



# Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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## Committee against Torture

### Concluding observations on the third periodic report of Romania\*

1. The Committee considered the third periodic report of Romania<sup>1</sup> at its 2024th and 2027th meetings,<sup>2</sup> held on 19 and 20 July 2023, and adopted the present concluding observations at its 2030th and 2033rd meetings, held on 24 and 26 July 2023.

#### A. Introduction

2. The Committee expresses its appreciation to the State party for accepting the simplified reporting procedure and submitting its periodic report thereunder, as this improves the cooperation between the State party and the Committee and focuses the examination of the report and the dialogue with the delegation.

3. The Committee appreciates having had the opportunity to engage in a constructive dialogue with the State party's delegation and the responses provided to the questions and concerns raised during the consideration of the third periodic report.

#### B. Positive aspects

4. The Committee welcomes the ratification by the State party of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention) on 23 May 2016.

5. The Committee also welcomes the State party's initiatives to revise and introduce legislation in areas of relevance to the Convention, including the adoption of the following:

(a) Law No. 8/2016, establishing the National Monitoring Council, in line with its obligations under the Convention on the Rights of Persons with Disabilities;

(b) Law No. 122/2016, increasing protections for individuals with diverse vulnerabilities in the context of the asylum process;

(c) Law No. 9/2018, amending Law no. 35/1997 on the organization and functioning of the People's Advocate, affirming the State party's intention to ensure its full compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles);

(d) Law No. 97/2018, amending Law No. 211/2004, which increases procedural protections for victims of crime;

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\* Adopted by the Committee at its seventy-seventh session (10–28 July 2023).

<sup>1</sup> CAT/C/ROU/3.

<sup>2</sup> See CAT/C/SR.2024 and CAT/C/SR.2027.



(e) Law No. 174/2018, Law No. 106/2020 and Emergency Ordinance No. 24/2019, which amend Law No. 217/2003 and provide increased protection for victims of domestic violence;

(f) Law No. 192/2019, regulating procedures applicable during administrative detention;

(g) Law No. 186/2021, amending Law No. 286/2009, regarding the Criminal Code, which lifts the statute of limitations for crimes including torture, slavery, trafficking in human beings and rape, and introduces increased protections for victims, including child victims, of sexual violence;

(h) Law No. 140/2022, which increases protections for individuals with intellectual and psychosocial disabilities;

(i) Law No. 303/2022 on the status of judges and prosecutors, Law No. 304/2022 on judicial organization and Law No. 305/2022 on the Superior Council of Magistracy;

(j) Law No. 7/2023 on supporting the process of deinstitutionalization of adults with disabilities;

(k) Law No. 217/2023, amending Law No. 286/2009, regarding the Criminal Code, which increases the age of sexual consent to 16 years.

6. The Committee commends the State party's initiatives to modify its policies and procedures in order to afford greater protection of human rights and to apply the Convention, in particular the following:

(a) The establishment of the Interministerial Committee for Preventing and Combating Domestic Violence in 2016;

(b) The strategy against trafficking in human beings for the period 2018–2022 and the National Action Plan for the period 2018–2020;

(c) Adoption of the Strategy on the efficiency of the investigations into allegations of ill-treatment by State agents in 2019;

(d) Adoption of the national strategy for preventing and combating sexual violence (“SYNERGY”) for the period 2020–2030 in 2020;

(e) Adoption of the national anti-corruption strategy for the period 2021–2025 in 2021;

(f) Adoption of the national strategy for prevention and combating anti-Semitism, xenophobia and hate speech for the period 2021–2023 in 2021;

(g) Adoption of the national strategy against organized crime for the period 2021–2024 in 2021;

(h) Adoption of the strategy on inclusion of Romanian citizens belonging to the Roma minority for the period 2022–2027 in 2022;

(i) Adoption of the national strategy for the promotion of equal opportunities and treatment between women and men and preventing and combating domestic violence for the period 2022–2027 in 2022;

(j) Adoption of the national strategy for the rights of persons with disabilities, “An equitable Romania”, for the period 2022–2027 in 2022.

