying the detention facilities under the National Administration of Penitentiaries](#) (*Decizia nr. 360/2020 a directorului general al Administrației Naționale a Penitenciarelor privind profilarea locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*), with [Annexes 1 to 7](#) (*Anexele 1-7 la Decizia nr.360/2020 a directorului general al Administrației naționale a Penitenciarelor*).

<sup>319</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>320</sup> Hairdryers are also allowed in prisons, but for all detainees, irrespective of gender.

clothing provided by the prison administration to persons deprived of freedom<sup>321</sup>, have specific lists of clothes to be provided free of charge for those in need, separately for women and men.

Based on Article 101 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>322</sup>), at the beginning of detention, all detainees must receive, free of charge, a sanitary package. The provision is applicable also to pre-trial detention facilities, based on Article 245 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>323</sup>). The content of the package, irrespective of prison facilities, is detailed by the Decision no. 468/2016 of the Director of the National Prison Administration on the content of the sanitary package provided to persons deprived of freedom, upon arrival in the units under the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*)<sup>324</sup>. Women are to receive a pack of sanitary towels with 10 pieces, in addition to other products listed for both, male and female detainees. The package is provided one time during detention.

The Order of the minister of justice no.3848/C/2016 on approving the norms for individual and collective cleaning and hygiene products provided by the administration of the detention facility<sup>325</sup> indicates that the following products for individual use are distributed between day 10 and 15 of each month only to women:

Product	Minimum quantity per year	Maximum quantity per year
Sanitary towels	12 packs	12 packs
Medicinal cotton	3 pack	6 packs

#### d. Healthcare

Article 160 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>326</sup>) details the healthcare provided to pregnant detainees. It includes regular medical check-ups, moving the woman to a prison hospital 30 days prior to the expected delivery date and the obligation to take the necessary steps to ensure that the delivery takes place in a hospital outside the prison system.

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<sup>321</sup> Romania, [Order no. 2890/C/2017](#) of the Minister of Justice on approving [norms for clothing provided by the prison administration to persons deprived of freedom](#) (*Ordinul nr.2890/C/2017 pentru aprobarea Normelor de echipare și a duratei de folosință a ținutei asigurate de administrația locului de deținere persoanelor private de libertate*).

<sup>322</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>323</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>324</sup> Romania, [Decision no. 468/2016 of the Director of the National Administration of Penitentiaries on the on the content of the sanitary package provided to persons deprived of freedom, upon arrival in the units under the National Administration of Penitentiaries](#) (*Decizia nr.467/2016 a Directorului Administrației Naționale a Penitenciarelor privind conținutul setului de produse igienico-sanitare pus la dispoziția persoanelor private de libertate cu ocazia primirii în locurile de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>325</sup> Romania, [Order of the minister of justice no.3848/C/2016 on approving the norms for individual and collective cleaning and hygiene products provided by the administration of the detention facility](#) (*Ordinul ministrului justiției nr.3848/C/2016 pentru aprobarea Normelor privind articolele de curățenie individual și colectivă asigurate de către administrația locului de deținere*).

<sup>326</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).



These provisions are further detailed in Articles 104 to 105 of the Joint Order of the Ministry of Justice (*Ministerul Justiției*) and the Ministry of Health (*Ministerul Sănătății*) no. 4858/C/3363/2022.<sup>327</sup>

Similar provisions as to the care for pregnant women are applicable to police lock-ups, according to Article 143 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures.<sup>328</sup>

#### e. Pregnancy and women with babies or young children

According to Article 34 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, pregnant women or women with babies under one year old cannot be held under the maximum-security regime.<sup>329</sup> According to Article 39 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>330</sup>), pregnant women or women with babies under one year old are detained under the closed regime.

According to Article 48 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>331</sup>), the daily activities of pregnant women or women with babies under one year old are established by the prison doctor or the medical director, in prison hospitals. The Government's Ordinance no. 26/1994<sup>332</sup> provides for a diet of 2,500 to 3,175 calories per day for pregnant women, with supplements of 500 to 860 calories, or 600 to 1,255 depending on specific circumstances (advanced pregnancy, breastfeeding etc).

According to Article 113 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>333</sup>), the diet for pregnant detainees, detainees who are breastfeeding and babies is decided by the prison doctors based on their specific needs.

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<sup>327</sup> Romania, [Joint Order of the Ministry of Justice and the Ministry of Health no.4858/C/3363/2022 on providing healthcare to persons deprived of liberty in custody of the National Administration of Penitentiaries](#) (*Ordinul comun nr.4858/C/3363/2012 privind asigurarea asistenței medicale persoanelor private de libertate aflate în custodia Administrației Naționale a Penitenciarelor*).

<sup>328</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>329</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>330</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>331</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>332</sup> Romania, [Government's Ordinance no. 26/1994 on the rights to food of the national defense, public order and national security personnel and of persons deprived of liberty, in times of peace](#) (*Ordonanța de Guvern nr. 26 din 22 iulie 1994 privind drepturile de hrană, în timp de pace, ale personalului din sectorul de apărare națională, ordine publică și securitate națională și ale persoanelor private de libertate*).

<sup>333</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

The Order of the minister of justice no.3848/C/2016 on approving the norms for individual and collective cleaning and hygiene products provided by the administration of the detention facility<sup>334</sup> indicates that the following products are provided for babies under one year old:

Product	Minimum quantity per year	Maximum quantity per year
Baby soap	12	24
Baby shampoo – 100 ml	12	24
Baby oil – minimum 100 ml	3	6
Baby bottle	2	4
Teats	6	12
Detergent	6 kg	6 kg
Bleach	1 kg	1 kg

Article 160 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>335</sup>) provides the obligation of the prison administration to take the necessary steps to ensure that the childbirth takes place in a hospital outside the prison system. A similar provision applies to police lock-ups, according to Article 143 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures.<sup>336</sup>

#### f. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

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- [2022 reports for visits in police lock-ups<sup>340</sup>](#)

<sup>334</sup> Romania, [Order of the minister of justice no.3848/C/2016 on approving the norms for individual and collective cleaning and hygiene products provided by the administration of the detention facility](#) (*Ordinul ministrului justiției nr.3848/C/2016 pentru aprobarea Normelor privind articolele de curățenie individual și colectivă asigurate de către administrația locului de deținere*)

<sup>335</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>336</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>337</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>338</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>339</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>340</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)



- [2023 reports for visits in prisons](#)<sup>341</sup>
- [2023 reports for visits in police lock-ups](#)<sup>342</sup>
- [2024 reports for visits in prisons](#)<sup>343</sup>
- [2024 reports for visits in police lock-ups](#)<sup>344</sup>

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>345</sup>, [2022](#)<sup>346</sup> and [2023](#)<sup>347</sup>.

Only the 2021 annual NPM report, list a deficiency in respect of women in detention, in prisons:

- *the proportion between female and male personnel was not respected (Ploiești Târgșorul-Nou Prison for Women) (nu era respectată proporția în ceea ce privește numărul angajaților persoane de sex feminin/bărbătesc (Penitenciarul de Femei Ploiești Târgșorul-Nou); (2021 annual report)*

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>348</sup> had findings in respect of women in detention in both pre-trial facilities and in prisons and concluded:

“39. [...] women detained at the Târgoviște and Galați [detention and preventive arrest] centres complained to the delegation that they had not been provided with adequate quantities of essential hygiene products, such as sanitary towels and tampons.

[...]

43. In the light of the above remarks, **the CPT calls on the Romanian authorities to take the requisite measures to ensure that police detention and preventive arrest centres:**

[...]

- **ensure regular and adequate supplies of personal hygiene products, taking into account the specific needs of women, notably the provision of sanitary towels and tampons free of-charge;**

[...]

49. [...] Further, as regards women admitted to a DPAC, there was no systematic screening for sexual abuse or other forms of gender-based violence inflicted prior to admission. Such screening is essential as violence experienced prior to admission is likely to have a direct correlation with the woman’s behaviour and even offending behaviour, and should clearly impact on the way in which the care plan for the woman in question is drawn up for her stay in detention (i.e. whether she needs specialised psychological support or counselling)

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<sup>341</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>342</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>343</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>344</sup> Romania, NMP [2024 reports for visits in police lock-ups](#)

<sup>345</sup> Romania, NMP [2021 annual report](#)

<sup>346</sup> Romania, NMP [2022 annual report](#)

<sup>347</sup> Romania, NPM [2023 annual report](#)

<sup>348</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

**The CPT recommends that [...] the gender-specific needs of women requires that screening for sexual abuse or other forms of gender-based violence inflicted prior to entry to a DPAC is carried out.**

[...]

