



ROMÂNIA

Avocatul Poporului

Street George Vraca No. 8, District 1, Bucharest  
www.avp.ro



Tel.: +40-21-312.71.01, Fax: +40-21-312.49.21, E-mail: [avp@avp.ro](mailto:avp@avp.ro)  
Tel. dispecerat: +40-21-312.71.34, E-mail: [avp\\_prevenire@avp.ro](mailto:avp_prevenire@avp.ro)

*The field of prevention of torture and other punishments  
or cruel, inhuman or degrading treatment in places of detention – NPM*

Mr. Ben Buckland,  
Senior Adviser, Oversight  
Association for the Prevention of Torture  
Email: [bbuckland@apt.ch](mailto:bbuckland@apt.ch)

AVOCATUL POPORULUI  
REGISTRATURĂ GENERALĂ  
IEȘIRE Nr. 30787 / 7. NOV. 2023

Taking into account your request, from the UN Special Rapporteur on torture, communicated by *e-mail* on 18.10.2023, by which you request information on the problems and good practices in the management of *penitentiaries*, including *detention and pretrial detention centers*, noted by the Romanian NPM during the visits, we communicate the following:

**A.**

**1. Examples of good practices in penitentiaries, found by the Romanian NPM, on the occasion of the visits carried out in the period 2022 - 2023 (up to the date of preparation of this document)**

- SECURE project implementation (April 2021 - April 2024), which involves **the development of an integrated set of measures to ensure the prevention of recidivism**, increasing the degree of responsibility and the chances of former detainees to reintegrate into society. For example, at the Mărgineni Penitentiary, this project also targeted objectives, such as: the construction of a new detention pavilion, with a capacity of 52 places; building a sports base: soccer field and gym; professional training courses for staff in the fields of social reintegration, medical, operational; professional qualification courses for 150 inmates; certification of professional skills for 50 inmates, etc.;

- **the implementation of a procedure regarding the exercise of the right to online shopping**, while maintaining also the stores within the penitentiary units (Mărgineni Penitentiary, Găești Penitentiary, Ploiești Penitentiary, etc.);

- upon entering the detention sector, **were installed access ramps** that provided prisoners with *locomotor disabilities* an accessible route between levels at different heights and that allowed movement without the need for other mechanical equipment (Galați Penitentiary);

- at other penitentiary units, **new detention sections were set up, which ensured** the minimum individual area of **4 sqm/detainee**, and the accommodation rooms were equipped with **an air conditioning system** (Găești Penitentiary);

- the existence, **in the visit sector**, of spaces **designed both inside and outside**, with **furniture and specific materials for children** such as tables, chairs, a varied **range** of toys, walls painted in cheerful colors, with cartoon characters, for the children's visits to their parents in custody (Mărgineni Penitentiary, Baia Mare, Miercurea Ciuc etc.);

- **the existence of the "Lotus" Therapeutic Center for women**, for people from all custodial regimes **with a psychiatric diagnosis** such as depression, anxiety, personality disorders or with a recommendation to participate in personal optimization programs, convicted by final judgement (Gherla Penitentiary, Cluj county);

- **stimulation the access of persons deprived of liberty to school training activities and professional training**, in accordance with the requirements of the labor market;

- **the existence of one e-learning platform regarding the continuous professional development and improvement of the employed medical staff, which includes training topics related to the prevention and combating of torture**, topics related to the phenomenon of organized crime and the national prevention and combating mechanisms, and topics related to radicalization and extremism in the penitentiary environment (Ploiești Penitentiary ).

- **the organization of training sessions for staff engaged in the prevention of aggressive behaviors**, in order to reduce their number and manage them.

- during the COVID-19 pandemic, thanks to the measures instituted, **it was ensured the protection of the health of prisoners and staff**, in all penitentiary units.

## ***2. Examples of deficiencies in penitentiaries, noted by the Romanian NPM, on the occasion of the visits made in the period 2022 – 2023 (up to the date of the preparation of this document)***

- overcrowding;
- shortage of staff, especially in the operational, medical and psychosocial sectors;
- undersized list of functions (no. of positions) compared to the real needs of the unit;
- inadequate accommodation conditions (thermal discomfort; worn bedding - metal beds and old damaged mattresses);

- setting up **storage spaces for personal items (clothes, shoes)** in the accommodation rooms **were these were insufficient or absent** (Miercurea Ciuc Penitentiary, Harghita county);

- poor dental assistance due to the lack of employed doctors (the offer is not attractive for doctors; although the positions of dentists are put out for competition, usually no candidates apply).

