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Documents distributed at the request of a Representative shall be under the sole responsibility of the said Representative, without prejudice to the legal or political position of the Committee of Ministers.

Meeting: 1545th meeting (December 2025) (DH)

Communication from the authorities (10/10/2025) concerning the cases of Bragadireanu and Rezmives and Others (Bragadireanu group) and Ticu group of cases v. Romania (Applications No. 22088/04, 61467/12, 24575/10) (appendices in Romanian are available at the Secretariat upon request).

Information made available under Rule 8.2a of the Rules of the Committee of Ministers for the supervision of the execution of judgments and of the terms of friendly settlements.

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Réunion : 1545^e réunion (décembre 2025) (DH)

Communication des autorités (10/10/2025) relative aux affaires Bragadireanu et Rezmives et autres (groupe Bragadireanu) et groupe Ticu c. Roumanie (requêtes n° 22088/04, 61467/12, 24575/10) (des annexes en roumain sont disponibles auprès du Secrétariat sur demande) **[anglais uniquement]**.

Informations mises à disposition en vertu de la Règle 8.2a des Règles du Comité des Ministres pour la surveillance de l'exécution des arrêts et des termes des règlements amiables.

L / 4073 / 10th October 2025

627 R/AG/ 269

4468 R/AG/ 225

3265 R/AG/ 209

Information Note on General Measures in the pilot judgment of *Rezmiveş and others v. Romania* (app. no. 61467/12+), the *Bragadireanu v. Romania* group of cases (app. no. 22088/04+), and the *Țicu v. Romania* group (app. no. 24575/10+)

I. Introductory summary of the cases

The abovementioned cases of *Rezmiveş and others* and *Bragadireanu and others* concern the issue of prison overcrowding and inadequate conditions of detention in prisons and police arrest and detention centers, and also the lack of an effective remedy in this regard, which have led the Court to establish the existence of a breach of article 3 of the Convention.

The *Țicu and others* group of cases concern the ill-treatment suffered by the applicants in various prisons due to the inadequate management of their severe psychiatric conditions from 2003 to 2019, leading to a breach of article 3 of the Convention.

II. Recent developments in the area of general measures

A. On 8th October 2025, the Ministry of Justice (the MJ) provided updated information on the implementation of the 2020-2025 Action Plan for the execution of the ECtHR pilot judgment in the *Rezmiveş and others v. Romania* case and of the judgments in the *Bragadireanu* group of cases, as well as on issues related to mental health care for detainees, an issue which forms the object of the *Țicu and others v. Romania* group of cases.

The main topics approached in the information prepared by the MJ are:

I. Measures proposed for improving material conditions of detention (investments in the physical infrastructure of prisons, updates on the 2024-2030 Strategy and Action Plan for the Development of the Prison System, the issue of analyzing the opportunity of transferring from police detention centers to prisons, investments in the police detention infrastructure, updated medical and hygiene standards, the redistribution of detainees among prison units);

II. Legislative measures (updates made to Law no. 254/2013 and its rules of implementation, the adoption of tertiary level normative acts – minister orders – on healthcare provision and education in detention, updates on electronic surveillance, an analysis of the results of the criminal law reform undertaken so far and its impact on prison overcrowding);

III. The effective functioning of the probation system (legislative and strategic updates, investments in material infrastructure and human resources);

IV. The continuation of social reinsertion programs (highlighting their impact on the reduction of criminal relapse over the past two years);

V. Information of progress in the area of human resources available in the prison system.

The document provided by MJ is appended to the present note, in its English translation, carried out by the European Institute of Romania (IER).

B. In addition to the information provided by MJ, on 29th September and 2nd October 2025, the Ministry of Internal Affairs (MAI) and the General Inspectorate of the Romanian Police (IGPR) highlighted a series of details related to aspects in their sphere of attributions, as follows:

In the area of investments in the physical infrastructure of police detention facilities, three projects have been completed (for the 2020 – 2022 phase I: the modernization of the Harghita County detention center, creating 20 detention places, and the construction of a new, aboveground detention center in Covasna County, creating 33 detention places and, for the 2023 – 2025 phase II – the modernization and expansion of the Argeş County detention center, creating 37 detention places).

Moreover, the modernization works at the Teleorman County detention center (providing 22 places) are nearing completion and are expected to be completed by December 2025.

It was also emphasized that current repair and maintenance works have been carried out in all detention facilities, so as to maintain adequate conditions.

The Action Plan objective regarding the acquisition of new vehicles for the transport of persons placed under arrest has been completed, with a total of 160 such vehicles (out of an initial goal of 150) bought and distributed to police units until the end of 2024.

In terms of the expansion of the organizational structure of the MAI, so far, 10 new positions have been added (2 officers and 8 police agents).

Finally, attention was drawn to the fact that, through the Emergency Government Ordonance no. 61/2024, amendments were made to Law no. 146/2021 on electronic surveillance within judicial and executorial criminal procedures, expanding the applicability of electronic surveillance to preventive measures, such as judicial control, judicial control on bail and house arrest. The technical and organizational aspects of the electronic surveillance system were further amended through the Government Decision no. 1025/2022 and the electronic surveillance system is currently operational at national level.

C. The domestic preventive and compensatory remedies available for detainees

Turning to the topic of domestic remedies, according to the information provided by the National Prison Administration (ANP) in the context of the *Platon and Văscăuțanu v. Romania* case (app. nos. 49254/22 and 10120/23) pending before the ECtHR, **between October 2024 and February 2025, the prisons reported a total of 103 examples of judgments** allowing complaints concerning overcrowding and other inadequate detention conditions (made before the supervising judge on the basis of Law no. 254/2013) or tort law actions for requesting pecuniary compensation (on the basis of the Civil Code).