53. Given that far fewer women are detained and held in DPACs, it is not unusual that, at times, only one woman will be held in an establishment. This was the case at the Galați DPAC when the CPT's delegation visited the establishment where the single woman was de facto being subjected to a regime akin to solitary confinement. No compensatory measures were being taken by staff to engage with this woman or to provide her with any activities. **The CPT recommends that the Romanian authorities ensure that whenever a single woman is held in a DPAC steps are taken by staff to ensure that she is offered purposeful activities and appropriate human contact on a daily basis.**

[...]

103. The policy regarding medical screening on admission, observed during previous visits, has remained unchanged. [...]

The CPT's delegation found once again that there was still no specific screening for women upon their entry to prison which goes through their history, including any mental health and gynaecological issues, self-harm and medical care and, importantly, which addresses sexual abuse and other gender-based violence issues

[...]

**In addition, the CPT recommends that a gender-specific medical screening on admission should be introduced at every prison accommodating women. Such screening should allow for the detection of vulnerabilities, including a history of sexual abuse and other gender-based violence, and it should inform any care plan established for the woman to ensure appropriate care and avoid re-traumatisation.**<sup>349</sup>

The two NPM members consulted indicated that there are no specific issues with women detainees and welcomed that female staff is used in relation to women in police lock-ups as well.<sup>350</sup>

## 12. Special measures for foreign nationals

### a. General measures for foreign nationals

There are no specific measures for foreign nationals as regards conditions of detention, regime or rights. In addition to the rights of national detainees, according to the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>351</sup> foreign nationals have the right to diplomatic assistance in prisons (Articles 43 and 74). the

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<sup>349</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021. Bolded in original text.

<sup>350</sup> NPM representatives interviewed on 14 May 2024.

<sup>351</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>352</sup> provides for the same right for foreign nationals in police lock-ups.

#### b. Interpretation and translation

There are no national standards regulating the provision of interpretation and transition services in detention, in general. According to the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>353</sup>, if a person does not understand Romanian, the prison administration is under the obligation to provide them with necessary information upon admission to prison (such as rights, obligations, sanctions) in a language they understand, via a person who can communicate them (Articles 43 and 61).

In the answer provided by the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) to a request for information on the topic it was indicated that foreign nationals who do not understand Romanian are informed on their rights and obligations upon admission in prisons via interpreters, including other detainees or prison staff. When no such person is available, an interpreter shall be contacted. The foreign nationals are also provided with written information regarding the in foreign language, including via the info kiosks.

As regards police lock-ups, the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>354</sup> also provides that, at admission, the information on the rights and obligations of the foreign national who does not speak Romanian is provided in a language they can understand via a person or in writing.

#### c. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

- [2021 reports for visits in prisons](#)<sup>355</sup>
- [2021 reports for visits in police lock-ups](#)<sup>356</sup>
- [2022 reports for visits in prisons](#)<sup>357</sup>
- [2022 reports for visits in police lock-ups](#)<sup>358</sup>

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<sup>352</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>353</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>354</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>355</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>356</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>357</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>358</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

- [2023 reports for visits in prisons](#)<sup>359</sup>
- [2023 reports for visits in police lock-ups](#)<sup>360</sup>
- [2024 reports for visits in prisons](#)<sup>361</sup>
- [2024 reports for visits in police lock-ups](#)<sup>362</sup>

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>363</sup>, [2022](#)<sup>364</sup> and [2023](#)<sup>365</sup>.

The only reference to interpretation and translation for foreign nationals regards the police-lock-up, in the 2021 the annual NPM:

● *there was protocol of cooperation with a person who can communicate with an arrested person, in cases the person does not speak or understand Romanian, in all necessary cases (nu era încheiat un Protocol de colaborare cu o persoană care poate comunica cu o persoană privată de libertate custodiată, în cazul în care aceasta nu vorbește sau nu înțelege limba română, ori de câte ori este nevoie).* (2021 annual report)

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>366</sup> has no finding in respect of foreign nationals.

The two NPM members consulted indicated that there are no specific issues in relation to foreign nationals.<sup>367</sup>

### 13. Special measures relating to detention of children and young adults/juvenile detention regime

#### a. Age groups

The age groups used for children and young adults in detention are:

- Minors: between 14 and 18 years old.
- Young adults: between 18 and 21 years old.

#### b. General measures for detained children and young adults

There are no different standards for young adults applicable to different detention regimes. Minors are not subjected to detention regimes, as they cannot serve prison sentences. They can be arrested only in exceptional circumstances; they can only be convicted to and serve educative measures with deprivation of liberty in educational centres and detention centres for minors. Article 117 of the Law

<sup>359</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>360</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>361</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>362</sup> Romania, NPM [2024 reports for visits in police lock-ups](#)

<sup>363</sup> Romania, NPM [2021 annual report](#)

<sup>364</sup> Romania, NPM [2022 annual report](#)

<sup>365</sup> Romania, NPM [2023 annual report](#)

<sup>366</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

<sup>367</sup> NPM representatives interviewed on 14 May 2024.

no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>368</sup> states that minors accommodated in police-lock-ups should be separated from adults, receive the necessary psychological assistance and have increased contacts with family members.

### c. Separation from adults

According to the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, minors are detained separately from adults in all circumstances.<sup>369</sup> Minors cannot be convicted to prison sentences, but in exceptional cases, educative measures with deprivation of liberty can be applied. They are served in educational centres and detention centres for minors, depending on the measure applied.

According to Article 47 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies, during the criminal trial, young detainees aged 18 to 21 are detained separately from other detainees.<sup>370</sup>

By decision of the general director of the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) prisons are assigned to detain certain categories of detainees and the sections dedicated to minors and young adults are expressly indicated.<sup>371</sup>

### d. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

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- [2021 reports for visits in police lock-ups](#)<sup>373</sup>
- [2022 reports for visits in prisons](#)<sup>374</sup>
- [2022 reports for visits in police lock-ups](#)<sup>375</sup>
- [2023 reports for visits in prisons](#)<sup>376</sup>
- [2023 reports for visits in police lock-ups](#)<sup>377</sup>
- [2024 reports for visits in prisons](#)<sup>378</sup>

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<sup>368</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>369</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>370</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>371</sup> Romania, [Decision no. 360/2020 of the general director of the National Administration on classifying the detention facilities under the National Administration of Penitentiaries](#) (*Decizia nr. 360/2020 a directorului general al Administrației Naționale a Penitenciarelor privind profilarea locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*), with [Annexes 1 to 7](#) (*Anexele 1-7 la Decizia nr.360/2020 a directorului general al Administrației naționale a Penitenciarelor*).

<sup>372</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>373</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>374</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>375</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>376</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>377</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>378</sup> Romania, NPM [2024 reports for visits in prisons](#)

- [2024 reports for visits in police lock-ups](#)<sup>379</sup>

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>380</sup>, [2022](#)<sup>381</sup> and [2023](#)<sup>382</sup>.

As regards police lock-ups, the annual NMP reports mention, among deficiencies related to children, that:

In respect of police-lock-up, the 2021 the annual NPM report mentions the following deficiencies:

- *in Dâmbovița Detention and Preventive Arrest Centre, the national and international legal provisions on separating persons based on age, minors separated from adults were not observed, as during the visit in the detention rooms there were 4 minors accommodated with adults (în Centrul de Rețineră și Arestare Preventivă din cadrul Inspectoratului de Poliție Județean Dâmbovița nu erau respectate prevederile legale naționale și internaționale cu privire la principiul separației pe vârste, respectiv cazarea minorilor separat de adulți, având în vedere că la data vizitei, în camerele de deținere erau 4 minori cazați cu adulți)*. (2022 annual report)

- *the national and international legal provisions on separating persons based on age, minors separated from adults were not observed (for example in Giurgiu Detention and Preventive Arrest Centre during the visit one minor was accommodated with 2 adults (nu erau nerespectate prevederile legale naționale și internaționale cu privire la principiul separației pe vârste, respectiv cazarea minorilor separat de adulți (spre exemplu, la Centrul de Rețineră și Arestare Preventivă Giurgiu, la data vizitei, un minor era cazat cu 2 persoane majore); (2023 annual report).*

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>383</sup> had findings in respect of children in pre-trial facilities and concluded:

“44. The CPT’s delegation again met a number of minors in the various DPACs visited. The vulnerability of minors who are placed in detention is recognised by Law No. 254/2013, and notably in Article 117 which states that minors accommodated in DPACs should be separated from adults, receive the necessary psychological assistance and increased contacts with family members.

In Bucharest, all minors are now held at No.1 DPAC where three cells have been renovated since 2018 to accommodate a maximum of six minors (although each cell was equipped with two sets of bunk beds). The cells were already showing signs of wear and tear. At the Câmpina centre, the single minor was being held together in a cell with adults.