- the lack of spaces intended for cultural-educational activities, social assistance and psychological assistance, so that the access of persons deprived of liberty to such activities is guaranteed;

- lack of information points (information kiosks) for persons deprived of their liberty (for example, the *Chilia Veche* Outer Section of the Tulcea Penitentiary)

- walking yards unequipped according to the legal provisions, so that persons deprived of liberty can exercise their right to walk properly (lack of canopy and benches; very small dimensions, cage-like, etc.);

- at the Târgu Ocna Educational Center, Bacău county, there was no sports field, outdoor sports activities being carried out in the inner yard of the center; sometimes, according to the information provided by the staff of the center, based on a request, *the minors/young detainees*

used the sports field of the Târgu Ocna National Prison Officer Training School, located near the center; During interviews, several detainees stated that they did not have access to sports materials and items, with only one soccer ball available in the entire center (there was a gym inside, but it was only equipped with a tennis table and a trellis for gymnastics).

## **B.**

### ***1. Examples of good practices in detention and remand centers, found by the Romanian NPM, on the occasion of the visits carried out in the period 2022 - 2023 (up to the date of preparation of this document)***

- in the majority of detention and remand centers, **the fundamental rights of the person deprived of liberty** were respected regarding **informing a third party** about their detention/arrest, **access to a lawyer** and **access to a doctor**, most of the people interviewed by NPM with the occasion of the visits, confirming this aspect during the discussions held with them. Thus, both national and international provisions were respected, such as those provided for by Rule 40 of the CPT Rules, Chapter *Police Custody* - relating to the right of access to a lawyer and a doctor, as well as the right for the persons concerned to be able to inform a relative or a third party about their detention;

- **the presence of female personnel** among employed police officers;

- libraries equipped with books, with regularly updated documentary map, in the content of which were found, for example: the forms regarding the written information of persons deprived of liberty in criminal proceedings, in Romanian and in several foreign languages; contact details of the supervision judge; Law on the organization and operation of the People's Advocate institution, etc.;

- in some centers, the granting of the right to visit was ensured under safe conditions, the space allowed the granting of the right to visit and **without a separation device for minors**, the separate circuit of persons deprived of liberty/visitors being ensured (detention and remand center Vâlcea);

- *some centers* had a ramp set up for the access of people with disabilities, also equipped with a wheelchair for people with locomotor disabilities (detention and remand center Mehedinți);

- during the COVID-19 pandemic, thanks to the measures instituted, **it was ensured the protection of the health of arrested persons and staff**, in all centers.

### ***2. Examples of shortcomings in detention and remand centers, found by the Romanian NPM, on the occasion of the visits carried out in the period 2022 - 2023 (up to the date of preparation of this document)***

- **average length of stay in custody of approx. 3 months**, but not more than 6 months. According to the Code of Criminal Procedure, the length of stay in custody, during the criminal investigation phase, can be a maximum of 6 months;

- the majority of detention and remand centers are located/operate on **the semi-basement of the buildings**, therefore they do not meet the standards in terms of ensuring natural light, surface area, volume and ventilation. Arrest spaces **above ground** represents a goal **difficult to achieve**, for most detention and remand centers in the country. We have a few

*exceptions* of above-ground centers, such as *the Ialomita detention and remand center*, which operates on the ground floor of a building and, in this way, the accommodation rooms have natural light and ventilation;

- **the lack** of at least **one properly equipped** accommodation room for arrested persons with **locomotor disabilities**, as well as **the lack of access routes** necessary for this category (ramps);

- **lack of a space designed and equipped for online communications** for arrested persons (detention and remand center Mehedinți);

- the lack of solutions regarding the optimization and continuity of the provision of psychological assistance services, so that they are carried out in compliance with the existing legal framework, including during the periods when the psychologist of the unit is on vacation or involved in other activities, which require the psychologist's prolonged absence from the unit (detention and remand center Mureș).

- the fact that the psychologist officers, who provide specialized activities/services to arrested persons, didn't participate regularly in specific training/continuous professional training programs, in the field of custody of persons deprived of liberty (detention and remand center Baia Mare).

- most people deprived of their liberty did not know that they can benefit, if they wish, from an examination carried out by a doctor of their choice, whose services must be by the person concerned (in addition to any other examination carried out by the doctor called by the police);

- in some centers, **if a person is incarcerated after 8:00 p.m., food will be allocated to them after 2 days** (e.g. if a person is arrested on Thursday evening after 8:00 p.m., they will receive food starting from Sunday). The representatives of the visited Centers stated that although there is this gap of 2 days, no person remains without food, since there is enough food;

- **the absence of the special Register for traumatic marks** or physical signs of ill-treatment/abuse or torture of the persons in custody.

It should be noted that, in the analyzed period, namely 2022 - November 2023, **the NPM made 39 visits to penitentiary and police units (22 penitentiaries and 17 detention and remand centers).**

If you need any additional assistance, please contact us.

*Yours sincerely,*

Deputy of the People's Advocate,  
Ionel Nicolae



Prepared by:  
MNP advisor, Izabela Cernavodeanu

Date: November 7, 2023