## **C. Principal subjects of concern and recommendations**

### **Criminalization of torture and ill-treatment**

7. The Committee notes with satisfaction that the legislation criminalizing torture and cruel, inhuman or degrading treatment in the State party closely mirrors the requirements found within the Convention. It similarly takes note of Law No. 186/2021, amending Law No. 286/2009, which removes the statute of limitations for the crime of torture. However, the

Committee is concerned that cruel, inhuman or degrading treatment, prohibited by article 281 of the Criminal Code, is still subject to a statute of limitations (arts. 1, 2, 4 and 16).

**8. The Committee recommends that the State party consider amending article 153 of the Criminal Code and remove the statute of limitations for cruel, inhuman or degrading treatment, thus precluding any risk of impunity in relation to the investigation of acts of cruel, inhuman or degrading treatment and the prosecution and punishment of perpetrators.**

#### **Fundamental legal safeguards**

9. The Committee takes note of the State party's establishment of a unified national register on deprivation of liberty. However, the Committee is concerned that despite legislation which establishes fundamental legal safeguards for persons deprived of their liberty, such safeguards are not always applied in practice. In particular, the Committee expresses its concern at reports that detained persons are not always afforded the opportunity to consult with legal counsel and that the confidentiality of their conversations is sometimes violated. In addition, according to the information before the Committee, detained persons are not always sufficiently informed of their rights or the charges against them in a manner they understand, be it due to challenges in comprehension, excessively formalistic provisions contained in the documentary materials provided, lack of interpretation or translation, or the failure of the detaining authorities to provide any information at all. The Committee further expresses its concern that the right of access to a doctor is not provided to detained persons from the outset of their deprivation of liberty, except in cases of emergency, nor is such a right provided for by legislation (art. 2).

**10. The State party should ensure that all fundamental legal safeguards are guaranteed, both in law and in practice, for all detained persons from the outset of their deprivation of liberty, including the rights:**

(a) **To be fully and comprehensively informed of their rights, the reason for their arrest and any charges against them, in a language that they understand and in an accessible manner;**

(b) **To have access to and consult with a lawyer prior to, during and after interrogation, have the confidentiality of privileged conversations guaranteed and, if necessary and applicable, have access to free legal aid;**

(c) **To request and receive a medical and psychological examination by an independent practitioner free of charge, or by a practitioner of their choice.**

#### **Conditions of detention in prisons and police detention and arrest centres**

11. While noting recent steps taken by the State party to modernize the infrastructure of and reduce overcrowding in prisons and police detention and arrest centres, and the State party's acknowledgement of the challenges it faces in relation to staffing, particularly with regard to qualified medical personnel, the Committee remains concerned by reports of persistently poor material conditions and the use of police detention and arrest centres that have been consistently described by international monitoring and human rights bodies as unfit for prolonged detention for periods of detention of up to 180 days. The Committee is furthermore concerned about:

(a) Overcrowding, understaffing and the lack of sufficient living space provided to detainees, which in some locations can be as little as 2m<sup>2</sup>;

(b) The lack of sufficient access to hot water, the maintenance of uncomfortable temperatures in cells and dormitories, the lack of natural light, insect infestations and worn bedding in cells;

(c) Police detention and arrest centres that reportedly afford detainees extremely limited outdoor time and time outside their cells, in some cases as little as one hour per day, and are devoid of recreational or vocational activities;

(d) The lack of adequate medical screening in police detention and arrest centres, including for blood-borne and contagious diseases for detainees considered to form part of

high-risk groups, and the lack of systematic screening for sexual violence or other gender-based violence for women alleged offenders;

(e) The use of strip searches which fail to maintain the dignity of detainees;

(f) Widespread shortages of staff qualified to provide medical and psychological assistance to detainees and, particularly, insufficient psychiatric, social and psychological care for detainees suffering from mental illnesses (arts. 2, 11 and 16).

