

CPT/Inf (2026) 26

Response

**of the Romanian Government
to the report of the European Committee
for the Prevention of Torture and Inhuman
or Degrading Treatment or Punishment (CPT)
on its visit to Romania**

from 28 April to 9 May 2025

The Government of Romania has requested the publication of this response.
The CPT's report on the 2025 visit to Romania is set out in document
CPT/Inf (2026) 25.

Strasbourg, 3 September 2026

The Romanian Government's Response to the Report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) following its periodic visit to Romania during the period of April 28th - May 9th, 2025

I. General remarks

The Romanian authorities have noted with satisfaction the positive developments observed and described in the CPT report on Romania, which reflects the careful consideration and professional presentation of the issues arising from the visit conducted during the year 2025. The Romanian authorities are fully aware that there still are problematic issues and therefore efforts to improve the material detention conditions, the infrastructure and the applicable procedures with respect to the persons deprived of liberty are ongoing. We reaffirm the Romanian authorities' commitment to ensuring a responsible administration of detention places, in compliance with international and European recommendations while fully respecting human rights and without infringing upon human dignity.

Overcrowding - a structural problem - requires a swift implementation of measures which is why the measures approved by the Romanian Government within the 2020-2025 Action Plan will be strongly continued. The aforementioned Action Plan was drafted for the execution of the pilot-judgement in the case of *Rezmiveș and Others v. Romania*, as well as of the judgements delivered in the group of cases *Bragadireanu v. Romania*, approved by a Memorandum of the Romanian Government. Currently, a new 2026-2030 Action Plan for the execution of the pilot-judgement in the case of *Rezmiveș and Others v. Romania* is being drafted and will be submitted for the approval thereof by the Romanian Government.

Prison overcrowding and the growing prison population pose a major challenge for prison administration and the criminal justice system as a whole, both from the perspective of human rights as well as from the perspective of prison management. The foundation for managing such a situation lies in respect for human dignity, the commitment of prison administration to providing humane and positive treatment, an understanding and deeper appreciation of the roles that prison staff play in positively influencing inmates' behavior, and modern and efficient administrative approaches.

The Romanian authorities reaffirm its **zero tolerance** towards aggressive behaviors, violence between and against inmates. This is a constant message within the Romanian penitentiary system and is the core element of the *Systemic imperatives* with respect to the penitentiary police officers, which is repeatedly and constantly sent to the persons in charge with the organization and management of detention facilities.

The Romanian penitentiary system has undergone a comprehensive process of development in the recent years, both in terms of legislation and through investments in the physical infrastructure of detention facilities. Institutional progress and efforts to improve the quality of life in prisons have met the standards promoted at European level by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (hereinafter, CPT). The National Administration of Penitentiary took steps to ensure that the CPT recommendations are implemented in the penitentiary system. Therefore, each CPT mission in Romania led to an improvement of internal norms and regulations through the recommendations put forward.

The mission of the detention facilities in assisting the persons deprived of liberty for their social reintegration is strongly connected to the treatment provided within the detention facilities to inmates. The National Administration of Penitentiary goal is to improve the quality of life in prison and ensure respect for human rights through the overall material conditions provided, as well as the educational and psychosocial services and activities made available.

II. Specific issues

Inter-prisoner violence:

Managing the phenomenon of aggression is a constant concern for the National Administration of Penitentiaries, reflected in the strategic, methodological and operational framework implemented across the prison system. In this context, in 2025 the previous procedures were revised, and a **new Methodology for conducting multidisciplinary activities involving team interventions** was drawn up, **relating to aggressive behavior and the risk of suicide** (No. 29288/08.12.2025). The Methodology introduces, as a new feature, case management and risk classification, supporting a personalized approach based on the identification of risk factors and the specific characteristics of each individual case. In this context, particular attention is paid to the identification and assessment process, which forms the basis for effective and individualized interventions. The finalization and dissemination of the Methodology to subordinate units took place in April 2025. Subsequently, following its implementation, **proposals and observations** were collected **from the field**, which formed the basis for the revision of the document in December 2025.

The reference framework for implementing the Methodology is **the Strategy for Reducing Aggressive Behavior in the Prison System**, and the instrument ensuring its application and monitoring is **the National Plan for Implementing the Strategy**, drawn up annually by the National Administration of Penitentiaries and tailored to each individual unit.

Furthermore, in 2025, **two instructions** were issued **setting out immediate measures** to prevent the risk of suicide among the prison population (No. 34824/DRS/DSDRP/DSM/16.06.2025 and 23.06.2025).

With respect to medical assistance provided in the detention facilities:

In December 2025, the necessary steps were taken to register in the Single Register of Medical Practices and to issue Annex 1 to the registration certificates in the Single Register of Medical Practices for psychiatric services under the National Administration of Penitentiaries authority, relating to public services connected with the medical act of psychology - services provided by psychologists within the system, specializing in clinical psychology, psychological counselling and psychotherapy, as well as by specialist educational psychologists - speech therapists and physiotherapists.

With regard to measures for persons deprived of their liberty with mental health conditions, the range of rehabilitative activities and programs includes both structured programs and activities, tailored to the specific needs of this group, and individual interventions, such as psychological counselling.