- **60 judgments ordering the provision of adequate personal space which have been executed.** For some of these judgments, the information received mentions that the execution involved the transfer of the detainee to another prison where he could be housed in cells providing adequate personal space and for several cases, the prisons informed that the procedures for ensuring the transfer were ongoing at the date of drafting the response.

- **3 judgments ordering the provision of adequate personal space which could not be executed** because the detainee was either transferred to another prison than the one against he complained and one case where the detainee was released from prison (the measure of preventive custody was replaced with the measure of house arrest) before the judgment could be enforced.
- **2 judgments allowing pecuniary compensation** – both at Rahova Prison. The information mentioned that the prison administration has requested the sums to be paid to the applicants (5.000 RON each).
- **13 judgments concerning complaints against material conditions of detention, all executed.** The issues ranged from renovation and various repairs in the cells, replacement of sanitary equipment in bathrooms, replacement of used mattress, the provision of a new bathrobe, the installation of a urinal in the courtyard, medical care, the provision of adequate food norms).
- **25 judgments for which information on their execution could not be provided because they were not yet final** (at the date of the information request).

According to the information provided by the IGPR on 10 February 2025 in the context of the same pending case, the police detention and remand centers provided nine additional examples of case law where domestic courts provided remedy to complaints made by persons deprived of their liberty, as follows:

- **Five final judgments adopted with regards to the Cluj County Police Detention and Remand Center** between May 2016 and November 2020, allowing the applicants' claims for non-pecuniary damage suffered due to inadequate detention conditions and granting them compensation ranging from 20.000 to 22.400 RON and from 2.000 to 3.000 EUR;
- **One final judgment adopted with regard to the Dolj County Police Detention and Remand Center** on 30 May 2023, allowing the applicant's claims for non-pecuniary damage suffered due to inadequate detention conditions and granting them 12.000 RON as compensation;
- **Three final judgments adopted with regards to the Bucharest Detention and Remand Centers** between November 2020 and February 2024, allowing the applicants' claims for non-pecuniary damage suffered due to inadequate detention conditions and granting them compensation of 1.000 RON, 500 EUR and 800 EUR, respectively;

The details provided by the ANP and IGPR on these domestic cases, as submitted to the Court in the *Platon and Văscăuțanu v. Romania* case, are appended to the present information note (available only in Romanian).

III. Conclusions

The Government kindly ask the Committee to note the progress achieved so far and inform that it will keep the Committee updated on any relevant evolution with regard to the execution of the cases quoted above.

Appendix

No. 5 /60591/2025/ 08.10.2025

To: Ms Oana ȚOIU,
Minister of Foreign Affairs

For the information of Ms Oana EZER
Government Agent for the European Court of Human Rights

Ref: *Transmission of information on the state of implementation of the measures provided for in the Action Plan 2020-2025, developed for the execution of the pilot-judgment Rezmiveș and Others v. Romania, and of the judgments in the group of cases Bragadireanu v. Romania*

Madam Minister,

Following the meetings of the Interinstitutional Working Group¹, it was agreed to submit to the Committee of Ministers, a report (in the CM/Inf/DH format) on the measures included in the Action Plan 2020-2025 that were implemented *for the execution of the pilot judgment Rezmiveș and Others v. Romania, and the judgments in the group of cases Bragadireanu v. Romania*. The Department for the Execution of Judgments of the European Court of Human Rights („the Department”) also requested specific information related to the implementation of the Action plan.

I. MEASURES PROPOSED TO IMPROVE DETENTION CONDITIONS

Investments in the physical infrastructure of prisons

- ✓ Since the approval of the Action Plan, 2,843 new detention places that comply with the minimum recommended standard of 4 square metres per detainee (in terms of living space) have been created, and 706 new places will be completed by the end of this year;
- ✓ As of 2021, 318 places have been modernised and another 79 Convention-compliant places are to be modernised by the end of the year;
- ✓ At the same time, as part of the efforts to implement the Action Plan, more than 8,713 cells have undergone current repairs;

¹ The Working Group includes representatives of the Ministry of Justice, the Ministry of Foreign Affairs - the Government Agent for the European Court of Human Rights, the Ministry of the Interior, the Ministry of Public Finance, the National Prison Administration, the National Probation Directorate.

- ✓ Moreover, a number of objectives involving the improvement of detention conditions have been achieved, such as: setting up outdoor exercise yards or modernisation of the existing ones, modernisation of kitchen areas, modernisation and consolidation works on certain detention wards, roof repairs, modernisation works on the internal water supply networks or the heat networks, upgrading the heating systems, installation and operation of hydrant networks, etc.;
- ✓ In addition, the construction of two new prisons, which will provide a total of 1,900 new accommodation places and conditions complying with the highest standards, has started. Currently, the works are underway and a progress of about 18% and 14% respectively, has been achieved in the execution of these projects;

Updates on the Strategy for the development of the prison system and the Action Plan for the implementation of the Strategy in terms of the infrastructure of accommodation facilities for prisoners for 2024 - 2030 (at the request of the Department)

The Strategy for the development of the prison system provided for 43 objectives - which required promotion during the *Concept note* and *Design brief* phases - for the entire prison system, for 2024. **Of these, 8 objectives were promoted and approved by the Technical-Economic Council of the National Prison Administration (“ANP” - Romanian acronym).** The buildings for which the necessary documentation was not drafted at the Conceptual note and Design brief phases or for which the relevant documents were drawn up, but did not receive a favourable opinion from the ANP specialised departments, being returned for amendments, will be proposed for promotion this year.