At the Târgoviște centre, the two minors present were being held together in a cell and both of them had been seen by a psychologist a few days prior to the delegation’s visit. That said, both boys were confined to their cell for 23 hours a day with only one hour or a little more in the yard and the possibility to make a 15-minute phone call every day. They were not offered any activities whether educational, sport or recreational. Further, they were not provided with any specific support or care

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<sup>379</sup> Romania, NMP [2024 reports for visits in police lock-ups](#)

<sup>380</sup> Romania, NMP [2021 annual report](#)

<sup>381</sup> Romania, NMP [2022 annual report](#)

<sup>382</sup> Romania, NPM [2023 annual report](#)

<sup>383</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

by the staff despite the fact that the 15-year-old boy was clearly distressed by the situation in which he found himself. At the Galați centre, a 14-year-old boy, who was still in a state of shock over the events that had led to his detention, was held together with two unrelated adults and was not provided with any specific support or attention apart from a weekly meeting with a psychologist.

45. The CPT has repeatedly stressed the lack of purposeful activity is especially harmful for minors, who have a particular need for physical activity and intellectual stimulation. Minors in remand detention should be offered a full programme of out-of-cell activities suited to their age, such as education, sport, vocational training and recreational activities. Physical education should constitute an important part of that programme. They should also be offered at least two hours of outdoor exercise every day, from the moment they arrive at a detention establishment.

Indeed, the CPT has stated that minors in particular should be placed in an environment adapted to their needs. To this end, it would be highly desirable for separate custody areas to be allocated for minors in DPACs with a more open regime. Moreover, whenever their stay exceeds a few days, it would be preferable for them to be transferred to a specialised centre specifically designed for their age group (i.e. a non-prison like environment with regimes tailored to their needs and staffed by persons trained in dealing with the young).<sup>46</sup> Further, a minor should not be detained together with unrelated adults.

46. It is also important that all staff, including those with custodial duties, who are in direct contact with minors should receive professional training in working with young people, both during induction and on an ongoing basis, and benefit from appropriate external support and supervision in the exercise of their duties. In this respect, the CPT recalls that the custody and care of juveniles deprived of their liberty is a particularly challenging task. It should be taken into account that many of them have suffered physical, sexual or psychological violence. The staff called upon to fulfil this task should be carefully selected for their personal maturity, professional integrity and ability to cope with the challenges of working with – and safeguarding the welfare of – this age group.

Even though most minors who are detained in a DPAC only remain in a centre for a week, those first few days in a detention facility tend to be the period when the minors are particularly vulnerable and most in need of support by staff. Further, from the figures provided by the Romanian authorities for the first six months of 2018, it appeared that 266 of the 655 minors (i.e. 40%) were held in a DPAC for longer than a week. An examination of the registers at Craiova DPAC showed that in 2020, several of the 29 minors held in the centre spent longer than two months in detention, with the longest held just over five months, while in the first five months of 2021, a few minors had been held for three weeks in detention and one for seven weeks.

From the findings of the 2021 visit, there did not appear to be any specific policies in place, other than the provision of periodic psychological counselling sessions, to support minors in detention. Each DPAC should have a few staff members who are trained to provide increased support to minors whenever a minor is detained.

**47. The CPT recommends that the Romanian authorities take steps in all DPACs to ensure that minors are held in decent conditions in a dedicated custody area and provided with a purposeful regime (i.e. at least eight hours out of their cells). To this end, it will be necessary to recruit specialised staff, including educators, to work in the relevant centres.**

**In addition, the management of DPACs must ensure that minors are not held together with unrelated adults. Further, every effort should be made to keep minors in DPACs for the shortest possible period. The CPT would like to be informed of the number of minors held in arrest detention centres in 2020**



**and 2021 and how many of them were held for periods longer than one week, one month and two months.**<sup>384</sup>

The two NPM members consulted assessed that children in police lock-ups receive psychological support, the only specific measure applied to them. The input was limited due to the fact children cannot be convicted to detention and therefore there were limited occasions to interact with children during the monitoring visits.<sup>385</sup>

## 14. Special measures to protect detainees with disabilities or serious medical conditions

### a. Care in detention

According to the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>386</sup>, there is a general obligation of prison administration to ensure that the person with disabilities serves the sentence with respect to human dignity (Article 43) and to protect the physical and mental health of disabled persons (Article 47). They should be provided with the conditions to participate in various activities, including vocational training (Article 94).

Both persons with disabilities and with psychiatric conditions are considered vulnerable detainees according to Article 34 of the of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>387</sup>) and are protected accordingly. Detainees who assist persons with disabilities are considered to work in prison and may receive rewards.

The Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>388</sup>) provides that detainees with serious mental conditions receive medical assistance in prison hospitals, based on the medical recommendation of the specialist prison doctor (Article 161).

### b. Continuity of care

There are no measures aiming to ensure continuity of care in preparation for the release from detention for persons with serious medical conditions. The Joint Order of the Ministry of Justice (*Ministerul Justiției*) and the Ministry of Health (*Ministerul Sănătății*) no. 4858/C/3363/2022<sup>389</sup> provides that upon release the person under treatment receives the medication for the day (Article 111) and that, if the

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<sup>384</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021. Bolded in original text.

<sup>385</sup> NPM representatives interviewed on 14 May 2024.

<sup>386</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>387</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>388</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>389</sup> Romania, [Joint Order of the Ministry of Justice and the Ministry of Health no.4858/C/3363/2022 on providing healthcare to persons deprived of liberty in custody of the National Administration of Penitentiaries](#) (*Ordinul comun nr.4858/C/3363/2012 privind asigurarea asistenței medicale persoanelor private de libertate aflate în custodia Administrației Naționale a Penitenciarelor*).

person is sick unable to walk, with his or her consent, is transported to a hospital or care centre (Article 113).

#### c. Reasonable accommodation and accessibility

According to the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>390</sup>, there is a general obligation of prison administration to ensure that the person with disabilities serves the sentence with respect to human dignity (Article 43) and to protect the physical and mental health of disabled persons (Article 47). They should be provided with the conditions to participate in various activities, including vocational training (Article 94). In addition, Article 6 provides that all detention areas should be made accessible for persons with disabilities.

In the answer provided by the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) to a request for information on the topic it was indicated that medical devices such as crutches, wheelchairs, walking frames, stretchers are available for persons with motor disability.

In police lock-ups Article 12 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>391</sup> provides that the centres should have accessible entrances and special rooms.

#### d. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

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- [2024 reports for visits in prisons](#)<sup>398</sup>
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<sup>390</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>391</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>392</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>393</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>394</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>395</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>396</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>397</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>398</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>399</sup> Romania, NPM [2024 reports for visits in police lock-ups](#)

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>400</sup>, [2022](#)<sup>401</sup> and [2023](#)<sup>402</sup>.

As regards prisons, the 2023 annual NPM reports mention, among deficiencies with care of detainees with disabilities, that:

- *there is no clear evidence of persons with disabilities aby degree and type of disability and also no evidence of other persons with invalidity ( nu exista o evidență clară a persoanelor încadrate în grade și tipuri de handicap și nici o evidență a persoanelor încadrate într-un grad de invaliditate. (2023 annual report)*

In respect of police-lock-ups, the 2022 the annual NPM report mentions the following deficiencies:

- *there were detention rooms access ways for persons with disabilities (deficiencies existing in most detention and preventive arrest centres in Romania) (● nu erau amenajate camere de deținere și căi de acces, pentru persoanele cu dizabilități (deficiențe existente în majoritatea centrelor de reținere și arestare preventive din România). (2022 annual report)*

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>403</sup> had findings in respect of persons with disabilities in prisons and concluded:

“67. The CPT’s delegation again received many allegations of verbal abuse by custodial staff in the four establishments visited. In particular, persons with learning difficulties or mental health disorders complained that prison officers often goaded them and made fun of their disabilities and a number of Roma prisoners complained about staff calling them by derogatory terms.

**The CPT recommends that the Romanian authorities ensure that the management in every prison reiterates to all prison staff that verbal abuse, notably of a racist nature, and goading of prisoners is unprofessional and not acceptable. Further, all prison officers, as part of their basic education, must be trained in how to interact with and offer support to prisoners with disabilities or mental disorders.**

[...]

109. The CPT’s delegation met many prisoners who were suffering from a mental illness and/or a personality disorder, and who were not being provided with the appropriate care. For example, at Mărgineni Prison, 109 persons received psychotropic medication, but no psychiatrist visited the establishment while at Giurgiu Prison, 398 persons received psychotropic medication, with a psychiatrist present only one day per week. Further, detained persons in need of psychiatric care had to cope with conditions of detention which had a negative impact on their mental and physical health: most of them were held in large collective dormitories. Often such an environment exacerbated their condition and made it harder for them to adapt to prison life which resulted in conflict with other prisoners and bullying by staff. As a consequence, they were moved from one dormitory to another with their mental

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<sup>400</sup> Romania, NMP [2021 annual report](#)

<sup>401</sup> Romania, NMP [2022 annual report](#)

<sup>402</sup> Romania, NPM [2023 annual report](#)

<sup>403</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

health deteriorating further. For many of these prisoners, a more therapeutic environment was necessary.