A. Aspects within the competence of Public Ministry

Efficiency of prosecution - paragraphs 31 - 36 of the CPT Report

The *Analysis of cases involving crimes of ill-treatment committed by state law enforcement officers in 2024* was drafted by the Guidance and Oversight Unit within the Prosecutor's Office attached to the High Court of Cassation and Justice on July 7th, 2025.

The analysis was undertaken based on art. 9 para. (2) of the Order no. 59 from April 9th, 2021 of the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice and considered the information provided by the prosecutor's offices attached to the courts of appeal that hear the cases of the following criminal offences: abusive investigation, subjecting a person to ill treatment, torture and abusive behavior.

During 2024, the activity of the public prosecutor's offices in monitoring and solving cases involving the aforementioned criminal offences revealed that certain trends remained consistent in terms of workload, the nature of the cases, and the manner in which they were dealt with.

The analysis of statistical data revealed that the abusive conduct continues to account for an overwhelming proportion of the total number of cases monitored, representing over 80% of the cases currently pending; during the reference year, there was an increase in both the number of new cases filed and the final backlog of cases, reflecting a sustained high level of

complaints and, consequently, constant pressure on criminal prosecution activities in this area.

As far as the abusive investigation is concerned, the statistical situation has remained relatively stable, with no significant fluctuations in the number of cases. This trend indicates a balance between the volume of newly registered cases and the capacity to solve them.

With respect to subjecting a person to ill-treatment, although the number of new cases remained low, there was an increase in the final backlog of cases. This situation highlights the difficulties in solving these cases expeditiously, stemming primarily from the complexity of administering the evidence and the need to carry out specific procedural activities.

Concerning torture, relatively constant level of pending cases was observed, due to the efficient management of newly registered cases. The analyzed data indicate that the criminal prosecution of such criminal offences has made it possible to maintain a solving rate close to the volume of incoming cases.

With regard to the professional categories targeted by complaints and investigations, it is evident that these primarily concern agencies that routinely carry out activities involving a high degree of direct interaction with citizens or with persons in state custody. In this context, the higher proportion of cases involving police officers—followed by correctional staff and gendarmes—can be explained by the nature of their duties and the high level of public exposure inherent in these professions, although this fact does not, in and of itself, constitute an indicator of a disproportionate incidence of inappropriate behavior.

During 2024, monitoring mechanisms established by Order no. 59/2021, as amended by Order no. 286/2024, remain in effect. It should be mentioned that Order no. 286 of December 16th, 2024, issued by the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice, which entered into force on January 1st, 2025, established the uniform conditions under which cases are transferred to higher-level prosecutor's offices, pursuant to art. 325 of the Criminal Procedure Code.

Among the situations in which higher-level prosecutors' offices must give priority to taking over cases is the one under art.2 para. (1), subparas. (h) and (i) of Order no. 286 of December 16th, 2024, which refer to cases involving abusive investigation, subjecting a person to ill-treatment, and torture, as provided under art. 280-282 of the Criminal Code, and the abusive behavior, as provided under art. 296 of the Criminal Code, committed by police agents and officers, as well as by prison police agents and officers, in cases where the victim was in state custody at the time the criminal offense was committed and shows traumatic injuries documented by medical or forensic records.

Taking over such cases is ordered by the public prosecutor's offices attached to the tribunals, in the cases of abusive investigation, subjecting a person to ill-treatment, and abusive

behavior committed by police officers and correctional officers, pursuant to art. 2(4)(c) of Order no. 286 of December 16th, 2024, and by the public prosecutor's offices attached to the courts of appeal, in cases of abusive investigation, subjecting a person to ill-treatment, torture, and abusive behavior committed by police officers and prison police officers, pursuant to art. 2(4)(b) of Order no. 286 of December 16th, 2024.

Therefore, the provisions of art. 2, 3, and 6 of Order no. 59 of April 9th, 2021, issued by the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice, which established the conditions under which cases are taken over in which state officials are under investigation for acts of ill-treatment committed in connection with the performance of their professional duties, were incorporated into Order no. 286 of December 16th, 2024, issued by the Prosecutor General of the Prosecutor's Office attached to the High Court of Cassation and Justice.

Apart from this regulation, all previously established monitoring and control mechanisms have remained in effect.

For all cases in question, monitoring reports continue to be drafted, periodic reports are submitted to higher-level authorities, and uniform criteria are applied regarding the quality of the investigation, the independence of the investigation, the thorough and prompt administering of evidence, and compliance with reasonable timeframes for solving the cases. At the same time, the requirement to appoint specialized prosecutors to monitor and handle these cases has been maintained, as has the requirement to conduct periodic internal audits on how cases are solved.

The checks conducted at the prosecutor's offices revealed compliance with the standards established in the case law of the European Court of Human Rights regarding the efficiency of investigations. In most cases, complaints were promptly registered, essential criminal prosecution acts were performed directly by the prosecutor, and delegation to judicial police bodies was limited to technical tasks. Furthermore, relevant evidence was systematically administered, including forensic expert reports, statements from victims and witnesses, as well as audio and video recordings.

