



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

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Summary record of the 2027th meeting

Held at the Palais Wilson, Geneva, on Thursday, 20 July 2023, at 3 p.m.

Chair: Mr. Heller

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 19 of the Convention (continued)

Third periodic report of Romania (continued) (CAT/C/ROU/3; CAT/C/ROU/QPR/3)

1. *At the invitation of the Chair, the delegation of Romania joined the meeting.*
2. **Mr. Halchin** (Romania), replying to questions raised by Committee members in the first part of the dialogue (CAT/C/SR.2024), said that, in 2022, the National Strategy for the Rights of Persons with Disabilities for the period 2022–2027 had been approved, and an implementation plan had been annexed to the Strategy. In June 2023, the Prime Minister had issued an order for audits to be carried out of all institutions that cared for vulnerable individuals. To date, over 1,000 of the country's 5,000 institutions had been audited, and 30 had ceased operating following an audit. In 9 cases, prosecutors had brought criminal charges, of which 5 were for rights violations and 4 related to financial offences, and a total of around 10 million lei (Leu) in fines had been levied.
3. A law on the protection of persons with intellectual and psychosocial disabilities, which had been adopted in May 2022, established the framework and mechanisms necessary to safeguard the rights and needs of such persons. All deaths in psychiatric hospitals were investigated by forensic medical examiners, who notified the judicial authorities of deaths under suspicious circumstances in order for independent criminal investigations to be carried out. No suspicious deaths had been reported in 2022.
4. The diagnosis of all persons with intellectual disabilities was reviewed annually. Under recently updated legislation, such persons had the right to assistance from an accredited personal counsellor to help them understand their financial, administrative and legal situation. Law No. 487/2002, which had been amended in 2012, established the necessary mechanisms for institutionalizing persons with mental illnesses, which included approval by a multidisciplinary commission comprised of a judge and a court-appointed lawyer to defend the rights of the person concerned. Persons with psychosocial disabilities who were subject to an involuntary commitment order were represented by a lawyer in all cases and the order was subject to court appeal. Those subject to involuntary commitment orders were admitted exclusively to psychiatric hospitals and, under the applicable legislation, their cases must be reviewed by a forensic psychiatrist every two weeks. Patients in psychiatric hospitals whose condition had improved and who lacked financial resources could apply to the General Directorate for Social Assistance for placement in centres for adults with disabilities. Mayors were responsible for assigning representatives to defend the rights of persons with psychological disabilities.
5. Following the case of *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania*, the Committee of Ministers of the Council of Europe had requested Romania to present, by 30 September 2023, its plans to remedy the structural problems that had led to Mr. Câmpeanu's death. The Committee of Ministers had commended the Government for the provisions of Law No. 487/2002, which contained updated provisions on guardianship. The Government had ceased cooperating with the Centre for Legal Resources, a non-governmental organization, because it had failed to submit certain documents required by law. Collaboration would resume once the organization had provided those documents.
6. The inmates at the Giurgiu, Craiova and Galați prisons had been restrained because they posed a danger to themselves, other inmates or prison staff and all other psychological and educational measures had proved ineffective. In the case of the detainee at Craiova prison, restraint measures had been imposed on the recommendation of medical staff and had at no point been used as a punishment. Such measures could not be taken without the approval of a prison director and a judge. The procedure for the use of restraints was being updated with input from the Ministry of Health. The health status of the individual concerned was assessed before restraints were applied and removed, and at four-hour intervals. In accordance with the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, immobilized persons were placed under constant supervision.

7. A pilot project had been launched to reduce the presence of riot control units at the Arad, Aiud and Constanța-Poarta Albă prisons and its results were being evaluated. The powers of such units would be limited to escorting persons outside prisons and controlling prison riots.