The prison facilities that submitted for approval the relevant documentation at the Concept note and Design brief phases and obtained the favourable opinion of the Technical-Economic Council of the ANP, are the following: Bistrița Prison - 1 objective, Gherla Prison - 1 objective, Craiova Detention Centre - 2 objectives, Bucharest-Rahova Prison - 2 objectives, Slobozia Prison - 1 objective, Codlea Prison - 1 objective.

Given the current conditions for funding, marked by the limitations imposed by the budget appropriations approved by the Ministry of Finance, *the Strategy for the development of the prison system in terms of the infrastructure of accommodation facilities for prisoners for 2024-2030*, needs to be updated so that the budget allocated for this period can be efficiently distributed and the necessary funds for the preparation of the technical-economic documentation can be provided in the Feasibility study and Technical project phases, and so that the investment objectives currently under implementation can be pursued.

Analysis of the opportunity and possibility of transfers of pre-trial detainees from police detention facilities (pre-trial detention centres) [“Centre de Reținere și Arestare Preventivă” - CRAP] to prison facilities

A series of meetings were organized between representatives of the General Inspectorate of the Romanian Police and the National Prison Administration in order to identify optimal and realistic solutions for the transfer of persons incarcerated in police detention facilities (CRAP) of the Ministry of Internal Affairs to the units under the authority of the ANP.

The proposed working version was to pilot the takeover of the adult male pre-trial detainees, who spent more than 120 days in custody at police detention facilities, by two prisons that were to provide new accommodation places by the end of 2025.

It was highlighted that the actual piloting would start only after the new accommodation places, as provided in the commitments made by the Romania, will be made operational, a process that depends on the budgetary constraints.

The working version of the analysis envisaged the openness to adopt European values and to implement the CPT's recommendations, emphasizing the fact that, since a process conditioned by several legislative, financial, economic and human resource implications was under discussion, it was necessary and mandatory to be able to actively analyse all the consequences that would result from this undertaking, by piloting it for a reasonable period of time.

At the end of the piloting period, the positive or negative results and consequences could be transposed into a project that will form the basis of the requested analysis, as indicated in the Action Plan.

Investments in the physical infrastructure of police detention facilities

- ✓ During the reference period, the following measures were put in place: *Modernisation of the existing Harghita Police detention facility - 20 places; Construction of the new overground Covasna Police detention facility - 33 places; Modernisation/extension of the overground Argeș Police detention facility - 37 places; by the end of this year, modernisation of 22 more places in Teleorman County Police Inspectorate (IPJ Teleorman);*
- ✓ Repair and maintenance works were carried out on the premises of police detention facilities in order to ensure appropriate accommodation conditions;
- ✓ 160 new vehicles for the transport of prisoners were purchased and distributed;
- ✓ The staffing structure was supplemented by 10 positions [8 police agents and 2 police officers].

Improving hygiene and medical supervision standards

- ✓ Further steps were taken to implement the *Standards* for setting up healthcare units in the prison system, providing them with the necessary medical devices and equipment, as well as the rules on equipping infirmary rooms, separation cells or transit cells, and on setting up and equipping protection cells intended for the individual accommodation of vulnerable detainees;
- ✓ In 2025, OPSNAJ Health Insurance House assessed the healthcare units in prison facilities, issuing accreditation certificates;

- ✓ At the same time, the accreditation level for all hospitals in the ANP structure was maintained;
- ✓ In order to ensure optimal medical care in the prison system, inter-institutional collaboration protocols have been renewed or concluded, as appropriate. As tuberculosis is a public health priority in Romania, the Collaboration Protocol between the National Prison Administration and the ‘Marius Nasta’ Institute of Pneumophtisiology was continued on 21.11.2024, based on the National Strategy for Tuberculosis Control (TB) in Romania, with the aim of early detection, full testing and treatment of patients diagnosed among the prison population;
- ✓ Under this Protocol, **6,232 prisoners have been included in the screening programme** since November 2024, via the caravans set up by the staff of the “Marius Nasta” Institute of Pneumophtisiology;
- ✓ Moreover, considering the health effects in the case of viral hepatitis, namely the need to extend screening programmes and to increase access to specialised treatment for prisoners, the Collaboration Protocol between the National Prison Administration and the Stefan S. Nicolau Institute of Virology was concluded on 18 October 2024;
- ✓ The previously initiated steps were continued, by extending the protocol with the Romanian Anti-AIDS Association (Asociația Română Anti-SIDA), in order to prevent the transmission of HIV, viral hepatitis B and C, as well as sexually transmitted diseases, among prisoners from detention facilities, including drug users. This collaboration protocol was concluded on 4 October 2024, for a period of 2 years;
- ✓ In order to facilitate an effective inter-institutional cooperation and co-option, the Collaboration Protocol between the National Prison Administration and the Romanian Red Cross Society was concluded in October 2024, for a period of 2 years, to increase visibility in the development of health promotion activities among the population from disadvantaged backgrounds.