With respect to the time for solving the cases, the prosecutor's offices generally reported that investigations were conducted within reasonable time, with any delays attributable to the complexity of the cases and specific difficulties in gathering evidence. The decisions rendered were justified by reference to the applicable legal provisions and the evidence presented, and they were communicated to the interested parties within the time limits provided by law.

At national level, 4,858 cases had been dealt with in 2024, with final decisions issued in 2,070 cases, corresponding to a solving rate of approximately 42%. The predominant outcome was

dismissal, which accounted for nearly all solved cases, while indictments, plea agreements, and decisions to discontinue criminal prosecution accounted for a small proportion.

An overall assessment of the activity reveals that the prosecutor's offices ensured compliance with the requirements of legality, independence, and efficiency imposed by criminal procedural law and the case law of the European Court of Human Rights. However, the analysis highlighted the need to continue efforts to increase the efficiency of criminal prosecution, particularly by strengthening forensic evidence, promptly questioning individuals relevant to the case, expanding the use of plea agreements, harmonizing practices for monitoring and assigning cases, and continuously strengthening professional training on compliance with ECHR standards.

Paragraph 95 of CPT Report

Regarding the case of a detainee who was allegedly assaulted in his cell by two members of the supervision staff within Bucharest-Rahova Penitentiary, it should be mentioned that according to the indictment no. 9731/164/P/2024 of May 27th, 2026 of the Prosecutor's Office attached to Bucharest Tribunal, R.A.E.L. and C.C. were sent to trial for acts of *torture* provided under art. 282 para. 1 let. b) of the Criminal Code. T.C. was also sent to trial, by the same indictment for the following criminal offences: *aiding and abetting a perpetrator* provided under art. 269 para. 1 of the Criminal Code and *intellectual forgery* provided under art. 321 para. 1 of the Criminal Code.

In fact, it was established that on October 4th, 2024, based on the same criminal intent and a prior agreement, the defendants R.A.E.L. and C.C., acting in their capacity as prison officers employed by the Bucharest-Rahova Penitentiary and while performing their official duties, together with the inmate B.I.C., who acted upon their instigation, caused the injured person, F.M.A., severe physical suffering (the severity of the injuries inflicted upon the victim being assessed as requiring 5-6 days of medical care) and psychological distress, with the intent to punish him for the acts that led to his incarceration, as follows:

- a. during 19:16:00 - 19:18:32, in E.4.43 detention room, R.A.E.L. and C.C., prison officers, verbally abused and physically assaulted the injured person, F.M.A., who was being held at that prison, kicking him with their fists and feet, as well as with a hammer used to inspect the bars, and also caused B.I.C. to punch the injured person in the abdomen,
- b. the two prison officers, by use of threats and promises related to housing conditions, determined inmate B.I.C. to physically assault the injured person F.M.A.; as a result of this incitement, B. I.C., between approximately 7:20 p.m. and 9:25 p.m., repeatedly kicked the injured person, F.M.A., with his fists and feet in various parts of his body and

also caused him to inflict injuries on himself by cutting himself with a shard of glass to simulate an attempt to suicide,

- c. between 9:25 p.m. to 9:34 p.m., while inside the medical unit of the Bucharest-Rahova Penitentiary, prison officer R.A.E.L., acting in the course of his official duties, hurled insults at the injured person, F.M.A., and punched him in the ribs.

With regard to the defendant T.C., it was established that on October 4th, 2024, between 9:25 p.m. and 9:34 p.m., while serving as a prison police officer employed as a medical assistant at the Bucharest-Rahova Penitentiary and performing his official duties, following a medical examination of the inmate F.M.A., he observed multiple signs of violence on his body, knowing that these could have been inflicted after his transfer to the Bucharest-Rahova Penitentiary (which took place on October 3rd, 2024), after which he observed prison police officer R.A.E.L., who was performing his official duties, inside the medical unit of the Bucharest-Rahova Penitentiary, while the officer hurled insults against the injured person F.M.A., and kick him with a fist in the rib area.

After observing the incident, in order to prevent the criminal prosecution against the staff members at the Bucharest-Rahova Penitentiary who had physically assaulted F.M.A. and during his visit to the medical unit, he failed to file a report with the criminal prosecution bodies on the injuries in question or the observed act, and, at the same time, he recorded false information in the consultation log, namely that the bruises on the injured person's body were approximately one week old.

The case was filed with the Bucharest Tribunal and is currently in the preliminary chamber stage.

B. Issues regarding Detention and Preventive Arrest Centers (CRAP) within the Ministry of Internal Affairs

Paragraph 18 of the CPT Report

Regarding the situation described in paragraph 18 of the CPT report concerning the alleged ill-treatment of an individual on April 21st, 2025, in Dolj County, the following should be mentioned:

The individual who made the allegations of ill-treatment is Mr X, with his domicile in the commune of Cârna, Dolj County.

An analysis of the documents provided by the Dolj County Police Inspectorate (I.P.J. Dolj) revealed that on April 19th, 2025, police officers from the 14th Rural Police Station in Bârca were directly notified by a certain M.M. with his domicile in the commune of Cârna, Dolj

County, regarding the fact that unknown individuals, by breaking one of the windows, had stolen several items from the house of his neighbor, [REDACTED], in the same locality.