**The CPT recommends once again that the Romanian authorities ensure that all prisons have appropriate psychiatric input from both a psychiatrist (i.e. at least one psychiatrist in each prison) and nurses dedicated to mental health.**

110. The National Prison Administration, recognising the need to provide increased psychiatric care in prison, decided to establish four units for the accommodation of vulnerable inmates who suffer from serious mental illnesses. The CPT was informed that a unit for each regime category had been established in the prisons of Iași (open), Craiova (closed), Gherla (maximum security) and Bucharest Jilava (semi-open).

However, at Craiova Prison, the CPT's delegation found that no dedicated unit existed and that the 98 persons identified as having a severe and enduring mental health disorders, including seven under a court-imposed measure, were held in cells together with other persons in the closed regime section. Moreover, the single psychiatrist had left his full-time position and was only working 20% of FTE at the establishment since May 2020. Therefore, at the time of the visit, a psychiatrist visited the establishment one day per week which is clearly insufficient. Not surprisingly, the CPT's delegation found many patients who had been neglected and whose mental health was deteriorating. Further, most of them were held in large dormitories which were inappropriate considering the patients' physical and mental capacities.

For example, the CPT's delegation met a young woman who was unable to look after herself and was living in unhygienic conditions in dirty clothes in a filthy cell with dirty bedding. She had a number of skin lesions caused by bedbugs and acts of self-harm. According to her medical files, a psychiatrist considered that she needed to be placed in "an environment providing psychological protection and support" whereas she was held in an RMS cell with another person with whom she had limited interaction. Diagnosed with a severe personality disorder and psychosis, and most likely an intellectual disability, she had not seen a psychiatrist for 12 months.

This situation demonstrates the incapacity of Craiova Prison to provide for the essential needs of patients with a severe mental health disorder and the extent of neglect to which this woman is exposed which could amount to inhuman and degrading treatment. [...]

111. Persons with mental health disorders should not only receive pharmacotherapy nor be warehoused in prison cells or dormitories, but should be provided with psycho-social therapy and appropriate occupation. Moreover, all sentenced persons under Article 109 of the Criminal Code who require mandatory psychiatric treatment should be treated in a hospital and not in prison. The CPT recalls that, to be meaningful, dedicated prison psychiatric units must be appropriately staffed with clinical psychologists and mental health nurses, under the regular supervision of a psychiatrist. They should further offer activities and care targeted to the needs of the patients.

[...]

**The CPT recommends that the Romanian authorities review the operation of the special units for persons with a mental health disorder to ensure that they are properly staffed and are able to offer a range of activities to cater to the needs of the patients. To this end, the CPT would like to be informed in detail of the steps taken at Craiova Prison to develop a dedicated unit for persons with a mental health disorder and to provide appropriate treatment and living conditions for those patients assigned to the unit.**

[...]”<sup>404</sup>

The two NPM members consulted acknowledged that rooms have not been made accessible either in police lock-ups nor in prisons. For the persons with motor disabilities medical devices are used, especially in police lock-ups and fellow detainees are used as personal assistants in prisons. Therefore, the special measures to protect detainees with disabilities or serious medical conditions are rather limited.<sup>405</sup>

## 15. Specific measures to protect detainees with special needs or other vulnerabilities

### a. Protection of LGBTI detainees

According to the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>406</sup>), sexual orientation is a criterion for considering a detainee as vulnerable. Article 36 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>407</sup>) provides for protection measures for vulnerable detainees. Most of them are segregation measures. The speedy investigation of allegations of violence is also mentioned as a protection measure. If measures are insufficient for protection, the detainee shall be transferred to another prison or prison-hospital. Classification as vulnerable is not done automatically, but only if the person is in a real danger, assessed by a commission.

As regards the pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*), the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>408</sup> provides for possible separation of vulnerable persons (Article 6), but does not include a separate definition of vulnerability.

### b. Protection of trans detainees

In 2023, the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>409</sup>) have been amended to include gender identity as a specific criterion of vulnerability for detainees (Article 34). Article 36 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>410</sup>) provides for protection measures for vulnerable detainees. Most of them are segregation measures. The speedy investigation of allegations of violence is also mentioned as a protection measure. If measures are insufficient for protection, the

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<sup>404</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021. Bolded in original text.

<sup>405</sup> NPM representatives interviewed on 14 May 2024.

<sup>406</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>407</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>408</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>409</sup> Romania, [Implementing Regulation of 2016 of Law no.254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>410</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

detainee shall be transferred to another prison or prison-hospital. Classification as vulnerable is not done automatically, but only if the person is in a real danger, assessed by a commission.

As regards the pre-trial detention facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*), the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures<sup>411</sup> provides for possible separation of vulnerable persons (Article 6), but does not include a separate definition of vulnerability.

#### c. Protection of other vulnerable detainees

Article 36 of the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>412</sup>) provide for protection measures for vulnerable detainees. Most of them are segregation measures. The speedy investigation of allegations of violence is also mentioned as a protection measure. If measures are insufficient for protection, the detainee shall be transferred to another prison or prison-hospital. Classification as vulnerable is not done automatically, but only if the person is in a real danger, assessed by a commission. The classification criteria for vulnerable detainees include, besides sexual orientation and gender identity: disability; mental disorders; HIV/AIDS; conviction for crimes against children and sexual crimes; difficult family situation, lack of support from family, extreme poverty or wealth; the profession or occupation before conviction; supporting law enforcement or intelligence services with information on crimes or disciplinary offences; any other similar situation.

#### d. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

- [2021 reports for visits in prisons<sup>413</sup>](#)
- [2021 reports for visits in police lock-ups<sup>414</sup>](#)
- [2022 reports for visits in prisons<sup>415</sup>](#)
- [2022 reports for visits in police lock-ups<sup>416</sup>](#)
- [2023 reports for visits in prisons<sup>417</sup>](#)
- [2023 reports for visits in police lock-ups<sup>418</sup>](#)
- [2024 reports for visits in prisons<sup>419</sup>](#)
- [2024 reports for visits in police lock-ups<sup>420</sup>](#)

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<sup>411</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>412</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>413</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>414</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>415</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>416</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>417</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>418</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>419</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>420</sup> Romania, NPM [2024 reports for visits in police lock-ups](#)

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>421</sup>, [2022](#)<sup>422</sup> and [2023](#)<sup>423</sup>. None of the annual reports have findings in respect of vulnerable detainees, including LGB and trans detainees.

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>424</sup> had findings in respect of vulnerable detainees in prisons and concluded:

“74. [...] Violent incidents also erupted at Craiova Prison particularly in the large dormitories in which persons with a mental disorder were accommodated.

Further, as was the case in 2018, vulnerable persons stressed that they were regularly insulted and threatened by other prisoners.

[...]

87. In the four prisons visited, a number of persons were classified as vulnerable. These persons were held separately from the rest of the prison population in collective cells, had distinct hours for accessing the outdoor yards or the prison shop, and were not engaged in any work. The Regime Board could decide to classify a prisoner as vulnerable at any time it was considered that a person was a danger to her/himself, to others or to the security of the establishment. The vulnerability is determined based on criteria established by Law. The management of the prisons visited paid a particular attention to this classification trying to balance between the need to protect certain persons and the necessity not to segregate them from the rest of the establishment. The CPT’s delegation noted that these measures were beneficial to protect certain persons. However, these persons were often held in the RMS wings and confined to their cells for 22 hours a day with few activities offered. **The CPT recommends steps be taken in all the prisons visited to offer persons classified as vulnerable a range of purposeful activities.**

[...]

108. With the exception of Galați Prison, persons with HIV-infection were held together as “vulnerable prisoners” (see paragraph 87), clearly identified and known by custodial staff in the three other establishments. Indeed, an A4 poster marked “HIV” was even displayed on certain cell doors at Giurgiu and Mărgineni Prisons stigmatising these persons even further. Several indicated having been bullied by other persons and custodial staff (verbal abuse, threats, and occasionally physical violence) due to their HIV-infection. They were constantly in fear of being aggressed outside of their cells.

[...]

**The CPT recommends once again that measures be taken to ensure the strict confidentiality of medical information in light with the above remarks. Further, an information programme should be put in place for staff and persons in prison on transmissible diseases and notably on HIV. Clear**

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<sup>421</sup> Romania, NMP [2021 annual report](#)

<sup>422</sup> Romania, NMP [2022 annual report](#)

<sup>423</sup> Romania, NPM [2023 annual report](#)

<sup>424</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.