8. To ensure confidentiality, only medical staff were present during medical examinations of detainees who claimed to have been victims of ill-treatment. Uniformed prison staff were present only when there was deemed to be a risk to the safety of medical personnel. The right of prisoners to submit requests, complaints or notifications to any institution that they deemed competent, without restriction, was guaranteed. All complaints were handled in a responsible and professional manner, and immediate remedial action was taken when needed. A body within the National Prison Administration was responsible for handling and investigating prisoners' complaints. The Administration also had a centre that recorded all acts of physical or verbal violence.

9. Prison overcrowding had decreased over the previous five years and the Government was committed to complying with the Council of Europe recommendation to allow every inmate 4 m² of space by the end of December 2024. At Mărgineni prison, additional capacity had been created for 27 detainees in 2022 and capacity for a further 55 would be installed by the end of 2024.

10. There was a need to improve material conditions in prisons to enhance the quality of life of detainees and provide an adequate environment for their rehabilitation. In addition to efforts made to increase accommodation capacity, over 100,000 articles of bedding had been provided to persons deprived of liberty in 2022 and all detention centres had recently increased the frequency with which hot water was provided from once to twice a week. Around 6,000 detainees were permitted to use hot water every day as they were engaged in some kind of work. All prisons provided adequate heating during the colder seasons, and although issues remained with regard to the provision of air conditioning during warmer seasons, improvements had been made in some prison infirmaries and in new detention facilities at the Codlea and Găești prisons and the Târgu Ocna Educational Centre.

11. Prisoners in maximum security and closed prisons were able to engage in outdoor physical activity for two hours each day. Around 40 per cent of all prisoners were detained in open prisons, which had open-door policies at all times, or semi-open prisons, in which cells and dormitories remained open all day and detainees had free access to exercise and walking yards. Some 1,900 detainees were participating in formal educational programmes, and around 1,000 were involved in informal and vocational training activities. All detainees had the option of participating in a wide range of social reintegration programmes offered outside detention rooms. There were also opportunities for prisoners to leave their cells or dormitories for visits from their families and non-governmental organizations, as well as other activities such as community engagement programmes. More than 400 prisoners temporarily left their places of detention each day to work away from the premises.

12. The Government was cognizant of the need to increase the levels of medical personnel stationed at prisons. Despite recruitment freezes in the public system in 2022 and 2023 and the resignation of around 40 per cent of medical staff in the past 18 months, staffing levels had increased from between 40 and 42 per cent to over 70 per cent. To address staff shortages, a strategy for attracting and retaining medical personnel had been developed as part of a medical assistance project implemented with the support of the Council of Europe and was expected to be finalized by the end of 2023. Detainees alleging ill treatment were expected to see the prison doctor for a medical examination, which would be carried out in conditions of confidentiality. To complement the psychiatric units at the Jilava prison, the creation of dedicated mental health-care units at four other prisons had been envisaged as a short-term measure with a view to ensuring adequate psychiatric care and limiting the segregation of prisoners with mental illnesses from other prisoners. A number of psychiatrists, specialized mental health nurses and psychologists would be assigned to serve those units. A total of 82 psychologists had been recruited to work in prisons, joining an existing team of 195.

13. On admission, prisoners were observed for medical purposes for a 21-day period, during which they were tested for tuberculosis, HIV, hepatitis B and C and syphilis. Female detainees were examined by a doctor for signs of sexual abuse and underwent a medical

consultation that included a comprehensive gynaecological examination. A specific protocol was followed for newly admitted detainees presenting signs of ill treatment, and the local prosecutor's office was informed of any relevant details. Medical results were recorded in a file accessible at any time by detainees, their families, police and prosecutors.

14. Handcuffs were used only as a last resort and for periods countable in minutes. In the second quarter of 2023, they had been used on 163 of the 23,500 prisoners in the system.

15. The National Prison Administration had been working with the Ministry of the Interior to explore how to accommodate persons remaining in pretrial detention for more than 90 days.

16. Political support for the mechanism established to award compensation to prisoners held in improper conditions had been withdrawn in 2019 owing to the negative impact that decisions on certain cases had had on community safety. Detention standards were currently being aligned with those of other European countries.