The Council of Europe-funded projects “*Strengthening the provision of health care and mental health care in prisons*” and “*Further strengthening the provision of health care and mental health in prisons and other closed institutions in Romania*”

- ✓ The Human Resources Strategy was developed to attract medical staff to work in the prison system and was made available to the National Prison Administration in July 2023. Also, as part of the project, the ***Strategy and the Action Plan on the organisation of mental healthcare in the prison system*** were completed in 2024;
- ✓ Some of the envisaged measures, as well as other activities developed under the project funded by the Council of Europe, were taken over and integrated into ***the Action Plan for the period 2024-2029 for the execution of the judgments of the European Court of Human Rights in the field of mental health*** - a strategic document approved in the first semester of 2024 by the Romanian Government;
- ✓ The process of occupying available places in the prison units designed for prisoners with serious mental disorders was started, as follows:

- in Baia Mare Prison, 9 places were made available; all 9 are currently occupied;
 - in Craiova Prison, 34 places were made available; 18 places are currently occupied;
 - in Galați Prison, 12 places were made available; 5 places are currently occupied;
 - in Botoșani Prison, 12 places were made available; 8 places are currently occupied.
- ✓ The Psychological assistance programme for persons with mental disorders was revised;
 - ✓ The *Training programme for detainees intended to support prisoners with serious mental disorders* was developed;
 - ✓ A working group responsible for developing an *activity project for the individualisation of social reintegration efforts and the diversification of occupational therapy practices implemented in prison hospitals* was set up (project under development; deadline for completion and implementation - December 2025)
 - ✓ The following activities were organised in the context of specific measures for staff training, including in a multidisciplinary team:
 - 25 prison guards attended the Council of Europe HELP course on “Mental Health and Human Rights” concerning applicable international human rights standards relevant for persons with mental health issues (strengthening knowledge of relevant international standards and documents developed by the United Nations agencies and the European Union);
 - 12 doctors working in the prison system and 7 doctors from civilian medical units attended a training course on fundamental rights and European standards of health care services provided to prisoners (June 2024);
 - 17 prison guards completed the “*Trainer of trainers*” course (May 2024). Subsequently, in December 2024, they organised, in four prison facilities, *cascade-training* for 106 other employees of the prison system, from all sectors of activity.

Redistribution of detainees in the prison system

- ✓ Between January and September 2025, the National Prison Administration ordered the transfer of 2,379 persons to other prison facilities.
- ✓ The number of detainees has increased by **798** persons since the beginning of 2025. On 31 December 2024, the detention facilities subordinated to the National Prison Administration accommodated **24,606** prisoners, their number totalling **25,404** on 8 October 2025;
- ✓ However, the efficiency of the measures implemented in the prison system is reflected in attaining **the highest accommodation capacity of detention places, namely 22,541 places providing 4 square metres per detainee.**

II. LEGISLATIVE MEASURES LEADING TO THE IMPROVEMENT OF DETENTION CONDITIONS FOR PRISONERS

The main amendments to Law no. 254/2013:

- ✓ **Law no. 200/2023 amending and supplementing Law no. 286/2009 on the Criminal Code and other legislative acts**
 - harmonised the conditions for allowing conjugal visits for remand prisoners and the conditions provided for convicted detainees, as ruled by the Constitutional Court in Decision no. 222/2015;

- ✓ **Law no. 362/2023 amending and supplementing Law no. 254/2013 on the enforcement of sentences and detention measures ordered by judicial bodies during criminal proceedings:**
 - introduced an explicit legal basis that allows the National Prison Administration to develop - in collaboration with other public authorities or institutions, or other legal persons governed by public law, governmental and non-governmental organizations - programmes of national interest that must be approved by Government decision and that are intended to facilitate prisoners' access to educational, psychological and social services;
 - programmes of national interest will be financed or co-financed from the State budget, from the following sources: reimbursable and non-reimbursable external funds, as well as from donations, sponsorships, public-private partnership or other resources, in accordance with the law, aspects that will be included in the methodologies that will be developed later on.

The general legal framework on the methods employed for electronic monitoring in the cases provided for by the law, setting out the technical conditions and the electronic surveillance procedure that may be ordered *de lege lata*² - Law no. 146/2021 on

² According to Article 1 of Law no. 146/2021:

(1) This law lays down:

(a) the establishment, organisation and functioning of the Electronic Monitoring Information System, hereinafter referred to as EMIS;

(b) the method for the use of electronic surveillance devices and the course of action in the case of alerts being generated;

(c) data protection measures within EMIS.

(2) EMIS shall be used for electronic monitoring purposes on the occasion of:

(a) the enforcement of judicial supervision or judicial supervision on bail, according to Law no. 135/2010 on the Code of Criminal Procedure, as subsequently amended and supplemented;

(b) the enforcement of house arrest, according to Law no. 135/2010 on the Code of Criminal Procedure, as subsequently amended and supplemented;

(c) the application of the provisional protection order and the protection order, according to Law no. 217/2003 on preventing and combating domestic violence, republished;

(d) the application of the European protection order [if Romania is the issuing State], according to Law no. 151/2016 on the European protection order, as well as for amending and supplementing certain regulatory acts, subject to the procedures provided for under letters (a) and (b);

(e) remote surveillance, according to Law no. 254/2013 on the enforcement of sentences and detention measures ordered by judicial bodies during criminal, as subsequently amended and supplemented.

(f) supervising the execution of the obligations laid down in Article 101(2)(d) and (e) of Law no. 286/2009 on the Criminal Code, as subsequently amended and supplemented, in accordance with Article 102(3) of the same law.

(3) The electronic monitoring carried out under the present law concerns exclusively electronic surveillance devices located on Romanian territory.

electronic monitoring in judicial and enforcement criminal proceedings - has been adopted.