**instructions should be issued to ensure that HIV-infected persons are treated equally and have access to the same regime as other persons.”<sup>425</sup>**

The two NPM members considered that LGB and trans detainees are protected against violence as they are held in separate rooms and such measure is, in general, sufficient for the protection of vulnerable detainees. Nevertheless, they indicated that, in their assessment, there are very few cases of LGB and trans detainees.<sup>426</sup>

## 16. Specific measures to address radicalisation in prisons

### a. General measures to prevent radicalisation

There are no standards aiming to prevent radicalization in prison, provided for by the law. In the answer provided by the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) to a request for information on the topic, it was indicated that a methodology for managing radicalization and violent extremism is planned to be adopted and implemented.

Other related activities include identifying persons with prior or current contact with terrorist groups or organizations, e-learning training, including in cooperation with the Romanian Intelligence Service and participation in European Union funded projects on the topic.

### b. Risk assessments

There are no specific requirements to carry out initial risk assessments to determine the appropriate detention regime applicable to detainees suspected or convicted of terrorist and violent extremist offences. For placing a detainee in an initial detention regime, all detainees are assessed mainly based on the prison sentence and the risk they pose to security. Due to the high penalties for terrorism related crimes, such detainee shall most likely be placed under maximum security detention regime. Similarly, risk assessment is carried out regularly for all detainees.

### c. Training of staff

There are no specific staff tools and training to prevent and recognise signs of radicalisation at an early stage.

### d. Deradicalisation measures

There are no specific measures in place providing for rehabilitation, deradicalisation and disengagement programmes in prison, in preparation of release, and programmes after release to promote reintegration of detainees convicted of terrorist and violent extremist offences.

### e. NPM assessment

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<sup>425</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021. Bolded in original text.

<sup>426</sup> NPM representatives interviewed on 14 May 2024.

- [2021 reports for visits in prisons](#)<sup>427</sup>
- [2021 reports for visits in police lock-ups](#)<sup>428</sup>
- [2022 reports for visits in prisons](#)<sup>429</sup>
- [2022 reports for visits in police lock-ups](#)<sup>430</sup>
- [2023 reports for visits in prisons](#)<sup>431</sup>
- [2023 reports for visits in police lock-ups](#)<sup>432</sup>
- [2024 reports for visits in prisons](#)<sup>433</sup>

[2024 reports for visits in police lock-ups](#)<sup>434</sup>

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>435</sup>, [2022](#)<sup>436</sup> and [2023](#)<sup>437</sup>. None of them have any reference on deradicalization.

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>438</sup> had no findings in respect of deradicalization or detainees convicted for terrorism.

The two NPM members consulted assessed that deradicalization is not an issue in prisons and police lock-ups and no measures are yet in place in this respect.<sup>439</sup>

## 17. Inspections and monitoring

### a. Inspections

According to the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial<sup>440</sup>, representatives of human rights national organizations have access to regularly visit prisons and be in contact with detainees with the approval of the head of the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) (Article 57). The discussion with the detainees is confidential.

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<sup>427</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>428</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>429</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>430</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>431</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>432</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>433</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>434</sup> Romania, NPM [2024 reports for visits in police lock-ups](#)

<sup>435</sup> Romania, NMP [2021 annual report](#)

<sup>436</sup> Romania, NMP [2022 annual report](#)

<sup>437</sup> Romania, NPM [2023 annual report](#)

<sup>438</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

<sup>439</sup> NPM representatives interviewed on 14 May 2024.

<sup>440</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

Similar provisions are applicable to police lock-ups, based on Article 101 of the Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures.<sup>441</sup>

#### b. Access to detention facilities by national authorities

Article 93 of the Rules on security of detention facilities under the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*)<sup>442</sup> approved by the Order of the Ministry of Justice (*Ministerul Justiției*) no 4800/C/2018 provides which, national authorities have access to prisons, in exercising their duties.<sup>443</sup> Among those: The President of Romania, the prime-minister, senators and deputies, the Ombudsman, presidents of the Constitutional Court, the High Court of Cassation and Justice, presidents of courts where the facility is located, the General Prosecutor etc.

#### c. Access to detention facilities by international bodies

Article 93 of the Rules on security of detention facilities under the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*)<sup>444</sup> approved by the Order of the Ministry of Justice (*Ministerul Justiției*) no 4800/C/2018 provides<sup>445</sup> the members of the international bodies with recognized competence in Romania have access to prisons.

#### d. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

- [2021 reports for visits in prisons](#)<sup>446</sup>
- [2021 reports for visits in police lock-ups](#)<sup>447</sup>
- [2022 reports for visits in prisons](#)<sup>448</sup>
- [2022 reports for visits in police lock-ups](#)<sup>449</sup>
- [2023 reports for visits in prisons](#)<sup>450</sup>
- [2023 reports for visits in police lock-ups](#)<sup>451</sup>

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<sup>441</sup> Romania, [Regulation of 2018 on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Regulamentul din 2018 privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*), approved by [Order of the Ministry of the Interior no.14/2018 on approving the Regulation on the organization and functioning of the police lock-ups and on the necessary security measures](#) (*Ordinul nr.14/2018 pentru aprobarea Regulamentului privind organizarea și funcționarea centrelor de reținere și arestare preventivă, precum și măsurile necesare pentru siguranța acestora*).

<sup>442</sup> Romania, [Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Regulament privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>443</sup> Romania, [Order of the Ministry of Justice no. 4800/C/2018 on approving the Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Ordinul Ministerului Justiției nr.4800/C/2018 privind aprobarea Regulamentului privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>444</sup> Romania, [Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Regulament privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>445</sup> Romania, [Order of the Ministry of Justice no. 4800/C/2018 on approving the Rules on security of detention facilities under the National Administration of Penitentiaries](#) (*Ordinul Ministerului Justiției nr.4800/C/2018 privind aprobarea Regulamentului privind siguranța locurilor de deținere din subordinea Administrației Naționale a Penitenciarelor*).

<sup>446</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>447</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>448</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>449</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>450</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>451</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

- [2024 reports for visits in prisons](#)<sup>452</sup>
- [2024 reports for visits in police lock-ups](#)<sup>453</sup>

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>454</sup>, [2022](#)<sup>455</sup> and [2023](#)<sup>456</sup>. None have any finding in respect of access to prisons and police lock-ups for various inspections and monitoring visits. The NMP was able to access both prisons and police lock-ups without restrictions.

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>457</sup> had no findings in respect of inspections and monitoring. The CPT members were able to access the facilities.

The two NPM members consulted assessed that detention facilities are accessible for the purposes of inspections and monitoring of detention conditions.<sup>458</sup>

## 18. Access to remedy

### a. Legal remedies

In accordance to Article 56 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, detainees can complain against any measure ordered by the prison administration before the judge supervising the deprivation of liberty, within 10 days since they were informed on the measure.<sup>459</sup> Pursuant to Article 110 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, the same remedy is available for individuals detained in pre-trial facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*)<sup>460</sup>. The decision of the judge should be issued within 15 days and can be further appealed before a local court (*judecătorie*) in 5 days since it was communicated to the party.

As regards, the geographic allocation of detainees and their transfer, the detainees can file court complaint before the administrative divisions of the courts of appeal.<sup>461</sup>

<sup>452</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>453</sup> Romania, NMP [2024 reports for visits in police lock-ups](#)

<sup>454</sup> Romania, NMP [2021 annual report](#)

<sup>455</sup> Romania, NMP [2022 annual report](#)

<sup>456</sup> Romania, NPM [2023 annual report](#)

<sup>457</sup>CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

<sup>458</sup> NPM representatives interviewed on 14 May 2024.

<sup>459</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>460</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>461</sup> Romania, High Court of Cassation and Justice, the Panel for the Appeal in Interest of Law, [Decision no.3/2023](#) (*Decizia RIL nr.3/2023 a Înaltei Curți de Casație și Justiție – Secțiunile Unite – Completul pentru soluționarea recursului în interesul legii*) published in the Official Gazette part I no.526/2023

All persons deprived of liberty, irrespective of their regime, can also seek to obtain damages before the courts based on the general tort law (*Codul civil*<sup>462</sup>) from the Romanian State, the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) and/or the prison in question, as well as from any other liable person. The general time-limit for claims under the tort law is 3 years since the party became aware of the cause of damage.

When detainees complain of the overcrowding in detention rooms alone, only the Romanian State has the standing in tort cases and not the prison in question or the National Administration of Penitentiaries, as interpreted by final decision by the High Court of Cassation and Justice.<sup>463</sup>

There are no legal provisions in depriving detainees from complaining before the Ombudsperson, so they can file such complaints as any other person. The Ombudsperson's annual reports mention the complaints received from detainees and the recommendations the Ombudsperson made to authorities. The recommendations are not binding.