**12. The State party should:**

(a) **Continue its efforts to improve conditions of detention in all places of deprivation of liberty, aligning them with relevant international standards, including the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), and alleviate overcrowding in penitentiary institutions and other detention facilities;**

(b) **Consider all available alternatives to the use of police detention and arrest centres for prolonged detention, including the use of alternatives to detention, taking into account the provisions of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules);**

(c) **Ensure that strip searches of persons deprived of their liberty are conducted in private by appropriately trained staff members of the same sex and in a manner that respects the person's dignity;**

(d) **Ensure adequate staffing of prisons and police detention and arrest centres, including through the recruitment of staff who are trained and specialized in the treatment and care of detainees requiring medical, psychiatric and psychological assistance.**

**Allegations of torture and ill-treatment**

13. The Committee is concerned by reports of the torture and ill-treatment of persons deprived of their liberty, occurring both at the moment of their arrest and during their transportation and interrogation. Allegations include the use of punches, kicks and blows with batons to the head, body and feet, including in some cases on victims who are handcuffed. The Committee also takes note of information provided by the State party regarding the limitations it has placed on the use of special intervention units in certain locations; however it regrets that such units continue to be used in spite of persistent allegations of excessive use of force in prisons and numerous recommendations from international and regional human rights bodies, including from the Committee itself,<sup>3</sup> urging their disbandment. The Committee notes with concern that in cases of alleged torture and ill-treatment, the medical services have reportedly failed to record, or have inadequately recorded, injuries sustained by detainees and that in some cases the alleged victims were denied the possibility of consulting directly with medical staff on a confidential basis, without the presence of guards, notably when they were considered to present an elevated risk following detention risk assessments. The Committee also expresses its concern over allegations of the excessive use of restraints, including the strapping of detainees to beds unsupervised and for extended periods, excessively tight handcuffing and the handcuffing of detainees to items of furniture (arts. 2, 11–14 and 16).

**14. The State party should:**

(a) **Carry out prompt, impartial, thorough and effective investigations into all allegations of torture and ill-treatment, including the excessive use of force by law enforcement officials, and ensure that those suspected of having committed such acts**

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<sup>3</sup> CAT/C/ROU/CO/2, para. 13 (e).

are immediately suspended from their duties throughout the period of investigation, while ensuring that the principle of presumption of innocence is observed;

(b) Prosecute persons suspected of having committed torture or ill-treatment under articles 281 or 282 of the Criminal Code and, if they are found guilty, ensure that they receive sentences that are commensurate with the gravity of their acts and that the victims are afforded appropriate redress and rehabilitation in a timely manner;

(c) Implement the recommendations of international and regional human rights bodies specialized in the prohibition and prevention of torture by putting an end to the use of special intervention units in penitentiary facilities;

(d) Consider increasing surveillance and monitoring mechanisms for police and prison guards, including the expanded use of body cameras and the extension of closed-circuit television cameras to all places where detainees may be present, notably in police stations and interrogation rooms, except where doing so might give rise to violations of detainees' right to privacy or the confidentiality of their conversations with their counsel or doctor;

(e) Ensure that detainees are provided with access to private and confidential medical assistance, that all injuries sustained by detainees are meticulously recorded in relevant specially designated registers and that all relevant staff, including medical and psychological personnel, as well as prosecutors and judges, are specifically trained to identify, document and investigate cases of torture and ill-treatment, in accordance with the revised version of the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Protocol);

(f) Ensure that restraints are only applied as a measure of last resort, for the shortest possible period and subject to strict supervision, oversight and documentation. Restraints should never be used in a manner which degrades or humiliates detainees.

#### **Police violence and attacks on Roma**

15. The Committee regrets the continued reports that members of the Roma community experience disproportionate levels of police violence and that investigations and prosecutions of instances of alleged police violence against Roma are inadequately conducted and in some cases not conducted at all. It is also alarmed by reports of discriminatory public statements against Roma, including statements sanctioning violence, being issued by high-ranking political figures, and reports of excessive policing of Roma communities during the coronavirus disease (COVID-19) pandemic. The Committee takes note of information provided by the State party detailing the initiatives it has undertaken during the period under review to eliminate discrimination against members of the Roma community, improve the investigation and prosecution of crimes committed with an ethnic and discriminatory bias, and improve Roma participation, including in employment within law enforcement (arts. 2, 12–14 and 16).