17. Turning to the issue of trafficking in persons, he said that the Romanian authorities had intensified law enforcement efforts in that regard. Trafficking in persons for the purpose of sexual exploitation and forced labour constituted criminal offences under articles 210 and 211 of the Criminal Code, punishable by a prison sentence of 3 to 10 years for crimes involving adults and 5 to 10 years for crimes involving minors. The Code had been amended in 2021 to allow for the criminal prosecution of persons with knowledge of certain forms of trafficking for failure to immediately notify the authorities. That amendment had been made in response to concerns raised by the Council of Europe and civil society organizations that corrupt officials had occasionally sought to prolong legal proceedings in order to allow the statute of limitations to expire, allowing some cases of trafficking in persons to go unpunished.

18. The Directorate for Investigating Organized Crime and Terrorism (DIICOT) and the Directorate for Combating Organized Crime, a body operating under the auspices of the national police, were responsible for investigating and prosecuting cases of trafficking in persons. In 2021, DIICOT had established a specialized anti-trafficking team composed of police officers and prosecutors, the objective of which was to investigate trafficking offences and provide training and assistance to regional prosecutors. Activities to identify and select specialized police officers to fill vacancies within trafficking units were carried out on a continuous basis. As of the start of 2022, 209 out of the 252 vacancies had been filled. The authorities had opened investigations into 628 cases of trafficking in persons in 2022, of which 571 had concerned sexual exploitation, 35 related to forced labour and 22 referred to other offences, resulting in an overall increase of 252 cases compared to the previous year. Most convictions of trafficking in persons had resulted in prison sentences ranging between 3 and 12 years. However, 39 persons convicted of trafficking had received sentences of less than 3 years at the judge's discretion.

19. The General Police Inspectorate and the national authorities for the rights of persons with disabilities had implemented a mechanism for identifying and referring cases of trafficking involving children in foster care. Additionally, the national police had continued to operate a specialized unit to investigate cases involving the sexual abuse of minors, including potential cases of sexual exploitation.

20. In the past week, a bill on protection orders in cases of violence had been transmitted to Parliament. If approved, it would allow the Ministries of Justice and Internal Affairs to issue protection orders to victims of any form of violence, a measure that was currently only available to victims of domestic violence. Around the same time, the Criminal Code had been amended to make all sexual acts involving children aged under 16 years tantamount to rape.

21. Law No. 217/2003 on Preventing and Combating Domestic Violence had been amended to enable the police and courts to issue provisional protection orders in cases of imminent risk to the life, physical integrity or freedom of a person as a result of an act of violence. Such orders allowed the police to immediately remove an offender from a situation of domestic violence and served to complement other protection orders in existence since 2012, which lasted five days and could be extended by the courts. In addition, since the adoption of Law No. 146/2021 on Electronic Surveillance in Certain Judicial and

Enforcement Proceedings, offenders were compelled to wear electronic bracelets to monitor their movements, the aim of which was to reduce the incidence of domestic violence and protect victims. The electronic surveillance scheme was currently being piloted in a small number of counties and would be rolled out nationwide by the end of 2025. Electronic surveillance was employed in tandem with other victim protection measures, such as accommodation in shelters, and had proved successful in eliminating immediate danger to victims and preventing violence following an offender's release from custody. Despite the reluctance of some victims to report domestic abuse, law enforcement officials continued to explain the benefits of doing so and thereby obtaining protection through the assurances provided for in law.

22. In 2018, the Office of the Ombudsman had been designated as a national human rights institution and its central and regional staff had increased in number. Both the Ombudsman and the Romanian Institute for Human Rights had begun the process of obtaining accreditation in accordance with the Paris Principles and had met several times with the Office of the United Nations High Commissioner for Human Rights and the Global Alliance of National Human Rights Institutions.