Main amendments to the Implementing Regulation for Law no. 254/2013 (Government Decision no. 157/2016):

- ✓ **Government Decision no. 850/2023 amending and supplementing the Implementing Regulation for Law no. 254/2013 on the enforcement of sentences and detention measures ordered by judicial bodies during criminal proceedings, approved by Government Decision no. 157/2016:**
 - optimisation/streamlining of the provision of healthcare to new entrants in the prison system;
 - regulating the possibility for detainees to purchase products for cleaning and for individual and collective hygiene;
 - changing the religion or religious affiliation of the detainee and allocation of appropriate food is now possible based on only the self-declaration of the detainee;
 - allowing online communications to as many detainees as possible, in order for them to maintain a constant connection and increase their chances of improving relations with their support environment,
 - regulating the possibility for detainees to receive the RON amounts via bank transfer;
 - instituting the obligation of the prison administration to take the prisoner to a forensic expert, for examination purposes, in all cases where traces of their injuries have been found, except in case of prisoner's written refusal of the procedure;
 - eliminating self-harm and attempted suicide acts from the list of conducts subject to disciplinary punishment in prisons;
 - elaborating a regulatory framework for allowing the detainee to attend the burial of a spouse, child, parent, sibling, or a grandparent;
 - making the conditions for granting the right to telephone calls more flexible and increasing the duration of a telephone call from 10-30 minutes to 30-60 minutes for remand prisoners;
 - allowing prisoners to receive the visit of their minor children in police detention facilities under similar conditions to those in prison facilities under the authority of the National Prison Administration.

Main legislative developments related to tertiary criminal enforcement legislation

- ✓ **Draft Order No. 4858/C/3363/2022 of the Justice Minister and of the Health Minister amending and supplementing Order No. 4858/C/3363/2022 of the Justice Minister and of the Health Minister on the provision of medical assistance, treatment and care afforded to prisoners held in detention facilities under the authority of the National Prison Administration (the draft was submitted for public debate and will be promoted in the coming period)**

(4) The electronic monitoring carried out under paragraph (2)(f) shall generate the alerts referred to in Article 21(1)(d) and (e) in the information system for creating alerts developed by the National Probation Directorate, which shall be managed by its own staff.

- the need to streamline the provision of medical assistance to prisoners, by the medical offices operating in the prison facilities³.

- ✓ **Draft Order of the Justice Minister and of the Education and Research Minister for the approval of the Regulation on organising school training activities in prisons, educational centres and detention centres**
 - the draft order aims to regulate the establishment of the cooperation framework between the Ministry of Justice and the Ministry of Education and Research, including between their subordinated institutions, with regard to the school training activity attended by prisoners within the detention facilities under the authority of the National Prison Administration;
 - the draft joint order contributes to the effective exercising of the prisoners' right to education;
 - the drafting of the project is in its final stages.

- ✓ **Draft Order of the Justice Minister amending and supplementing the Regulation on the safety of prison facilities under the authority of the National Prison Administration, approved by Order of the Justice Minister No. 4800/2018, published in the Official Gazette of Romania, Part I, Nos. 1065 and 1065bis of 17 December 2018**
 - the wording of the draft order essentially seeks to increase safety in the prison facilities subordinated to the National Prison Administration;
 - the project also envisages the implementation of recommendations from the Ombudsman, issued following visits to detention facilities, recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), as well as effective solutions with regard to the planning of the prison guards' duty roster, supervision, escorting, accompanying activities in order to reduce additional working time and to safely carry out the missions.
 - The draft legislative act is being finalised.

Outcome of the criminal policy reform process, including its impact on prison overcrowding (*request from the Department*)

- ✓ Effectively, in March 2023, the leadership of the Ministry of Justice at that time decided to establish the 'Romanian Criminal Policy Working Group 2024', issued Order No. 285/2023 of the Justice Minister to this end. According to the press release on criminal policy, this working group was intended to draft and submit for public debate the revised versions of the New Criminal Codes and of the basic special criminal legislation and, subsequently, to refer the matter to the Parliament by 31 December 2024 at the latest.

³ This concerns issues such as the modification of the List of medical conditions, as well as of other medical states and conditions in order to establish the work capacity at the end of the quarantine and observation period and of the Emergency Apparatus necessary for the medical office in the detention facility, the transport of prisoners to the public health care units in cases of medical-surgical emergencies, the period of time for which the local distribution dispensary delivers medicines to prisoners, the management and storage of psychotropic medicines intended for prisoners with mental disorders, the approval of the hygienic-sanitary rules applicable in the detention facilities.

However, it must be noted that, subsequently, in June 2023, the entire structure of the Government was changed as a result of the Parliament granting the investiture vote to the new Government.

As a result of these political developments, the criminal policy reform process announced in 2023 was no longer an institutional priority; however, the issue of criminal enforcement from a legislative point of view was not neglected. Thus, even in this context, the Ministry of Justice carried out its duties in good faith, continuing its mission to ensure, manage and improve the quality of criminal legislation, procedural criminal legislation and criminal enforcement legislation using the institutional and administrative methods available to it, namely the communication of opinions on the Parliament's legislative proposals, the drafting and promotion of draft legislative acts according to its own area of competence.

As part of the Romanian Government, the Ministry of Justice remains a reliable partner for international institutions and bodies and a firm supporter of the respect for human rights and fundamental freedoms.

