

EXECUTIVE SUMMARY

In the course of the 2021 visit, the CPT's delegation examined the treatment of persons held in prison and police establishments, and evaluated the measures taken by the Romanian authorities to improve the situation since the Committee's February 2018 visit. To this end, the CPT's delegation visited four prisons, with a particular focus on persons held in maximum-security, closed and pre-trial regimes as well as prisoners with mental disorders. It also visited seven police arrest detention centres and looked into the treatment of persons deprived of their liberty by the police. Further, the delegation had an opportunity to examine the effectiveness of investigations into allegations of ill-treatment by law enforcement officials and prison staff.

The CPT's delegation received excellent co-operation during the visit from the Romanian authorities. However, the principle of cooperation also requires that decisive action be taken to improve the situation in the light of the Committee's key recommendations. In this respect, the CPT is concerned to note that little or no action has been taken in respect of certain recommendations made in previous reports, in particular as regards the situation of maximum-security regime prisoners, the operation of the prison intervention teams and the provision of health care in prisons.

Law enforcement

The report notes that the vast majority of persons interviewed by the CPT's delegation stated that they had been treated correctly by police officers. Nevertheless, a few allegations of physical ill-treatment by police officers were received from detained persons. The allegations consisted primarily of slaps, punches, kicks and baton blows inflicted by police officers against criminal suspects either at the time of the arrest or during questioning at a police station. Complaints of excessively tight handcuffing were also received.

The report recommends that the Minister of the Interior and the General Inspectorate of the Romanian Police deliver a strong message that the ill-treatment of detained persons is illegal, unprofessional, and will be the subject of severe sanctions. Further, a system of investigative interviewing of criminal suspects should be promoted. It is also essential that injuries observed by medical staff on detained persons upon their admission to Detention and Preventive Arrest Centres (DPACs) are accurately recorded. The CPT also comments on the investigation into allegations of police ill-treatment and recommends that prosecutors be provided with their own investigators as a means to enhance the independence as well as the promptness and thoroughness of investigations.

In respect of safeguards against ill-treatment of persons deprived of their liberty by the police, a number of shortcomings were observed notably in respect of access to a lawyer, including the possibility of having a confidential conversation with a lawyer, and the right of access to a doctor. Steps must also be taken to guarantee that all persons are informed of their rights and offered the right to inform a relative or third party of their detention from the outset of their deprivation of liberty.

The CPT maintains that serious consideration should be given to placing the DPACs under the authority of the Ministry of Justice. The findings of the 2021 visit again highlight the poor material conditions and impoverished regime for persons held in the centres visited, which render them unsuitable for holding persons for periods of two months or more. Steps should also be taken to improve the care and regime afforded to minors held in DPACs, and the procedures for strip searches should be amended

to avoid persons being completely naked during the process. As for health care, it was generally adequate with the exception of screening for blood-borne viruses in new arrivals. Finally, the CPT wishes to be reassured that the new DPACs will meet the minimum standards for holding remand prisoners for periods of two months or more.

Prison establishments

The CPT notes the ongoing investment in the reform of the prison system as outlined in the updated [Action Plan for the period 2020-2025](#). Nevertheless, the challenges remain extensive: improving the living conditions, offering a range of purposeful activities for prisoners to assist them in preparing for reintegration into the community, increasing prison staff numbers and ensuring that health care services in prisons meet the needs of prisoners.

Moreover, overcrowding remains a serious problem, with the prison estate operating at 127% of its official capacity. Certain establishments visited such as Craiova and Mărgineni Prisons were operating above 150% of their capacity. Such levels of overcrowding lower the overall quality of life in a prison and undermine efforts at preparing prisoners for reintegration into the community. The Romanian authorities should take the necessary steps to ensure that all persons in prison are held in decent conditions and with those living in multiple-occupancy cells afforded a minimum of 4m² of living space each (excluding the sanitary annexe) and increase use of alternatives to imprisonment.

The majority of persons met by the CPT's delegation indicated that they had been treated correctly by staff. This was notably the case at Galați Prison where relations between prisoners and staff appeared calmer and more respectful compared to the 2018 visit. Nevertheless, a considerable number of allegations of physical ill-treatment of prisoners by prison staff were received, including by members of the masked intervention groups, at Giurgiu Prison in particular. Allegations were also received at Craiova Prison and to a lesser extent at Mărgineni and Galați Prisons. The situation was particularly alarming at Giurgiu Prison where the delegation received credible allegations of several persons having been repeatedly subjected to blows to the soles of their feet: a torture method known as *falaka*. The report again raises serious concerns over the lack of recording of and reporting on injuries by the health care service and failures to investigate allegations of ill-treatment effectively.