#### b. Legal assistance

In accordance with the rules provided for in the Government Decision no. 157/2016<sup>464</sup> on approving the Regulation implementing the Law no. 254/2013 on the execution of sentences (Implementing Regulation<sup>465</sup>), the lawyers can visit the detainees at all times and in confidentiality.

#### c. Request and complaints

In accordance to Article 56 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, detainees can complain against any measure ordered by the prison administration before the judge supervising the deprivation of liberty, within 10 days since they were informed on the measure.<sup>466</sup> Pursuant to Article 110 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, the same remedy is available for individuals detained in pre-trial facilities under the Ministry of the Interior (*Ministerul Afacerilor Interne*)<sup>467</sup> The decision of the judge should be issued within 15 days and can be further appealed before a local court (*juducătorie*) in 5 days since it was communicated to the party.

#### d. Independent authority

In accordance to the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial, the judge supervising the deprivation of liberty:

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<sup>462</sup> Romania, Article 1357 and the following of the [Civil Code](#) (*Codul civil*).

<sup>463</sup> Romania, [Civil Decision no.460/2020 of the High Court of Cassation and Justice – First Civil Section](#) (*Decizia civilă nr.460/2020 a Înaltei Curți de Casație și Justiție – Secția I Civilă*)

<sup>464</sup> Romania, [Government Decision no. 157/2016 on approving the implementing regulation of Law no.254/2013](#) (*Hotărârea Guvernului Nr. 157/2016 din 10 martie 2016 pentru aprobarea Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>465</sup> Romania, [Implementing Regulation of 2016 of Law no. 254/2013](#) (*Regulamentului de aplicare a Legii nr. 254/2013 privind executarea pedepselor și a măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>466</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

<sup>467</sup> Romania, [Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial](#) (*Legea nr.254/2013 privind executarea pedepselor și măsurilor privative de libertate dispuse de organele judiciare în cursul procesului penal*).

- Decides on the detainees' complaints related to the exercise of their rights can order the annulment or modification of the measures or order measures to be taken, including the accommodation of a detainee in a room compatible with the 4 m<sup>2</sup> of personal space standard<sup>468</sup> or the proper heating of a room<sup>469</sup>
- Decides on the detainees' complaints related to the placement in a detention regime and can order the change of the regime;
- Decides on the detainees' complaints related to disciplinary sanctions and can order the annulment or modification of the sanction;
- Participated in the procedure regulating the hunger strike; if the reasons for the hunger strike are related to the rights of the detainees, the placement in a detention regime or disciplinary sanctions, the judge can issue a decision accordingly; for other issues, the judge can make recommendation to the head of the detention facility
- Presides the session of the parole board;
- Exercises any other power provided for by the law.

The decisions of the judge supervising the deprivation of liberty as well as the written recommendations issues in the procedure regulating the hunger strike are compulsory.

As regards, the geographic allocation of detainees and their transfer, the administrative divisions of the courts of appeal can annul the decision of the head of the National Administration of Penitentiaries (*Administrația Națională a Penitenciarelor*) to refuse the transfer to a prison closer to home.

#### e. NPM assessment

The Office of the Romanian Ombudsperson (*Avocatul Poporului*) is designated as the National Preventive Mechanism (NPM) under the Optional Protocol to the UN Convention against Torture (OPCAT). Between 15 April 2021 and 31 March 2024, the NPM carried out 68 visits in prisons and police lock-ups and the reports can be found on the institutional website, as follows:

- [2021 reports for visits in prisons<sup>470</sup>](#)
- [2021 reports for visits in police lock-ups<sup>471</sup>](#)
- [2022 reports for visits in prisons<sup>472</sup>](#)
- [2022 reports for visits in police lock-ups<sup>473</sup>](#)
- [2023 reports for visits in prisons<sup>474</sup>](#)
- [2023 reports for visits in police lock-ups<sup>475</sup>](#)
- [2024 reports for visits in prisons<sup>476</sup>](#)
- [2024 reports for visits in police lock-ups<sup>477</sup>](#)

<sup>468</sup> Romania, Iasi Local Court, [criminal sentence no.552](#), 15 March 2024 (Judecătoria Iasi, sentința penală nr.552/15.03.2024)

<sup>469</sup> [Criminal Judgement no. 147/21 January 2021 of the Local Court of Sector 5 Bucharest](#) (*Sentința penală nr.147 din 21 ianuarie 2021 a Judecătoria Sectorului 5 București*).

<sup>470</sup> Romania, NPM [2021 reports for visits in prisons](#)

<sup>471</sup> Romania, NPM [2021 reports for visits in police lock-ups](#)

<sup>472</sup> Romania, NPM [2022 reports for visits in prisons](#)

<sup>473</sup> Romania, NPM [2022 reports for visits in police lock-ups](#)

<sup>474</sup> Romania, NPM [2023 reports for visits in prisons](#)

<sup>475</sup> Romania, NPM [2023 reports for visits in police lock-ups](#)

<sup>476</sup> Romania, NPM [2024 reports for visits in prisons](#)

<sup>477</sup> Romania, NPM [2024 reports for visits in police lock-ups](#)

In addition, the NPM published annual reports, which include examples of good practices and deficiencies, some formulated with general application, regarding the visits in prisons and police lock-ups, for [2021](#)<sup>478</sup>, [2022](#)<sup>479</sup> and [2023](#)<sup>480</sup>. None have any finding in respect of legal remedies.

During the reference period, the European Committee for the Prevention of Torture had carried out one ad-hoc visit in prisons and pre-trial facilities, from 10 to 21 May 2021. The report, published on 14 April 2022<sup>481</sup> had findings in respect of legal remedies and concluded:

“131. The situation regarding complaints remains the same as observed during the 2018 visit. The CPT’s delegation again met a number of persons in prison who stated that they had little trust in the complaints system and were even afraid that the lodging of a complaint would aggravate their situation. This was notably the case at Giurgiu Prison. Further, no improvement was discernible regarding accessibility to the complaints system; many persons still did not have paper and pen with which to complain, and complaints boxes were not present in all sections of the prisons visited. In several cases, persons stated that they were pressured by custodial staff (e.g. threats of a transfer, a change of regime or of physical violence), to withdraw a complaint made to the administration or a judicial authority. Indeed, the CPT’s delegation noted from the records consulted that person who had initially complained about an incident of alleged ill-treatment later withdrew their complaint which stopped the procedure or any meaningful investigation.

The CPT recognises that avenues to make a complaint exist and that the supervisory judge is present to control the legality of the functioning of each establishment. However, as long as there is no trust in these avenues and the supervisory judge is not perceived to be effective, the complaints system will not accurately reflect the problems in the prisons, notably as regards issues of violence.

**The CPT recommends that the Romanian authorities improve the access to complaint mechanisms. Further, steps should be taken to promote trust in the fairness of the complaints system among persons in prison (see also the recommendation in paragraph 66 regarding reprisals).<sup>482</sup>**

The two NPM members consulted assessed that the complaint mechanism is functional, without providing further input.<sup>483</sup>

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<sup>478</sup> Romania, NPM [2021 annual report](#)

<sup>479</sup> Romania, NPM [2022 annual report](#)

<sup>480</sup> Romania, NPM [2023 annual report](#)

<sup>481</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021.

<sup>482</sup> CPT/Inf (2022) 6, [Report to the Romanian Government on the ad-hoc visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment \(CPT\)](#) from 10 to 21 May 2021. Bolded in original text.

<sup>483</sup> NPM representatives interviewed on 14 May 2024.



## Part II: National case-law

Romania, Local Court of Sector 5 Bucharest (Judecătoria Sectorul 5 București), criminal sentence no.147, 25 January 2021