To this end, the Ministry of Justice continuously monitors the evolution of conventional human rights standards, the recommendations of international institutions (the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Subcommittee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), as well as the reports and recommendations of the Ombudsman and the reports of non-governmental organisations with relevant activity in the field. Thus, following the centralisation and analysis of such documents, it proposes certain legislative interventions with a view to adopting targeted amendments that will also contribute, *inter alia*, to improving overall detention conditions. The most eloquent example in this regard is the most extensive and integrated intervention carried out by means of **Government Decision no. 850/2023** on the Implementing Regulation for Law no. 254/2013 on the enforcement of sentences and detention measures ordered by judicial bodies during criminal proceedings. The main amendments introduced by Government Decision no. 850/2023 are presented above.

- ✓ We shall reiterate that, in our view, the legislative amendments on criminal enforcement legislation introduced in order to increase the degree of social reintegration of prisoners have an indirect positive impact, including on the rate of reoffending among criminals, with an effect on the degree of overcrowding of prison and detention facilities.

In addition, with regard to methods for customising the enforcement of sentences, which are generous in terms of the existing regulations, including due to real alternatives to imprisonment, **current data show a significant decrease in cases where courts issue prison sentences**, compared to the number of cases where the same courts opt for non-prison measures or sentences.

Consequently, the promotion of **legislative amendments which greatly relax the system of penalties in criminal matters would likely render the national criminal law system ineffective by imposing formal penalties, without any real consequences for the offender.**

At the same time, a change in the criminal legislation leading to a significant decrease in the prison population cannot be supported because it would only transfer the overcrowding problem from the prison system to the probation

services, which are underfunded and already suffering from a workload far exceeding the average workload and the European recommendations in the field, the consequence of which would be a failure to effectively reinsert the criminals into society.

On the contrary, from our point of view, it is necessary to support the current rules on the enforcement of sentences, which, as can be seen, **already show significant results; it is obvious that emphasis on the system of penalties has shifted from the prison system to the probation system.**

The solution, from our perspective, is to **institutionally strengthen the probation system.**

State of play of the legislative initiative aimed at enabling electronic monitoring of persons under judicial supervision or under house arrest (request from the Department)

- ✓ The possibility to electronically monitor persons subject to the preventive measure of judicial supervision or house arrest has already been provided in the primary legislation, as early as 2014, the year of the entry into force of the new Criminal Codes. Moreover, according to the new criminal legislation, it was possible to use electronic methods in order to monitor compliance with certain obligations ordered by the court in the context of conditional release, of the preventive measures of judicial supervision, judicial supervision on bail or house arrest, as well as in certain cases concerning prisoners that serve prison sentences⁴. Subsequently, Law no. 146/2021 on electronic monitoring in judicial and enforcement criminal proceedings regulated the necessary regulatory framework containing technical rules on how to use electronic surveillance devices in the cases provided for by law⁵ and how to manage alerts in situations where electronically supervised persons do not comply with the imposed conditions.

⁴According to Article 27 of Law no. 254/2013:

(1) *Detainees may be subject to remote electronic monitoring.*

(2) *The types of detainees and the cases in which they may be subject to remote electronic monitoring shall be determined by the implementing regulation for this Law.*

According to Article 32 (Cases where remote electronic surveillance systems may be used) of the Implementing Regulation for Law no. 254/2013, remote electronic surveillance systems shall be used in the case of detainees who:

(a) *take part in profit-making, educational, psychological assistance, social assistance activities, outside the detention facility;*

(b) *travel for medical assistance to hospitals/clinics located outside the detention facility;*

(c) *are hospitalised in the public healthcare network;*

(d) *have been granted prison leave;*

(e) *travel outside the detention facility in cases other than those referred to in points (a) to (d), in the case provided for in Article 31(2).*

(2) *Remote electronic surveillance systems may also be used for detainees who pose a threat to the safety of the prison, if they are escorted outside the prison.*

(3) *The detainee's refusal to have remote electronic surveillance systems applied to them shall result in a refusal to grant their participation in activities outside the prison or their prison leave.*

⁵ Article 1. - Scope

(...)

(2) *ELMIS shall be used for electronic monitoring purposes on the occasion of:*

(a) *the enforcement of judicial supervision or judicial supervision on bail, according to Law no. 135/2010 on the Code of Criminal Procedure, as subsequently amended and supplemented;*

(b) *the enforcement of house arrest, according to Law no. 135/2010 on the Code of Criminal Procedure, as subsequently amended and supplemented;*

(c) *the application of the provisional protection order and the protection order, according to Law no. 217/2003 on preventing and combating domestic violence, republished;*

It should be noted that, **currently, Law no. 146/2021 is applied in pilot phase⁶** only with regard to the execution of measures of judicial control, judicial control on bail and house arrest, in accordance with the Code of Criminal Procedure, as well as with regard to protection orders (including provisional protection orders and European protection orders). In the absence of statutory changes and in the absence of an extension of the deadline for the pilot implementation phase of Law no. 146/2021, as of 1 January 2026, the provisions of Law no. 146/2021 will also apply to the electronic monitoring situations provided for by Law no. 254/2013.

III. EFFECTIVE FUNCTIONING OF THE PROBATION SYSTEM

Measures at legislative level

- ✓ Promotion of the Statute of the probation staff. The draft law (PL-x no. 258/2023) has been under debate in the Romanian Parliament since 2023. Currently, the draft law is being debated by the Chamber of Deputies (decision-making chamber), having been adopted the Senate, as the first chamber to which it was referred.

At the same time, it should be noted that it is on the priority list of the current session of the Romanian Parliament (point 15) for adoption.