Following the investigations and activities carried out, the perpetrator of the theft was identified as Mr X, from the commune of Cârna, Dolj County, who admitted to the crime and handed over part of the stolen goods to the police.

On April 24th, 2025, following discussions with the case prosecutor, an arrest warrant was issued against the suspect for *aggravated theft* provided under art. 228(1), art. 229, paras. b) and d) and para. (2), letter b) of the Criminal Code, and he was detained for a period of 24 hours.

On the same date, the individual identified as X was escorted to the Dolj County Police Inspectorate headquarters to be incarcerated at the Detention and Preventive Arrest Center. During the medical examination conducted upon admission to custody by the medical staff serving the Dolj Detention and Preventive Arrest Center, the detainee Mr X stated that he had been assaulted.

The findings were recorded in the detainee's medical record no. 156 dated April 24th, 2025, and a *Report on the Observation and Documentation of Traumatic Marks* and a *Note on the Observation and Documentation of Traumatic Marks* were prepared, both bearing the same number, in which Chief Medical Commissioner [REDACTED] of the Dolj Medical Center states that he "*shows bruises on the lower third of both forearms, presumed to have been caused by being kicked with a blunt object three days ago.*"

The report on the identification and documentation of traumatic marks, prepared by medical personnel, was forwarded to the Prosecutor's Office attached to Segarcea Court, so that it may take appropriate action within its jurisdiction.

We emphasize that the transmission of the report to the Prosecutor's Office attached to the Segarcea Court is part of the reactive mechanism established within the Romanian Police and is intended to notify the competent prosecutorial authority of any actions by police officers that may give rise to criminal liability. Subsequently, the examination of the allegations and, where appropriate, the conduct of the corresponding investigations are carried out within the framework of judicial proceedings, which fall under the exclusive jurisdiction of the judicial authorities, under the authority of the prosecutor, under conditions that ensure the independence of the investigation from the police units involved.

In light of the observations made by the medical staff, the police officers from the 14th Rural Police Station in Bârca who interacted with the detained individual prepared reports stating that they did not physically assault him, emphasizing that he was cooperative and that the use of force was not necessary.

Furthermore, the police officers from the Dolj Detention and Preventive Arrest Center who carried out the incarceration of Mr X stated that they did not observe any signs of violence during the body search conducted upon his admission to custody. The detainee was asked upon admission whether he suffered from any medical conditions or had been hit, and he denied both.

The investigation revealed that the Mr X did not inform the case prosecutor at the Prosecutor's Office attached to Segarcea Court, nor the judge responsible for rights and freedoms who ruled on the request for preventive arrest, regarding the circumstances in which the injuries were sustained or the identity of the person or persons who allegedly caused them.

However, given the presence of traumatic marks documented in the records prepared at the time of admission to the detention center, the Prosecutor's Office attached to the Segarcea Court was requested to verify whether there is evidence of committing the criminal offence of abusive behavior or any other criminal offences by officers of the Goicea Police Station or by other state agents, and to assess the appropriateness of initiating proceedings ex officio in accordance with the law.

Paragraphs 19-20 of the CPT Report

Concerning possible abuses by police officers, persons deprived of liberty have the right to submit petitions and to correspondence, in accordance with art. 63 of Law no. 254/2013¹. The procedure to exercise the aforementioned right is described in art. 111-117 of the Regulation approved by Order of the Minister of Internal Affairs No. 14/2018².

According to these provisions, the right to petition is guaranteed, and if a person deprived of liberty does not have the necessary means to exercise this right, the administration of the center takes the necessary measures to provide the materials required for its exercise.

The right to petition of a person deprived of liberty is guaranteed, and based on it, the person may address any request or complaint to public authorities, public institutions, judicial bodies, governmental or non-governmental organizations, whether national or international. The form and content of the petition may only be modified by the person deprived of liberty, who is informed about the conditions for exercising the right to petition upon admission to the center, as well as whenever those conditions change.

¹ On the Enforcement of Sentences and Custodial Measures Ordered by Judicial Authorities During Criminal Proceedings, with further amendments and supplements.

² For the approval of the Regulation on the organization and operation of detention and preventive arrest centers, as well as the measures necessary to ensure their security, with further amendments and supplements.

Each person deprived of liberty has the possibility to address, directly and either in writing or verbally, the judge supervising the deprivation of liberty, the head of the police unit, the head of the center, or persons designated by them. Complaints or requests concerning criminal prosecution measures and acts are forwarded to the competent judicial body within the time limits provided by the Criminal Procedure Code.

The person deprived of liberty is ensured the possibility of addressing the judge supervising the deprivation of liberty without the presence of the center's staff.

To ensure confidentiality, mailboxes are installed inside each center, to which persons deprived of liberty have access according to the daily schedule. The content of the mailboxes is collected by the postal service provider.

Additionally, the Ombudsman has the authority to verify the respect of rights and detention conditions for persons deprived of liberty in detention and preventive arrest centers subordinated to the General Inspectorate of the Romanian Police. Persons deprived of liberty may also submit written petitions to this institution.