#### **16. The Committee urges the State party:**

(a) To ensure that all allegations of excessive use of force and racially motivated misconduct by the police are investigated promptly, thoroughly and impartially, and that the alleged perpetrators are duly tried and, if found guilty, punished in a manner commensurate with the gravity of their acts;

(b) To publicly condemn threats and attacks against all minority groups, including the Roma community, and refrain from endorsing, through action or omission, such attacks by ensuring prompt, thorough and effective investigation of all threats, attacks and acts of hate speech targeting such groups, including any alleged discriminatory motives that may provoke such actions, and guaranteeing that those responsible are tried and punished in accordance with the gravity of their acts;

(c) To ensure continued training of law enforcement officials, prosecutors and the judiciary on hate-motivated crimes and the systematic monitoring of such crimes;

**(d) To adopt awareness-raising measures to counter prejudice and stereotypes, and the continued creation and implementation of policies to combat and prevent racially motivated crimes and discrimination;**

**(e) To encourage participation of members of the Roma community in affirmative action schemes, notably with regard to Roma representation in the police force, in order to guarantee that State policies are not only administratively instituted but are meaningfully implemented.**

#### **Psychiatric institutions and social care facilities**

17. The Committee expresses its deep preoccupation over allegations of torture, ill-treatment, overcrowding, lack of trained and specialized staff and poor material conditions in both psychiatric institutions and social care facilities in the State party. While acknowledging the positive steps that have been taken to improve monitoring of such facilities, such as the nationwide audit carried out at the direction of the Prime Minister in 2023, the Committee notes that a number of facilities have been ordered to cease operations as a result of their failure to meet minimum standards of care. The Committee also acknowledges the legislative steps taken by the State party to improve access to justice for individuals with disabilities and mental illnesses and to reform the guardianship system, including through the adoption of Law No. 140/2022, but regrets that, in practice, not all individuals due to benefit from this law have had the representatives specified within the legislation designated for them. Furthermore, the Committee is concerned that decisions to prolong involuntary psychiatric institutionalization are not automatically submitted to judicial review and that persons seeking to challenge their institutionalization do not always have access to effective legal assistance. Finally, the Committee is concerned over the imposition of administrative requirements that have effectively precluded non-governmental organizations (NGOs) from monitoring psychiatric institutions and social care facilities (arts. 2, 11–14 and 16).

#### **18. The State party should:**

**(a) Carry out prompt, impartial, thorough and effective investigations into all allegations of torture and ill-treatment in psychiatric institutions and social care facilities, and ensure that those suspected of having committed such acts are immediately suspended from their duties throughout the period of investigation, while ensuring that the principle of presumption of innocence is observed;**

**(b) Prosecute persons suspected of having committed torture or ill-treatment under articles 282 or 281 of the Criminal Code respectively and, if they are found guilty, ensure that they receive sentences that are commensurate with the gravity of their acts and that the victims are afforded appropriate redress and rehabilitation in a timely manner;**

**(c) Take immediate measures to improve the material conditions and reduce overcrowding in psychiatric institutions and social care facilities, and intensify actions to support the deinstitutionalization of persons with disabilities and mental illnesses, including through investment in alternative and community-based services, in collaboration with relevant partners;**

**(d) Ensure the allocation of adequate financial and human resources to psychiatric institutions and social care facilities, including through the provision of staff specialized in providing care for such patients and residents, along with tailored, regular and ongoing training in order to ensure the highest levels of care;**

**(e) Ensure that sufficient legal and procedural safeguards for patients in psychiatric institutions and social care facilities are implemented, both in law and in practice, and that they are accompanied by periodic judicial reviews of, and effective avenues of appeal against, both de jure and de facto involuntary institutionalization;**

**(f) Ensure not only that national bodies established with mandates to monitor psychiatric institutions and social care facilities, such as the national prevention mechanism and the National Monitoring Council, are able to effectively carry out their mandates without undue obstacles, but also that NGOs are permitted and empowered**

**to do the same, including by removing unnecessary administrative barriers that prevent them from carrying out their legitimate and important work.**