- ✓ The Regulation on the organisation and functioning of the national probation system is being finalised at the NPD level;

Measures at strategic level

- ✓ The *Strategy for the Development of the National Probation System in Romania for 2020-2024* has been adopted;
- ✓ The *National Strategy for the Rehabilitation of Persons Subject to Community Sanctions and Measures* is currently being finalised through a World Bank project.

Measures for human resources

- ✓ Financing and gradual filling of 254 posts (150 probation counsellors, 84 contract staff, 20 employees in the central structure: 10 probation inspectors

(d) the application of the European protection order, according to Law no. 151/2016 on the European protection order, as well as for amending and supplementing certain regulatory acts, subject to the procedures provided for under letters (a) and (b);

(e) remote surveillance, according to Law no. 254/2013 on the enforcement of sentences and detention measures ordered by judicial bodies during criminal, as subsequently amended and supplemented.

(f) supervising the execution of the obligations laid down in Article 101(2)(d) and (e) of Law no. 286/2009 on the Criminal Code, as subsequently amended and supplemented, in accordance with Article 102(3) of the same law.

(3) The electronic monitoring carried out under the present law concerns exclusively electronic surveillance devices located on Romanian territory.

(4) The electronic monitoring carried out under paragraph (2)(f) shall generate the alerts referred to in Article 21(1)(d) and (e) in the information system for creating alerts developed by the National Probation Directorate, which shall be managed by its own staff.

⁶ Article 40. - Pilot phase

The electronic monitoring shall initially be applied in pilot phase to the cases referred to in Article 1(2)(c) and (d), from 1 October 2022 until 31 December 2025 at the latest.

(1¹) Electronic monitoring shall be applied, as a pilot scheme, to the cases referred to in Article 1(2)(a) and (b), from 1 October 2024 until 31 December 2025 at the latest.

and 10 civil servants). Measure fulfilled in 2021 with the completion of competitions for the filling of 158 probation counsellor posts, 82 contract staff posts (filled in 2020-2022), 15 employees in the central structure: 8 probation inspectors and 7 civil servants;

- ✓ Funding and gradual filling of existing vacancies in the staff establishment plan - 118 posts (101 probation officers posts and 17 posts in the central structure). Measure partially fulfilled: 61 probation counsellor posts effectively filled in 2023, 9 probation inspector posts filled between 2022 and 2023, 11 posts (civil servant, legal professionals assimilated to judges and prosecutors, contract staff), filled in between 2022 and 2023.
- ✓ **Currently, the probation system has a total of 858 employees [711 probation staff (counsellors and managers)], 81 contract staff (secretaries and drivers), 66 employees in the central structure.**

Measures for physical and IT infrastructure

- ✓ **Ensuring the IT equipment necessary for the national probation system to carry out its activities.** Measure fulfilled. During the implementation of the plan, over 300 new workstations were purchased;
- ✓ Expanding the premises for probation services, by supplementing the NPD budget and renting the premises needed for 15 probation services (a quarter of the total number), as well as through partnerships with local authorities. In addition, all probation services were equipped with office furniture and 42 cars purchased through Norwegian grants. The same funding sources are being used to contract works to build four centres in different parts of the country, which will be used jointly by prisons and probation services to intensify joint activities and involve the local community in the probation activity. Two of these are at an advanced stage and are due to be completed in early 2025.

Progress on reintegration programmes running at the NPD level (request from the Department)

- ✓ *Following the analysis of data collected at the NPD level on the evolution of reintegration programmes between 2021 and 2025 at the probation services level, with a focus on the number of participants who completed each intervention, the results indicate a steady increase in the participation of convicted persons (from 5,132 persons in 2021 to 13,161 in 2024). In 2025, between January and June, 7,946 convicted prisoners on probation participated in such programmes. The most frequently accessed programmes were the 'Problem solving module' and 'Traffic offence programmes', which attracted the largest number of participants. Programmes such as 'Stop! Think and Change', 'Drink & Drive' and 'SEED' have also seen relatively stable developments.*
- ✓ At the same time, there is an integration into the practice of probation services of the new programmes developed under the Correctional Programme financed by Norwegian grants, including the CROFF programme, which targets persons preparing for conditional release or persons who have been conditionally released and are under the supervision of probation services.

The CROFF programme was carried out jointly by the prison units and the probation services in accordance with the ANP-NPD Joint Implementation Instructions. The programme is currently being run in pilot phase by a joint team of probation-prison specialists at the following facilities: Botoşani Prison, Constanţa-Poarta Albă Prison, Târgu Mureş Prison, Baia Mare Prison, Vaslui Prison, as well as Bucharest-Jilava Prison, between March 2025 and March 2026. So far, it has been applied to a first series of detainees in the Bucharest-Jilava and Vaslui, Botoşani, Constanţa, and Târgu Mureş Prisons.

- ✓ As regards the new FAMOS programmes (for the involvement of families of persons under probation), MEYNG (for minors and young people under probation) and LITOFF (for persons with writing and reading difficulties), these are implemented in the probation services of Bihor, Bucharest, Braşov, Buzău, Caraş Severin, Călăraşi, Dolj, Giurgiu, Ialomiţa, Ilfov, Prahova, Sibiu and Timiş. The programmes were implemented exclusively by specifically trained probation staff during the aforementioned project. To date, 38 participants have completed the FAMOS programme, 84 participants have completed the LITOFF programme, and 52 participants have completed the MEYNG programme.
- ✓ ICPM (Integrated Correctional Programme Model) - a complex programme taken from the practice of Canada Correctional Services as part of the Correctional Project - is also implemented by mixed teams of specialists from the probation services in Cluj and Suceava, respectively from the Gherla and Botoşani Prisons, for the target group of persons serving prison sentences who are under the supervision of the two probation services and are presenting a high risk of reoffending. Since its inception, in May 2024, and to this day, 30 participants have completed this programme both in prison and in the community. The implementation of a new programme session is still going on, with 19 participants.