More generally, particular emphasis should be placed on the supervisory responsibilities of senior and middle managers paying special attention to the actions of staff under their responsibility and on prison officers being trained in control and restraint techniques. Further, the management in every prison should reiterate to all prison staff that verbal abuse, notably of a racist nature, and goading of prisoners is unprofessional and not acceptable. It is also important that CCTV systems are rendered fully operational in all prisons as a safeguard against ill-treatment. Likewise, all investigations into cases of alleged ill-treatment of detained persons by prison staff must strictly comply with the criteria of effectiveness as set out by the European Court of Human Rights.

Although instances of inter-prisoner violence appeared to be lower than in 2018, it nevertheless remains a concern, notably at Giurgiu and Galați Prisons. The authorities' duty of care for prisoners requires that each prison establish a clear anti-bullying strategy. Such a strategy must include investing more resources in additional staff and developing staff professionalism and training as well as offering detained persons a purposeful regime and decent living conditions. It must also ensure that a proper cell share risk assessment is carried out before placing a person in a particular cell.

Material conditions in all the prisons visited were generally poor, with cells dilapidated and lacking equipment (storage space, tables and chairs), and mattresses and bedding worn out and infested with bed bugs and cockroaches. Many complaints were received about the very limited access to hot water as well as in respect of the insufficient in-cell heating in winter. Further, many cells were severely overcrowded, notably at Craiova and Mărgineni Prisons, with persons often afforded a mere 2m² of living space each. Moreover, sanitary facilities were often in a poor state of repair and detained persons were not provided with appropriate quantities of detergent and hygiene products.

In all the prisons visited, it was difficult to evaluate the range of activities on offer to prisoners given the restrictions imposed by the Covid-19 pandemic. However, it is evident that much more needs to be done to provide prisoners with purposeful activities with a view to preparing them for reintegrating into the community. In particular, the regime for remand prisoners remains very poor, with persons confined to their cells for 22 hours or more per day; a comprehensive regime of daily out-of-cell activities should be put in place for them. Steps should also be taken to replace the current credits system with a more qualitative assessment of the activities undertaken by the socio-educative team in each prison.

The CPT considers that the maximum-security regime should be reviewed with a view to offering more out-of-cell time and a greater range of activities. In addition, the policy of hand (and ankle) cuffing high-risk prisoners should be thoroughly reviewed to ensure that the measure is exceptional and based on an individual and comprehensive risk assessment

As regards the provision of health care services in the prisons, the findings of the 2021 visit showed that there had been some progress made since 2018, including in respect of the administrative independence of prison health care services from prison management and staff. Nevertheless, much remains to be done to improve the quality of care for prisoners, including: increasing staffing levels; furnishing all prisons with basic and emergency medical equipment; guaranteeing medical confidentiality; improving the recording of injuries; ensuring comprehensive medical screening upon admission to prison; and the adoption of a comprehensive strategy to assist persons with drug-related issues. Steps should also be taken to improve coordination with local public health services and to put in place a system of oversight by the Ministry of Health in conjunction with the Ministry of Justice.

There is also a need to improve mental health care in prisons. The situation at Craiova and Mărgineni Prisons was particularly detrimental for persons suffering from a mental health illness. The lack of psychiatric input was compounded by persons being held in an environment, including accommodation in large dormitories, which exacerbated their condition. All prisons must have appropriate psychiatric input from both a psychiatrist and nurses dedicated to mental health. Those establishments such as Craiova Prison with a supposedly designated mental health unit must provide an environment that is beneficial for persons with mental disorders.

The CPT again emphasises the urgency of reinforcing staffing levels in the prisons visited, based upon a review of the role and duties of prison staff. High priority should also be given to both initial and in-service training for staff. As regards the masked intervention groups that operate in those establishments which accommodate prisoners under the maximum-security regime, the CPT has long questioned their *raison d'être* and *modus operandi*. In the light of the delegation's findings during the 2021 visit, the CPT reiterates its belief that these groups be dissolved, and that the staffing complement on the maximum-security regime wings be augmented and that a dynamic security approach be adopted.

The CPT found that the disciplinary procedure was correctly applied and that there was no excessive use of disciplinary procedures and sanctions. However, the CPT is again critical of the fact that self-harm and attempted suicide incidents are still treated as disciplinary offences. It also reiterates that restrictions on visits should not be imposed as a disciplinary punishment. As regards contacts with the outside world, the CPT reiterates that open visits for all prisoners should be the rule, with closed visits as the exception. More generally, further efforts should be made to promote contacts between prisoners and their families. Finally, the CPT considers that steps need to be taken to promote trust in the fairness of the complaints system among persons in prison as, at present, complaints do not accurately reflect the problems in prisons, notably as regards issues of violence.