23. Law No. 192/2019, which had included amendments to Law No. 218/2002 on the Organization and Functioning of the Romanian Police, had provided for guarantees of citizens' rights and had placed restrictions on the actions of police officers and the circumstances under which they could use equipment, including non-lethal weapons. In 2020, in line with the provisions of Order No. 14/2018 of the Minister of Internal Affairs, an information system for the management of data regarding persons deprived of their liberty had been operationalized in all detention and pretrial detention centres. The Code of Criminal Procedure provided that criminal prosecution authorities were obliged to inform detained persons of the charges against them and of their rights to consult relevant documentation, to remain silent and to be represented by either their own lawyer or to have a lawyer assigned to them. Detained persons were also informed of their obligations within the detention centre and the possible rewards or sanctions for their behaviour there; a brochure containing that information was available in 14 languages. Courses on compliance with those guarantees were given as part of initial and in-service police training. The lawyer of a person deprived of liberty was afforded the time and facilities necessary to prepare an effective defence and was able to conduct visits and make telephone calls with the detained person at any time. Visits and telephone calls with family members were also permitted within restricted times. Articles 36–41 of Law No. 218/2002 allowed for persons to be detained in a police station without a warrant if the identity of the person could not be established; if their behaviour or circumstances or the goods in their possession gave reason to believe that they intended to commit an offence; if their actions posed a threat to their health or life; or if following usual procedures would create a situation that posed a danger to public order or to the person in question.

24. In 2022, Parliament had adopted a law on the status of judges and prosecutors and a law on the organization and operation of the Superior Council of Magistrates, which were in line with the jurisprudence of the European Court of Justice and European Court of Human Rights. The most recent European Commission Rule of Law Report, published on 5 July 2023, had noted that those laws had improved the efficiency and independence of the judiciary and had increased the transparency of the Superior Council of Magistrates and of the Judicial Inspectorate of Romania. The removal of a member of the Superior Council of Magistrates could be requested if there was a conflict of interest or lack of impartiality, a statute of limitations for disciplinary offences had been introduced and disciplinary sanctions against judges that had raised concerns over judicial independence and the primacy of European Union law had been repealed. As before, judicial reviews of disciplinary sanctions could be requested.

25. The criminal record database did not collect information on the ethnic background of citizens. Delays into investigations of offences against Roma persons were often due to the lack of specialized personnel in the prosecution service or police force or the lack of sufficient evidence to classify treatment as degrading or inhuman. The Government would consider introducing minimum quotas for the representation of Roma persons in the workforce of the prison system. The new methodology for investigating hate crimes had been approved and

was now being used by law enforcement authorities, prosecutors and the police force. Incitement to hatred or discrimination was prohibited under articles 368 and 369 of the Criminal Code, and Law No. 2/2021 on Measures to Prevent and Combat Anti-Roma Discrimination had been adopted. A new strategy for the inclusion of Romanian citizens belonging to the Roma minority had been adopted in Government Decision No. 560/2022 and would be based on the activities carried out under the Strategy for the Inclusion of Romanian Citizens Belonging to the Roma Minority 2014–2020 and the National Strategy for Equality, Inclusion and Diversity 2018–2022; an impact analysis of both strategies was included in that government decision. The new strategy addressed issues such as access to housing, education, work, health and the protection of Roma traditions and cultural heritage. Law No. 2/2021 provided that discriminatory public discourse was punishable by imprisonment of between 3 months and 3 years and was applicable to the disparaging comments regarding members of the Roma minority made by the Chief of Staff of the Ministry of Internal Affairs in April 2022. Prosecutors investigating offences motivated by discrimination on the grounds of ethnicity took the continued stigmatization of the Roma population into account and thus proposed either the maximum sentences prescribed for the offence by law or more severe sentences where there were aggravating circumstances. A criminal case, in which two Roma persons had allegedly been beaten by police officers in the county of Tulcea in 2021, had initially been dismissed but had been reopened for further investigation in February 2023 and was pending before the Tulcea County Prosecutor's Office, with charges brought under article 282 of the Criminal Code. Victims of violence were able to claim financial compensation either through criminal procedures or before the judge in charge of the case.