Furthermore, important institutional efforts were undertaken in order to operationalize professional training structures at central and territorial level, so as to ensure access to training and to develop and implement training activities for police officers in areas concerning human rights, the fight against hate crimes and prejudice, including within Roma and LGBTI communities. Also, a zero-tolerance policy towards violence has been introduced, accompanied by relevant training and regulations.

Existing efforts will continue, in order to prepare police officers so as to ensure the efficient management of professional situations in accordance with the applicable legal framework and procedures. These efforts include updated training topics with information dedicated to the prevention of torture, inhuman and degrading treatment.

Paragraph 25 of the CPT Report

Even though the provisions of art. 209 para. 17 of the Criminal Procedure Code generally regulate the right of persons in custody or under preventive arrest to access emergency medical care, in practice the specific provisions governing the execution of criminal sentences apply.

Thus, art. 71-73 of Law no. 254/2013 provide the right to medical assistance, treatment, and care; these provisions apply not only to persons deprived of liberty but also to persons subject to preventive measures involving deprivation of liberty (detention, preventive arrest) – art. 110 para. 1 of Law no. 254/2013. These provisions are detailed in the Regulation for the implementation of Law no. 254/2013, which stipulate in art. 237 para. 3 that *“Persons deprived of their liberty shall be provided with medical care upon admission to the detention*

and preventive arrest center, at their request based on an appointment, as well as whenever necessary.”

Furthermore, the provisions of art. 238 para.1 of the Regulation implementing Law no. 254/2013 stipulate that *“Upon admission to detention and preventive arrest centers, persons deprived of their liberty shall undergo a preliminary medical examination, with the aim of detecting obvious signs of assault, substance abuse, mental disorders, and suicide risk, as well as infectious and parasitic diseases, and, where appropriate, implementing adequate hygiene and health measures for entry into the facility, in accordance with the applicable public health regulations.”*

Similar provisions are also included in the Regulation on the organization and operation of detention and preventive arrest centers, as well as the measures necessary to ensure their safety³.

Thus, **upon admission to the detention and preventive arrest center**, persons deprived of their liberty are required to undergo a general clinical medical examination to detect obvious signs of abuse, substance abuse, mental disorders, and suicide risk, to detect infectious and parasite borne diseases that require isolation from the general population until recovery or admission to a specialized hospital facility, and to identify any medical history or chronic conditions that require the immediate initiation of appropriate medication and a specific hygiene and dietary regimen art. 26 para. (1).

During the medical examination conducted upon admission to the center, **the medical and healthcare staff providing medical care at the center inform them of their rights and obligations regarding the provision of medical care** [art. 26 para. (4) of Order of the Minister of Internal Affairs no. 14/2018].

Subsequently, within a maximum of 72 hours of admission to the center, a comprehensive clinical examination of the person deprived of liberty is conducted to establish a clinical diagnosis and determine the necessary medical care and tests [art. 31(1) of Order of the Minister of Internal Affairs No. 14/2018]. The medical examination to detect signs of violence and infectious, contagious, and parasite borne diseases is generally conducted upon the detainee’s arrival at the center, but no later than 24 hours after his arrival [art. 31(3) of Order of the Minister of Internal Affairs No. 14/2018].

A person deprived of liberty may, upon written request addressed to the administration of the detention and preventive arrest center, receive medical care from a doctor of their choice at the center, subject to a fee, if the doctor who provides medical care at the detention and

³ Approved by order of the minister of internal affairs no. 14/2018, with further amendments and supplements.

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COD: FS-01-11-ver.5

preventive arrest center is notified. The results of the medical examination conducted by the requested doctor shall be recorded by the doctor in the medical record of the person deprived of liberty [art. 136 para. (5) of Order of the Minister of Internal Affairs no. 14/2018]. This provision implements the provisions of art. 237 para.11 of the Implementing Regulation of Law No. 254/2013, which stipulate that *“Upon notification to the doctor providing medical care at the detention and preventive arrest center, the person deprived of liberty may request to be examined at the place of detention, in the medical unit, by a specific doctor from outside the health system of the Ministry of Internal Affairs. The examination is provided for a fee, to be paid by the person deprived of liberty or his relatives. The findings of the doctor from outside the Ministry of Internal Affairs’ healthcare system are recorded in the detainee’s medical record; subsequently, depending on the detainee’s health condition, the examining doctor, together with the doctor providing medical care at the detention and preventive arrest center, will decide on the course of action to be taken. The prescription or medical letter issued by this doctor shall be attached to the medical record.”*

If a person deprived of liberty requests a specific specialized medical examination or test, the doctor assesses the appropriateness or necessity of such an examination or test and, if appropriate, refers the person for a specialized examination or test at specialized healthcare facilities that have contracts with health insurance houses. [art. 146 para. (1) of Order of the Minister of Internal Affairs no. 14/2018].

Paragraph 30 of the CPT Report

The Disposition of the General Inspector of the Romanian Police No. 97 of 2020⁴ regulates the framework for the use of portable audio-video recording devices of the B.W.C. type by police officers:

Article 1 provides that they may be used “in the performance of official duties related to activities of prevention, detection, investigation, or criminal prosecution of criminal offenses, the serving of sentences, the prevention and combating of other illegal acts, as well as the maintenance of public order and safety.”