#### **Domestic and gender-based violence**

19. The Committee notes the positive steps the State party has taken in order to combat and respond to gender-based and domestic violence, including sexual offences against minors. Nevertheless, the Committee is concerned that allegations of domestic and gender-based violence are not always recorded when reported to the police, especially in rural areas, and that legislation relating to domestic violence is too narrow in scope, excluding former spouses and family members who do not reside with the victim from its purview. The Committee is also concerned over the lack of ex officio investigations into domestic and gender-based violence in cases where victims drop charges against or reconcile with their abuser, and considers that the lack of such investigations may result in impunity for perpetrators. The Committee regrets that in cases of sexual violence, victims lack access to free forensic medical examinations and notes that this additional cost may adversely affect survivors' access to justice. The Committee also regrets that acts of gender-based and domestic violence are often underreported, especially among minority communities, due to social stigma (arts. 2, 12–14 and 16).

**20. The State party should ensure that all acts of domestic and gender-based violence, especially those involving actions or omissions by State authorities or other entities which engage the international responsibility of the State party under the Convention, are thoroughly investigated, including in the absence of a complaint; that the alleged perpetrators are prosecuted and, if convicted, punished appropriately; and that the victims or their families receive redress and rehabilitation, and have access to legal assistance, safe shelters and the necessary medical care and psychosocial support. The Committee also recommends that the State party provide mandatory training on the prosecution of gender-based violence to all justice officials and law enforcement personnel and increase its efforts in outreach and education to the general public, and in particular to members of minority communities, regarding domestic and gender-based violence, including through education and awareness-raising among men and boys, in order to combat the social stigma experienced by victims of domestic and gender-based violence and build trust between victims and the relevant authorities. The Committee further recommends that the State party continue to review the legislation applicable to domestic and gender-based violence, so as to afford the broadest protection possible to victims and others at risk of victimization.**

#### **Trafficking in human beings**

21. Despite concerted efforts to combat trafficking in human beings undertaken by the State party, the Committee remains concerned that the State party continues to be a prevalent source, transit and destination country for trafficking in human beings. The Committee also notes deficiencies in the State party's legislation with regard to the rights of victims of trafficking in human beings. For instance, the fragmentation of legislation applicable to trafficking in human beings has reportedly resulted in victims being denied access to free legal aid. Moreover, victims do not have access to free medical assistance and instances of the criminalization of victims for administrative offences such as prostitution have served to dismantle trust between victims and State authorities. The Committee is concerned over the use of plea bargaining and the imposition of inadequate criminal penalties for the crime of trafficking in human beings, including sentences below the minimum penalty established by law and minimum penalties that have resulted in the imposition of suspended sentences. It also notes that in some circumstances victims have struggled to obtain compensation due to the State party's failure to freeze the criminal assets of perpetrators in a timely manner (arts. 2, 12–14 and 16).

**22. The State party should continue to strengthen its efforts to combat trafficking in human beings, ensuring that such cases are thoroughly investigated, including in the absence of a complaint, and that suspected perpetrators are prosecuted and, if convicted, punished with appropriate sanctions. The State party should also ensure that victims obtain full redress, including adequate compensation and rehabilitation, have**

access to free legal and medical assistance, and are not criminalized for offences which they have committed as a result of their being trafficked. In that regard, the State party should ensure access to adequate protection and support, including temporary residence permits, for all victims of trafficking, irrespective of their ability to cooperate in legal proceedings against traffickers; encourage the reporting of cases of human trafficking by raising awareness of the risks of trafficking among vulnerable communities; and train judges, law enforcement officials and immigration and border control officers in the early identification of victims of trafficking and their referral to appropriate social and legal services.