26. In January 2024, the computer software of the Romanian prison administration would be updated to make all databases available electronically, which would facilitate criminal investigations. The specific cases of police violence that had been referred to by Mr. Touzé were pending investigation. The measures taken by the Romanian Government in response to the coronavirus disease (COVID-19) pandemic had been frequently adjusted to clarify their practical application and to ensure that they were proportional to the evaluations made by the National Committee for Special Emergency Situations as the situation developed. The measures derogating Romania from its obligations under the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights) during the pandemic had been taken in line with article 15 of the Convention and had been regularly communicated to the Secretary-General of the United Nations and the Secretary-General of the Council of Europe. Those measures could have been challenged before the domestic courts if needed.

27. **Mr. Touzé** (Country Rapporteur) said that he wished to know whether an impact assessment of the “No discrimination!” project, referred to in paragraph 29 of the State party's recent national report submitted within the framework of the universal periodic review (A/HRC/WG.6/43/ROU/1), had been conducted. He was pleased to hear that the State party was extending its non-discrimination initiatives to the education system and was grateful for the delegation's responses to his questions on discrimination against Roma persons, which continued to be a central concern.

28. Regarding the rights of persons held in police custody, he would be grateful if the delegation could provide the Committee with a copy of Law No. 192/2019. Welcoming the implementation of Order No. 14/2018 of the Minister of Internal Affairs relating to the provision of information to persons deprived of liberty regarding their rights, as well as the roll out of the Încarcerați software tool that automated certain police administrative procedures, he would like to know whether that tool was used nationwide and how it worked in practice.

29. Given that the information provided by the delegation on fundamental legal safeguards chiefly concerned initial and continuous training for police officers, he would like to know whether any mechanism was in place to ensure that persons deprived of their liberty could avail themselves of their rights, including the right to interpretation, legal counsel and medical attention. The need to guarantee those rights was fundamental and should be stressed to law enforcement officers in their training. He wondered whether it might be possible to

designate a complaints mechanism for persons who had been denied those rights at the time of their arrest.

30. He would be grateful to know what the State party had done to ensure that the measures it had taken to curb the spread of the COVID-19 pandemic had only derogated from its obligations under international treaties within the limitations defined in those treaties. He would welcome information on the proportionality of those measures, particularly in the light of reports that the conditions imposed on persons deprived of their liberty, ostensibly to protect their health, had been particularly onerous, with visits being discontinued and physical conditions of detention reportedly being poor.

31. **Mr. Rouwane** (Country Rapporteur) said that it would be helpful to know whether the State party was considering alternatives to prison sentences to reduce overcrowding. In addition, he wished to know whether the State party's reform of the prison system took due account of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules), the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules). While grateful for the information provided on the training of health-care staff in prisons, he would like to know whether that training included specific instruction on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). He would also like to know approximately how many prisoners had benefited from open prison regimes in the State party. Noting that Romania had yet to contribute to the United Nations Voluntary Fund for Victims of Torture, he wondered if it planned to do so.

32. **Mr. Halchin** (Romania) said that he had omitted some written information in his responses to the Country Rapporteurs' questions owing to time constraints and would provide that information to the Committee in due course.

33. As General Director of the National Prison Administration, he could confirm that the impact of the restrictive measures taken during the COVID-19 pandemic on prisoners' rights had been minimal. Education and employment opportunities had remained unaffected and family visits had been permitted in some circumstances. Furthermore, inmates had been allowed to communicate with their families via video call. Inmates had also been encouraged to take advantage of the free vaccinations that had been provided. Around 80 per cent of all prisoners had been vaccinated within three months of the vaccines becoming available.

34. He recognized that his Government still had a lot of work to do, including establishing the infrastructure and legal frameworks to enable certain improvements to be made. He and his colleagues undertook to cooperate fully with the Committee in the future and to provide whatever information was required to chart his country's progress towards implementing the Convention.

The meeting rose at 5 p.m.