Furthermore, art. 2 establishes that police officers are required to use portable audio-video recording devices of the B.W.C. type to record certain categories of interventions and actions, including:

“(c) the use of force and of coercive and protective means equipped with;”

⁴ On establishing the rules for the use of portable audio-video recording devices of the Body Worn Camera (B.W.C.) type, as subsequent amended by Disposition of the General Inspector of the Romanian Police no. 60 / 2022

“(d) the execution of warrants issued by competent judicial bodies, according to the law, and of measures restricting rights and freedoms ordered by competent authorities, according to the law.”

Portable audio-video devices of the B.W.C type are used to prevent, deter, and counter threats to the security of detention and preventive arrest centers, as well as acts that contravene legal provisions. They are also a valuable tool for protecting the life, physical integrity, and health of persons deprived of liberty, police officers, as well as any other individuals.

Since detention and preventive arrest centers must guarantee the respect for the fundamental rights of persons deprived of liberty who are subject to preventive detention measures or serving sentences in these facilities, it was deemed necessary to equip police officers with portable audio-video recording devices to be used during the performance of their duties.

Currently, the working methods applied at the level of the National Administration of Penitentiaries are being analyzed with a view to harmonizing them with those applied within the Romanian Police.

Paragraphs 37 and 38 from the CPT Report

The new aspects regarding the method of conducting body searches have been communicated to all units where detention and preventive arrest centers are organized and functioning, in order to ensure that all personnel with responsibilities in this area become familiar with them.

The new method of conducting body searches is the subject of a professional training module that was included in the Professional Training Plan for 2025-2026 for police officers working in detention and preventive arrest centers under the Romanian Police. A similar training topic will be included for the next Professional Training Plan (2026-2027).

Additionally, this topic will be included in the curriculum of the Schengen Multifunctional Training Centre in Buzău, in order to ensure the uniform and consistent application of the new legislative provisions.

At the same time, according to art. 35 of the Regulation approved by Order of the Minister of Internal Affairs no. 14/2018⁵, thorough body searches must be carried out in specially designated areas that are not under video surveillance, by a police officer of the same sex as

⁵ For the approval of the Regulation on the organization and operation of detention and preventive arrest centres, as well as the necessary measures to ensure their security, with further amendments and supplements.

the searched person, under conditions that do not affect the dignity of the person deprived of liberty and with respect for their right to private life. Therefore, the recommendation to identify spaces equipped with the specified features for conducting body searches will be considered during the renovation of detention and preventive arrest centers.

In this regard, it should be noted that, according to art. 48 para. (2), in conjunction with art. 110 of Law no. 254/2013⁶, the renovation of existing detention spaces and the construction of new ones must comply with the provisions of para. (1) (regarding all necessary measures to progressively increase the number of individual accommodation spaces) as well as with international recommendations, particularly those of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Paragraphs 39 and 40 of the CPT Report

According to the provisions of art. 1 of Government Ordinance No. 78/2000⁷, with further amendments and supplements, road vehicles may be used, registered or recorded in Romania only after their type approval and certification of authenticity, as applicable, by the Romanian Auto Register, a specialized technical body of the Ministry of Transport.

The vehicles used by detention and preventive arrest centers for transporting persons deprived of liberty comply with the aforementioned provisions. In this regard, it should be emphasized that for each vehicle, a Vehicle Identity Card (CIV) has been issued by the Romanian Auto Register. This document certifies that a road vehicle has been type-approved and meets the technical requirements regarding road safety, environmental protection, and use in accordance with its intended purpose. Also, under the "Remarks" section of each identity card for these vehicles, the phrase "SPECIFIC FITTING - TRANSPORT OF DETAINEES" is included, highlighting their intended use and certifying that the vehicles meet the conditions for use according to that purpose.

Regarding the handcuffing of persons deprived of liberty, the provisions of art. 214 of the Regulation approved by Order of the Minister of Internal Affairs no. 14/2018⁸ provide the following:

⁶ On the enforcement of sentences and measures involving deprivation of liberty, with further amendments and supplements.

⁷ Regarding the approval of road vehicles and the issuance of their registration certificates, for the purpose of permitting their use on public roads in Romania, with further amendments and supplements.

⁸ For the approval of the Regulation on the organization and operation of detention and pre-trial detention centers, as well as the necessary measures to ensure their security, with further amendments and supplements

(1) To prevent violent behavior by persons deprived of their liberty, the center's staff may use the restraint devices provided under these regulations.

(2) Handcuffs and other available means may be used temporarily to immobilize a person deprived of liberty in the following situations:

a) during transport to a judicial body or during transfer, as a measure to prevent escape, in duly justified cases;

b) for medical reasons, upon the recommendation and under the supervision of a physician;

c) in the case of aggressive or dangerous persons or those placed in isolation, to prevent self-harm;

d) to prevent violent actions against others or the destruction of property and equipment within the detention facility.

(3) The use of immobilization means must be authorized in advance by the head of the center, except where urgency does not allow this, and is permitted only for the duration strictly necessary, as required by the specific circumstances related to security or to prevent suspects or accused persons from absconding or contacting third parties.