IV. ONGOING IMPLEMENTATION OF SOCIAL REINTEGRATION PROGRAMMES

- ✓ The most important reintegration activities are based on **work and education**. Currently, **7,042** detainees are working, and as regards education, in the **school year 2024-2025, 3,047 prisoners were enrolled in school training courses**, of whom 2,624 people completed the courses and 1,741 received pass marks for their respective school year (66.34%). **In the 2025-2026 school year, approximately 3,000 prisoners are enrolled in courses;**
- ✓ **Vocational training** is one of the basic conditions for post-detention reintegration. Information, mediation and work counselling activities are organized in prisons, in collaboration with employment agencies, as well as training, retraining and refresher training courses. Thus, **in 2024, 4,418 prisoners** took part in vocational training activities;
- ✓ The National Prison Administration, in collaboration with the Ministry of Justice, implemented the **'SECURE'** project, which included the *Integrated study on the causes of reoffending* and a public policy document on the prevention of reoffending. Both the conclusions of the *Study* and of the public policy

document, as well as the results obtained as a result of the implementation of the *National Strategy for the Social Reintegration of prisoners*, in the two consecutive strategic exercises (2015-2019 and 2020-2024), highlighted the need to strengthen interinstitutional collaboration in order to prevent reoffending and the importance of convergent action to reduce the risk factors associated with the criminal phenomenon, at community level;

- ✓ By Prime Minister's Decision no. 243/2024, the Interministerial Committee for the development of the ***National Strategy for the prevention of reoffending*** was established. The activities carried out within working groups with interinstitutional representation resulted in the elaboration of the ***National Strategy for the prevention of reoffending 2025-2029*** and the ***Action Plan***, approved by Government Decision no. 447/2025, published in the Official Gazette of Romania on 12 May 2025. On **17 July 2025, the first meeting of the Interministerial Committee took place**, the National Prison Administration providing the Technical Secretariat of the works and having an active role in the implementation of the measures under its remit;
- ✓ Currently, the *Offer of social reintegration activities and programmes* available at the prison system level includes 119 programmes as follows: education (72 programmes, of which 15 programmes for minors and young people and 3 for women); psychological assistance (30 programmes offering specific, general, and therapeutic community-based assistance); social assistance (12 programmes and 5 types of social groups for treatment);
- ✓ The **Methodology for conducting multidisciplinary activities involving team interventions, related to aggressive behaviour and suicide risk**, has been developed, approved and is currently being implemented at systemic level. The '**Listener**' Model has been adapted into projects aimed at reducing the risk of suicide among prisoners, and has been promoted throughout all prison facilities;
- ✓ **4 activity projects** have been developed: participation of prisoners in activities of voluntary screening for prophylactic purposes and specific treatment within national healthcare programmes, Campaigns of Health Information, Education and Awareness, the *Easter Celebration 2025 Project*, and the Project for cultivating moral values, which included through mentoring, 'Scripture and Life';
- ✓ In the first half of 2025, **632 prisoners from 25 prison facilities benefited from vocational training** as part of the project '*Training in an occupation through practical activities*' (9 occupations: carpentry, plumbing, flooring, wall/ceiling work, varnishing and painting, locksmithing and basic welding, tailoring, and plant cultivation);
- ✓ The **IMSChatBot Web application** has been developed and sent to be implemented in pilot phase in three prison facilities. The application works as a virtual assistant, which provides prisoners with relevant information, in both written and verbal format;
- ✓ **Regional activities to facilitate the exchange of professional experience and to promote good practice models** have been organised - a meeting in the North-West region (Satu Mare Prison) and an interregional activity for staff working with minors and young people in centres and for joint activities with them (Buziaş Educational Centre).

A key indicator of the effectiveness of these programmes is the decrease in the reoffending rate among the prison population, **from approximately 46% to less than 37% in the last two years** - a positive record for the prison system (**the lowest figure recorded in the last 15 years**).

As regards human resources, we can point out that reducing staff shortages has been a high priority and the results achieved in recent years reflect this commitment.

- ✓ During the reference period (2020-2025), the staff of the prison administration system was supplemented by 6,063 employees, 4,240 coming from external sources and 1,823 from educational institutions specialised in training the staff for the prison administration system. Currently, the total number of staff employed has reached 13,421, marking a historic peak in the management of human resources at systemic level.
- ✓ Significant progress has also been made in priority areas. The number of specialists in the social reintegration sector has increased to 848 and in the medical sector to 858, compared to the beginning of 2020, when the records featured 764 specialists in the field of social reintegration and 818 specialists in the medical field. These increases confirm the ongoing efforts to strengthen human resources in order to ensure quality services for the benefit of prisoners and the whole prison system.

In view of the above, we kindly ask you to forward the previously submitted information to the Department for the Execution of Judgments of the European Court of Human Rights.

At the same time, we would like to inform you that additional data will be communicated at a later date, as agreed at the meeting of the Interinstitutional Working Group on 30 September 2025, which was also attended by representatives of the Department.

Yours faithfully,

Radu MARINESCU

Minister of Justice