<b>Thematic area</b>	<b>Section 1.b.) Cell equipment, furniture and facilities / Section 18) Access to Remedies</b>
<b>Decision date</b>	25 January 2021
<b>Reference details</b>	Local Court of Sector 5 Bucharest (Judecătoria Sectorului 5 București), criminal sentence no.147, 25 January 2021 <a href="http://www.rolii.ro/hotarari/60161c44e49009640300003e">http://www.rolii.ro/hotarari/60161c44e49009640300003e</a>
<b>Key facts of the case</b>	On 3 December 2020, a detainee held in the Bucharest Rahova Penitentiary, complained to the judge supervising the deprivation of liberty in relation to several breaches of his rights: lack of heating in the cells, lack of proper healthcare (he was not receiving medication for his chronic diseases or dental care), temporary lack of nutrition in accordance with his medical needs (he did not receive food adequate to his diabetes for 3 days), the room for personal storage was missing shelves and the door, the bath did not have a shelf and a hanger for towels/clothes, the shower did not have the hose and the head, the closet for hygienic goods was missing the door. The judge allowed his complaint in part, as regards the missing doors for the personal storage room and ordered the penitentiary to fix the issue. The detainee further appealed to the local court
<b>Main reasoning/argumentation</b>	The court upheld the facts as decided by the judge supervising the deprivation of liberty, based on the documents provided by the penitentiary. It considered that only the issue of the missing door of the personal storage room was proven, therefore, it found that the decision of the judge supervising the deprivation of liberty – to allow the complaint only in this regard, was well founded.
<b>Key issues (concepts, interpretations) clarified by the case</b>	The decision is one example of how Article 56 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial can be used as a remedy for material conditions of detention in cells.
<b>Results (sanctions) and key consequences or implications of the case</b>	In so far as the complaint of the detainee was found well-founded by the judge supervising the deprivation of liberty, the penitentiary was ordered to take the necessary measures to improve material aspects of detention conditions.
<b>Key quotation in original language and translated into English with reference details</b>	<i>„Astfel, privitor la susținerea petentului că în perioada 09.-12.11.2020 în camera sa nu a fost căldură, instanța reține că în perioada menționată petentul era cazat în camera E7.9, cameră la care furnizarea energiei termice a început la 04.11.2020, prin centrala proprie a penitenciarului, temperatura monitorizată fiind în intervalul 20,3 – 20,8 grade Celsius, valorile fiind trecute în registrul ținut în acest sens. Privitor la susținerea petentului în sensul că în perioada 12 – 19.11.2020 nu a primit tratamentul medicamentos, instanța reține din referatul întocmit de cabinetul medical că petentul a primit medicamentele la data de 12.11.2020 la cabinet, fiind consemnat în registrul de consultații. Privitor la susținerea că dușul de la baie nu are furtun și pară, instanța constată că aceasta nu este o defecțiune, dușurile fiind de tip anti-vandalism, funcționând corespunzător. Privitor la norma de hrană de care beneficiază petentul, instanța reține că acesta este alocat și beneficiază de norma de hrană 18 diabet și a primit de la blocul alimentar hrana respectiv, inclusiv în datele reclamate. Față de cele expuse mai sus, instanța apreciază că încheierea judecătorului de supraveghere este legală și temeinică și va respinge contestația formulată de petentul A__ A_____ ca neîntemeiată”</i>



	<p>“As regards the applicant’s submission that between 9-12.11.2020 his room had no heating, the court finds that during that period the applicant was held in room E7.9 and that heating was provided in this room starting with 4.11.2020 by the penitentiary heating system and that the temperature was between 20.3 – 20.8 Celsius, as mentioned in the temperature log.</p> <p>As regards the applicant’s submission that between 12-19.11.2020 he received no medical treatment, the court finds that the document provided by the medical ward mentions that the applicant received medication on 12.11.2020 and he was registered in the medical consultation log.</p> <p>As regards the submission that the bathroom shower had no head and hose, the court finds that this is not a deficiency, as the showers are protected against vandalism and they function properly.</p> <p>As regards the food received, the court finds that the applicant is allocated to nutritional standard 18 for diabetes and that he received food accordingly from the kitchen, including during the days he complained about.</p> <p>Based on the above, the court considers that the decision of the judge supervising the deprivation of liberty is legal and well-founded and will dismiss the applicant’s complaint as ill-founded.”</p>
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Romania, Iasi Local Court (Judecătoria Iași), criminal sentence no.552, 15 March 2024

<b>Thematic area</b>	<b>Section 1.a.) Cell space / Section 18) Access to Remedies</b>
<b>Decision date</b>	15 March 2024
<b>Reference details</b>	Romania, Iasi Local Court (Judecătoria Iași), criminal sentence no.552, 15 March 2024 <a href="https://www.rejust.ro/juris/987e96e93">https://www.rejust.ro/juris/987e96e93</a>
<b>Key facts of the case</b>	On 18 December 2023, a detainee held in the Iasi Penitentiary, filed a court complaint against the decision of the judge supervising the deprivation of liberty to dismiss his complaint that he was detained in a room where he had only about 3 m <sup>2</sup> of personal space.
<b>Main reasoning/argumentation</b>	The court referred to the European Court of Human Rights and European Court of Justice jurisprudence and found that the detainee was held in conditions contrary to Article 3 of the European Convention of Human Rights. As the detainee has not requested the annulment of any decision of the prison, the court found that the only available remedy is to order the prison to move the detainee to a room which provides at least 4 m <sup>2</sup> of personal space.
<b>Key issues (concepts, interpretations) clarified by the case</b>	The decision is one example of how Article 56 of the Law no. 254/2013 on the execution of punishments and measures with deprivation of liberty ordered by judicial bodies during the criminal trial can be used as a remedy for material conditions of detention in cells, including overcrowding.
<b>Results (sanctions) and key consequences or implications of the case</b>	In so far as the complaint of the detainee was found well-founded by the court the penitentiary was ordered to take the necessary measures to move the detainee in a room in which at least 4 m <sup>2</sup> of personal space for each detainee were ensured.
<b>Key quotation in original language and translated into English with reference details</b>	Based on the possible solutions provided for by Article 56 (6) [of the Law no.254/2013] and bearing in mind that the applicant had not asked for the annulment or revocation of a measure of the prison administration, the only solution which can be adopted in allowing the complaint is to obligate the [Iasi] Prison to adopt a legal measure, when breaches of the rights of detainees are found. Consequently, based on provisions of Article 56 6 of the Law no.254/2013, allows the complaint [...]. ..orders the [Iasi] Prison to accommodate the applicant in a detention room which provides at least 4 m <sup>2</sup> for each detainee.  “Raportat la soluțiile prevăzute de art. 56 alin. 6 și având în vedere că petentul nu a solicitat anularea sau revocarea unor măsuri luate de administrația locului de deținere, singura soluție ce s-ar putea dispune în cazul admiterii contestației ar fi cea de obligare a administrației penitenciarului la luarea unor măsuri legale, în cazul constatării încălcării unor dispoziții legale referitoare la drepturile persoanelor private de libertate. În consecință, în baza disp. art. 56 din Legea nr. 254/2014, admite contestația [...] Obligă Penitenciarul [Iași] să dispună cazarea petentului într-o cameră de deținere care să asigure cel puțin 4 metri pătrați pentru fiecare persoană privată de libertate.”

Romania, High Court of Cassation and Justice – First Civil Section (Înalta Curte de Casație și Justiție, Secția I Civilă), Bucharest / Civil decision no.460, 19 February 2020

<b>Thematic area</b>	<b>Section 18) Access to remedy (#18), Section 1) Cells</b>
<b>Decision date</b>	19 February 2020
<b>Reference details</b>	High Court of Cassation and Justice – First Civil Section (Înalta Curte de Casație și Justiție, Secția I Civilă), Bucharest / Civil decision no.460, 19 February 2020 <a href="http://www.scj.ro/1093/Detailii-jurisprudenta?customQuery%5B0%5D.Key=id&amp;customQuery%5B0%5D.Value=159009">http://www.scj.ro/1093/Detailii-jurisprudenta?customQuery%5B0%5D.Key=id&amp;customQuery%5B0%5D.Value=159009</a>
<b>Key facts of the case</b>	The High Court of Cassation and Justice examined an appeal on points of law in a case, which originated from a claim for moral damages for overcrowding, in which the first instance court awarded the RON 5,000 (approx. € 1,000) and decided that the National Administration of Penitentiaries ( <i>Administrația Națională a Penitenciarelor</i> ) has no standing to compensate the applicant, but only the Romanian State. The decision was upheld in appeal and by the High Court of Cassation and Justice in the appeal on points of law.
<b>Main reasoning/ argumentation</b>	The High Court of Cassation and Justice found that the lower courts correctly dismissed the claim against the National Administration of Penitentiaries ( <i>Administrația Națională a Penitenciarelor</i> ) and allowed the claim against the Romanian State, given only the latter is responsible for the penal policy which results in overcrowding of prisons.
<b>Key issues (concepts, interpretations) clarified by the case</b>	The High Court of Cassation and Justice clarified that only the Romanian State can be held responsible for overcrowding in detention rooms as it is a structural and systemic problem and a direct result of the state's penal policy and not an issue under the control of the National Administration of Penitentiaries ( <i>Administrația Națională a Penitenciarelor</i> ). For other poor material detention conditions, the National Administration of Penitentiary might be held liable as well.
<b>Results (sanctions) and key consequences or implications of the case</b>	The decision no.460/2020 of the High Court of Cassation and Justice resulted in a change of jurisprudence of the European Court of Human Rights in detention conditions cases. On 20 July 2021, the European Court of Human Rights found that the decision no.460/2020 of the High Court of Cassation and Justice is a change in the domestic jurisprudence and that the claim for damages for poor detention conditions under the domestic tort law is now, consequently, an effective remedy for persons which are no longer held in improper detention conditions at the time they seek compensation. As the decision no.460/2020 was published on 13 July 2020 and 6 months are needed for the interested persons to become aware of the change, since 13 January 2021 a domestic claim for compensation became an effective remedy for poor detention conditions (judgement <i>Polgar v Romania</i> of 20 July 2020, §§95-96). <a href="http://hudoc.echr.coe.int/eng?i=001-211234">http://hudoc.echr.coe.int/eng?i=001-211234</a>
<b>Key quotation in original language and translated into English with reference details</b>	<i>"... în speță, răspunderea Administrației Naționale a Penitenciarelor a fost înlăturată, reținându-se că s-ar fi justificat chemarea în judecată a acestei autorități publice pentru a răspunde pentru producerea unui eventual prejudiciu ca urmare a condițiilor efective de detenție, altele decât supraaglomerarea din penitenciare. Astfel, câtă vreme instanța de apel a constatat imposibilitatea obiectivă a Administrației Naționale a Penitenciarelor de a se conforma standardului prevăzut în legislația ce reglementează modalitatea de efectuare a stării de detenție, prejudiciul, raportat la condițiile inadecvate de executare a pedepsei privative de libertate astfel cum au fost reținute, fiind cauzat de împrejurări independente de posibilitățile sale de decizie și control, o atare statuare este în concordanță cu jurisprudența Curții Europene a Drepturilor Omului, potrivit cu care această situație este cauzată de o problemă structurală și sistemică, ce nu poate fi rezolvată decât de Statul Român.</i>