#### **Non-refoulement, statelessness and migration**

23. The Committee is concerned over reports of pushbacks at the border of the State party, which in some cases have been accompanied by various forms of ill-treatment, including beatings and degrading treatment. In addition, the Committee is concerned that:

(a) Families with children may be subject to detention in specially arranged closed areas and unaccompanied minor children may be held in adult detention facilities pending the outcome of an age verification assessment;

(b) Other vulnerable categories of asylum-seekers may also be subject to detention under the applicable legislation in the State party, including victims of torture, and deficiencies in the identification of asylum-seekers belonging to vulnerable categories of persons may result in their inability to access the specialized assistance suited to their needs;

(c) There is a lack of experienced, qualified interpreters to assist in victim identification processes, and in the asylum system more generally, and border officials and others participating in the asylum process lack adequate training in identifying victims of trafficking in human beings, gender-based persecution and violence, and other vulnerable aspects of asylum-seekers;

(d) Some decisions on unsuccessful applications for temporary protection are issued only verbally and applicants are provided with insufficient information with regard to the avenues available to challenge such decisions;

(e) The State party lacks adequate safeguards to prevent statelessness for children born on its territory, along with dedicated mechanisms to identify and grant protection status to stateless persons;

(f) In spite of the findings of the European Court of Human Rights in the case of *Al Nashiri v. Romania* that the State party had breached article 3 of the European Convention on Human Rights in both its substantive and procedural limbs,<sup>4</sup> the Public Prosecutor's Office of the High Court of Cassation and Justice dismissed the domestic case into the facts on the grounds that no person was established to have committed an offence in the case and that the statute of limitations had expired (arts. 2, 3, 11–14 and 16).

**24. The State party should refrain from engaging in pushbacks and refoulement and comply fully with its obligations under article 3 of the Convention by ensuring that all persons seeking protection in the State party have access to a fair and impartial review by an independent decision-making mechanism on expulsion, return or extradition. The State party should also ensure that all acts of torture and ill-treatment committed in any territory under its jurisdiction, including at the State party's borders, are thoroughly investigated and that suspected perpetrators, including those suspected of having consented to or acquiesced in acts of torture and ill-treatment, are prosecuted and, if convicted, punished with appropriate sanctions. Further, the State party should:**

**(a) Refrain from detaining children, including accompanied children, and other vulnerable categories of people, facilitating this through the revision of relevant legislation and the establishment of robust, effective and fully functional identification mechanisms endowed with sufficient human and financial resources, including staff**

<sup>4</sup> *Al Nashiri v. Romania*, Application No. 33234/12, Judgment of 31 May 2018.



specialized in relevant areas, such as interpretation, gender-based violence and trafficking in human beings;

(b) Provide adequate training to law enforcement agents, judges and all others who participate in the asylum process on the identification of and assistance to vulnerable categories of persons, and on international refugee law and international human rights law, with specific reference to the principle of non-refoulement;

(c) Ensure access to its territory and sufficient and effective protection from refoulement at borders by making sure that people seeking asylum at the border receive appropriate information about their rights, including information on procedures, appeal mechanisms and legal aid, immediately and in a language that they understand;

(d) Take legislative measures to ensure that all persons born in the State party, who would otherwise be stateless, acquire Romanian nationality and establish a dedicated statelessness determination procedure, which is an essential means of ensuring the proper identification and protection of stateless persons, including minors, in accordance with the State party's obligations under the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

### **Training**

25. The Committee takes note of information provided by the State party on the training of personnel in subjects related to the Convention, including courses on the application of the Istanbul Protocol for doctors and medical assistants. However, it regrets that it has received no information regarding the provision of similar training to prosecutors, judges and other relevant staff (art. 10).

26. **The State party should:**

(a) Further develop mandatory initial and in-service training programmes to ensure that all public officials are well acquainted with the provisions of the Convention, especially the absolute prohibition of torture, and that they are fully aware that violations will not be tolerated and will be investigated, and that those responsible will be prosecuted and, on conviction, appropriately punished;

(b) Ensure that all relevant staff, including medical and psychological personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the revised version of the Istanbul Protocol;

(c) Develop a methodology for assessing the effectiveness of training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the identification, documentation and investigation of such acts, as well as the prosecution of those responsible.