(4) Judicial authorities decide on the application, maintaining, or removal of immobilization means during the presence of the person deprived of liberty before them.

(5) Cases are considered duly justified when the person deprived of liberty:

a) has fled or hidden in order to evade criminal prosecution or trial;

b) has committed offenses against life, offenses resulting in bodily harm or death, offenses against national security, drug trafficking, illegal operations involving precursors or psychoactive substances, offenses related to weapons, ammunition, nuclear materials or explosives, trafficking and exploitation of vulnerable persons, acts of terrorism, blackmail, rape, unlawful deprivation of liberty, assault, or judicial contempt;

c) has escaped or attempted to escape from detention centers, prisons, or escort, or there are indications of intent to escape;

d) is subject to a preventive deprivation of liberty measure based on the seriousness of the offense, the manner and circumstances of its act, prior criminal record, and other personal circumstances, where detention is necessary to eliminate a threat to public order;

e) displays a visible state of mental disturbance;

f) engages in self-harm or threatens self-harm during preparation for appearance before judicial bodies or during transport;

g) endangers the life or physical integrity of escort staff or other detained persons;

h) refuses to comply with lawful orders given by escort personnel regarding appearance before judicial bodies.

(6) Pregnant women, persons over 65 years of age, persons with motion impairments, minors under 16, persons whose medical condition requires the use of a stretcher or wheelchair, as

well as persons with medical conditions affecting the upper limbs in the area subject to handcuffing (as indicated by a physician), shall not be handcuffed, except in the cases provided under paragraph (5) letters c), f), and g).

(7) For the purpose of applying paragraph (6), medical staff providing care at the center is required to communicate in writing to escort personnel information regarding any medical condition requiring the use of a stretcher or wheelchair, or conditions affecting the upper limbs relevant to handcuffing.

(8) Escort personnel are required to comply with medical recommendations, regardless of the medical network to which the medical staff belongs.

Also, Annex no. 2AC of the aforementioned regulation states that when boarding the transport vehicle, the person deprived of liberty shall be placed, as appropriate, in the specially arranged compartment, with the seatbelt fastened, and the light shall remain on at all times.

Additionally, according to the provisions of art. 185:

(1) Each center has its own means of transport for personnel, persons deprived of liberty, and materials.

(2) These include vehicles and special-purpose vehicles.

(3) Vehicles used for the transport and escort of persons deprived of liberty are equipped with safety devices for escort staff, consisting of metal mesh or grilles fitted with locks that cannot be operated by detainees, positioned to protect both escort personnel and the driver.

(4) Special vehicles used for transporting detainees are designed and compartmentalized to ensure separation during transport, equipped with secure locks that can be easily operated in case of force majeure, and provide proper heating, lighting, and ventilation.

(5) These vehicles are equipped with radio communication, signaling, light and sound warning systems, as well as communication and alarm systems between escort personnel and the driver's cabin.

(6) They may also be fitted with video cameras and monitors to supervise detainees during transport, as well as position-monitoring systems.

(7) Other types of vehicles (cars, vans, buses, ambulances, river vessels, etc.) belonging to other units of the Ministry of Internal Affairs may also be used.

(8) Armored vehicles may be used in special situations for transporting high-risk detainees.

Paragraph 42 of the CPT Report

Regarding the reduction of the period during which persons deprived of liberty are held in detention and preventive arrest centers, and the possibility of transferring them to penitentiary units during criminal proceedings, representatives of the Ministry of Internal

Affairs - the General Inspectorate of the Romanian Police - and the Ministry of Justice - the National Administration of Penitentiaries - continue to carry out analyses to identify optimal and realistic solutions, taking into account the specifics of preventive measures, available and required resources, and the necessary legislative amendments.

In this regard, a series of meetings were held between representatives of the General Inspectorate of the Romanian Police and the National Administration of Penitentiaries to identify optimal and realistic solutions regarding the transfer of inmates held in detention and preventive arrest centers to facilities under the authority of the National Administration of Penitentiaries.

Whilst on April 28th, 2025 there were 24,748 inmates in facilities under the National Administration of Penitentiaries, by May 20th, 2026 there were 25,978 inmates. This rapid increase in the prison population places pressure on the prison system's infrastructure; as this is a matter of state's criminal policy, the National Administration of Penitentiaries is unable to refuse to admit inmates on the grounds of overcrowding.

The ultimate aim of the recommendation is to improve detention conditions for persons in pre-trial detention who are under criminal investigation, as an integral part of the obligations undertaken by the Romania in this regard, and not merely a formal transfer of responsibilities between two public institutions which, although serving a common purpose, fall within distinct ministerial spheres of competence.

Paragraphs 43-44 of the CPT Report

With regard to possible overcrowding situations, according to the provisions of art. 234 para. (3) of the Regulation approved by Government Decision No. 157/2016⁹, in conjunction with art. 239 of the Regulation approved by Order of the Minister of Internal Affairs No. 14/2018¹⁰, when such a situation arises, the head of the detention and preventive arrest center may inform the coordinating structure responsible for these centers, in order to redistribute persons deprived of liberty to other detention and preventive arrest centers. The head of the coordinating structure determines whether a transfer is necessary and specifies the receiving center, ensuring that fundamental rights are respected and that the proper conduct of criminal proceedings is not affected.