	<p><i>Așadar, în mod corect s-a reținut în sarcina recurenteii o răspundere directă pentru deficiențele sistemice de natură a afecta demnitatea umană, similare celor care au fost constatate și de instanța europeană.</i></p> <p><i>În consecință, Înalta Curte reține că, în mod corect, recurenteii i-a fost recunoscută calitatea procesuală pasivă în litigiul dedus judecătii, față de natura faptei ilicite reținute, supraaglomerarea penitenciarelor în care reclamantul a fost deținut putând fi imputată doar statului, iar acordarea de despăgubiri morale pentru prejudiciul născut din această faptă putând fi dispusă doar în sarcina acestuia, deoarece Statul este cel care stabilește politica penală.”</i></p> <p>“... in this case, the liability of the National Administration of Penitentiaries (<i>Administrația Națională a Penitenciarelor</i>) was removed, as it was found that the suing of this public authority would had been justified only for being responsible for the potential damages incurred due to the material detention conditions, other than the overcrowding.</p> <p>Thus, as long as the appeal court found the objective impossibility of the National Administration of Penitentiaries (<i>Administrația Națională a Penitenciarelor</i>) to comply with the legal standard on executing detention, the damage produced by improper detention conditions as found by the court being caused by circumstances outside the decision and control [of the National Administration of Penitentiaries], the [appeal court’s] decision is in line with the case-law of the European Court of Human Rights, according to which such a situation is caused by a structural and systemic problem, which can only be solved the Romanian State.</p> <p>So, [the appeal court] was correct is finding a direct liability of the Romanian State for the systemic deficiencies able to affect the human dignity and similar to those also found by the European Court.</p> <p>Consequently, the High Court finds that the standing of the Romanian State was correctly recognized in relation to the nature of the damage incurred, the overcrowding being imputable to state alone and the obligation to compensate only of the state, as the state is the one deciding on its penal policy”</p>
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Romania, High Court of Cassation and Justice – United Sections – the Panel for Appeal in interest of the law (Înalta Curte de Casație și Justiție, Secțiunile unite – Completul pentru soluționarea recursului în interesul legii), Bucharest / Decision no.3, 24 April 2023

<b>Thematic area</b>	<b>Section 18) Access to Remedies; Section 2.a) Geographic allocation of detainees</b>
<b>Decision date</b>	24 April 2023
<b>Reference details</b>	Romania, High Court of Cassation and Justice – United Sections – the Panel for Appeal in interest of the law (Înalta Curte de Casație și Justiție, Secțiunile unite – Completul pentru soluționarea recursului în interesul legii), Bucharest / Decision no.3, 24 April 2023 <a href="https://legislatie.just.ro/Public/DetaliiDocumentAfis/271368">https://legislatie.just.ro/Public/DetaliiDocumentAfis/271368</a>
<b>Key facts of the case</b>	The Management Panel of the Iasi Court of Appeal addressed the High Court of Cassation and Justice in order to decide the competence in deciding the detainees' complaint against the decision of the head of the National Administration of Penitentiaries ( <i>Administrația Națională a Penitenciarelor</i> ) on geographical allocation of a detainee and refusal to grant the transfer to another prison. The matter has been decided inconsistently by lower courts, some considering the detainees have the right to serve the sentence in a prison close to home, therefore the complaint is for the judge supervising the sentence.
<b>Main reasoning/argumentation</b>	The High Court of Cassation and Justice considered that Chapter V of the Law no.254/2013 provides a list of all rights of detainees among which there is no right to serve a sentence in a prison close to home and no right to transfer to a particular prison. The mere request of a detainee to be transferred does not create a right to transfer and the right to private life can be observed also via other communication means than direct visits. The judge supervising the sentence only has the right to sanction the measures of the head of the unit where he was appointed and not those of his or her superior. Therefore, a detainee's complaint against allocation in a prison and the refusal to be transferred is not under the competence of the judge supervising the sentence but follows the general procedural rules.
<b>Key issues (concepts, interpretations) clarified by the case</b>	High Court of Cassation and Justice – United Sections – the Panel for Appeal in interest of the law decided that there is no legal right of a detainee to serve the sentence in a prison close to home, and the decision of the head of the National Administration of Penitentiaries ( <i>Administrația Națională a Penitenciarelor</i> ) on geographical allocation of a detainee is a regular administrative act. Therefore, it should be appealed under the regular administrative law before the administrative division of the competent court of appeal, and not before the judge supervising the sentence.
<b>Results (sanctions) and key consequences or implications of the case</b>	The decision of the High Court is compulsory for everyone since 16 June 2023, when it was published in the Official Gazette no.542/16.06.2023. Besides stating that the detainees have no right to serve the sentence in a prison close to home, the decision affects the effectiveness of a complaint against the geographical allocation of a detainee. The regular administrative procedure includes an initial complain to the issuer of the decision, a first instance procedure before the court of appeal, followed by an appeal on points of law before the High Court of Cassation and Justice and can last several years.
<b>Key quotation in original language and translated into English with reference details</b>	“Se constată că în capitolul V al titlului III din Legea nr. 254/2013, ce reglementează drepturile persoanei condamnate, nu este prevăzut un drept al condamnatului de a-și alege locul unde execută pedeapsa privativă de libertate. De asemenea, nu este reglementat nici dreptul de a executa pedeapsa cât mai aproape de domiciliu, cum nu este prevăzut nici un eventual „drept la transfer”

	<p>într-un loc de detenție care este mai apropiat domiciliului decât cel în care este în curs de executare pedeapsa privativă de libertate</p> <p>Formularea unei cereri de către o persoană condamnată cu privire la orice aspect intervenit pe parcursul executării pedepsei nu determină ipso facto includerea unui astfel de demers în categoria drepturilor persoanelor deținute. Aceste drepturi sunt expres reglementate de lege, astfel încât nu orice solicitare formulată de un deținut atrage aplicarea procedurii speciale.</p> <p>[...]</p> <p>Nu în ultimul rând se constată că stabilirea pe cale de interpretare a unui drept la executarea pedepsei în proximitatea domiciliului poate genera consecințe insurmontabile, având în vedere că nu există un penitenciar în fiecare județ și este necesar a fi asigurată și departajarea pe regimuri de executare și categorii de persoane custodiate pentru gestionarea judicioasă a spațiilor și menținerea unui echilibru just între interesele tuturor persoanelor custodiate.</p> <p>[...]</p> <p>De asemenea, Convenția europeană a drepturilor omului nu recunoaște persoanelor private de libertate dreptul de a alege locul în care să execute pedeapsa.”</p> <p>“[The Court] finds that Chapter V of Title II of the Law no.254/2013 which provides for the rights of the convicts, there is no right to decide the location where the sentence shall be served.</p> <p>Also, there is no right to serve the sentence in a prison as closest as possible to home and there is no right to transfer to a prison closer to home.</p> <p>Filing a request by a convict in relation to any aspect of the serving of the sentence does not result ipso facto in considering that aspect a right of a detainee. These rights are expressly provided for by the law, therefore not all requests generate the application of the special procedure.</p> <p>[...]</p> <p>Not the least, creating a right to serve the sentence in a prison close to home via court decision can create serious consequences, as there are no prisons in some counties and segregation based on detention regime, and categories of persons should also be ensured, for proper administration of detention spaces and a just balance between the interests of all detainees.</p> <p>[...]</p> <p>Also, the European Convention on Human Rights does not recognize the right of detainees to choose the location where to serve a sentence”</p>
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