### **Investigation and prosecution of acts of torture and cruel, inhuman or degrading treatment**

27. The Committee takes note of the shortcomings highlighted by the State party with regard to the investigation and prosecution of acts of torture and cruel, inhuman or degrading treatment, including difficulties and inadequacies in the collection of sufficient evidence to prosecute crimes of torture and ill-treatment, but emphasizes that such impediments fall solely within the purview of the State party to remove. The Committee is particularly concerned by irregularities in the collection of medical evidence of torture and ill-treatment, noting the information received that medical reports of injuries sustained by persons deprived of their liberty often contain scant or imprecise information, due in part to a lack of training of medical examiners, that forensic and other medical documents relating to allegations of torture and ill-treatment are often produced with excessive delay or not at all, and that forensic medical examination of detainees is subject to a fee. The Committee is also concerned by information provided by the State party that closed-circuit television and other forms of video surveillance are not sufficiently comprehensive, and information received that indicates that detainees are hesitant to report torture and ill-treatment for fear of reprisals (arts. 2, 11–14 and 16).

28. **The State party should take all possible measures to ensure the collection of sufficient documentary evidence in cases of allegations of torture and ill-treatment, including by ensuring that all relevant staff, including medical and psychological personnel, are specifically trained to identify, document and investigate cases of torture and ill-treatment, in accordance with the revised version of the Istanbul Protocol; that access to forensic medical examination in cases of allegations of torture and ill-treatment is provided systematically and free of charge; and that persons deprived of their liberty who make allegations of torture and ill-treatment are not subjected to acts of reprisal. The State party should also consider installing video surveillance equipment in all interrogation centres and places of deprivation of liberty where detainees may be present, except where doing so might give rise to violations of detainees' right to privacy or the confidentiality of their conversations with their counsel or doctor.**

#### **Redress**

29. The Committee takes note of the positive measures introduced by the State party in terms of the rehabilitation of and redress for victims of torture and cruel, inhuman and degrading treatment, including through the adoption of Law No. 97/2018, which increases procedural protection for victims of crimes, and Law No. 186/2021, which removes the statute of limitations for the crime of torture. However, the Committee is concerned over shortages in qualified personnel able to provide psychological assistance, the lack of legal professionals specialized in certain crimes, such as trafficking in human beings, and the fact that access to free legal aid for victims of serious crimes may in some cases be subject to a financial means test (art. 14).

30. **The Committee recommends that the State party continue its efforts to ensure rehabilitation of and redress for victims of torture and cruel, inhuman or degrading treatment, paying special attention to the free and adequate provision of assistance which meets the needs of victims. The Committee also recommends that the State party consider contributing to the United Nations Voluntary Fund for Victims of Torture.**

#### **National human rights institution**

31. The Committee regrets that despite Law No. 9/2018, amending Law No. 35/1997, which takes steps towards ensuring the conformity of the People's Advocate to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), along with previous attempts to accredit the Romanian Institute for Human Rights, the State party still lacks an accredited national human rights institution which conforms to international standards (art. 2).

32. **The State party should make the necessary legislative amendments to bring its national human rights institution into full compliance with the Paris Principles and ensure its accreditation, including through guaranteeing the full independence of the institution and its members and ensuring the provision of sufficient financial and human resources to enable it to adequately carry out its mandate.**

#### **Follow-up procedure**

33. **The Committee requests the State party to provide, by 28 July 2024, information on follow-up to the Committee's recommendations on the methods by which strip searches are conducted; the halt of the use of special intervention units in penitentiary facilities; and the improvement of conditions in psychiatric institutions and social care facilities (see paras. 12 (c), 14 (c) and 18 (c) above). In that context, the State party is invited to inform the Committee about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations in the present concluding observations.**

#### **Other issues**

34. **The State party is requested to widely disseminate the report submitted to the Committee and the present concluding observations, in appropriate languages, through**

official websites, the media and non-governmental organizations, and to inform the Committee about its disseminating activities.

35. The Committee requests the State party to submit its next periodic report, which will be its fourth, by 28 July 2027. For that purpose, and in view of the fact that the State party has agreed to report to the Committee under the simplified reporting procedure, the Committee will, in due course, transmit to the State party a list of issues prior to reporting. The State party's replies to that list of issues will constitute its fourth periodic report under article 19 of the Convention.

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