⁹ For the approval of the Regulation for the implementation of Law No. 254/2013 on the enforcement of sentences and measures involving deprivation of liberty ordered by judicial authorities during criminal proceedings, with further amendments and supplements

¹⁰ For the approval of the Regulation on the organization and operation of detention and pre-trial detention centres, as well as the necessary measures to ensure their security, as subsequently amended and supplemented

In 2025, a total of 206 persons deprived of liberty were transferred from the detention and preventive arrest centers within the General Directorate of Police of Bucharest (DGPMB) to other centers, based on the aforementioned mechanism.

Additionally, in 2024, 138 persons deprived of liberty were transferred from DGPMB detention and preventive arrest centers under the same conditions.

Moreover, when the CPT committee visited the Detention and Preventive Arrest Centre No. 1 within DGPMB, on May 07th 2025, 103 persons were in custody in a facility with a capacity of 104 places, resulting in an occupancy rate of 99%.

At the level of all detention and preventive arrest centers within DGPMB, on May 7th, 2025, the situation was as follows: 248 persons in custody, with a total accommodation capacity of 260 places, resulting in an occupancy rate of 95%.

Regarding detention conditions in detention and preventive arrest centers, we reiterate that improving material detention conditions has been a constant priority for the Ministry of Internal Affairs and the Romanian Police.

Thus, in order to implement the assumed measures, the General Inspectorate of the Romanian Police has initiated actions to increase and modernize accommodation capacity at the level of detention and preventive arrest centers, as could also be observed during the visit. The new/modernized detention spaces will comply with the standards set by the European Court of Human Rights in the pilot judgment *Rezmiveș* and will guarantee a minimum living space of 4 square meters.

Furthermore, in this regard, the renovation of existing detention spaces and the construction of new ones must comply with a series of key notes, such as taking all necessary measures to progressively increase the number of individual accommodation spaces, as well as with international recommendations, particularly those of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

At the same time, the arrangement and equipment of centers must comply with the provisions of the Regulation approved by Order of the Minister of Internal Affairs No. 14/2018¹¹, as subsequently amended and supplemented, as well as with Annexes No. 1 and 1.A-1.K to the Regulation, which establish both the minimum mandatory standards for drafting documentation related to new investment projects, major repairs, modernization,

¹¹ For the approval of the Regulation on the organization and operation of detention and pre-trial detention centres, as well as the necessary measures to ensure their security, with further amendments and supplements

modification, transformation, and expansion of existing infrastructure, in accordance with applicable legal provisions, and the measures necessary to ensure detention security.

Accommodation rooms and other areas designated for persons deprived of liberty must have access to natural light, installations for artificial lighting, sanitary facilities, and heating systems. Windows must be large enough to allow reading in natural light under normal conditions and to ensure proper ventilation, while artificial lighting systems must comply with recognized technical standards.

In this context, it is also worth noting that the annual maintenance and repair works carried out within the detention and preventive arrest system aim to maintain detention conditions in line with the standards, both in accommodation rooms and in auxiliary spaces.

With regard to water used for showers, art. 169 of the Regulation approved by Order of the Minister of Internal Affairs No. 14/2018¹² provides that:

Each person deprived of liberty must be ensured unrestricted access to running water and hygienic-sanitary products necessary for maintaining personal and collective hygiene.

Persons deprived of liberty must be given the possibility to bathe with hot water at least twice a week.

The rules of individual and collective hygiene, as provided in the internal regulations, as well as other measures established by a physician, are mandatory for all persons deprived of liberty.

Persons deprived of liberty may also receive hygienic-sanitary products through visitors or by purchasing them using their available funds.

Paragraph 45 of the CPT Report

According to art. 171 para. (1) of the Regulation approved by Order of the Minister of Internal Affairs No. 14/2018, the administration of the center provides each person deprived of liberty with an individual bed, mattress, pillow, pillowcase, sheet, and blanket. During winter, two blankets may be provided for each person, where appropriate.

Persons deprived of liberty may also receive clothing and bedding items from relatives, with the approval of the head of the center.

¹² For the approval of the Regulation on the organization and operation of detention and pre-trial detention centres, as well as the necessary measures to ensure their security, with further amendments and supplements

In accordance with the Disposition of the Inspector General of the Romanian Police No. 89 of 10.08.2018 regarding the contents of the set of hygienic-sanitary products provided to persons deprived of liberty upon admission to detention and preventive arrest centers, detainees receive, free of charge and through the care of the center's administration, a set of personal hygiene materials upon admission, including soap, sanitary pads, and toilet paper. These products continue to be provided periodically, in accordance with the legislation in force.

According to the Order of the Inspector General of the Romanian Police No. 104 of 11.09.2018 regarding bedding items provided to persons deprived of liberty in detention and preventive arrest centers, the items have the following usage periods: sheets (3 pieces) - 4 years; pillowcases (2 pieces) - 3 years; blanket (1 piece) - 6 years (during winter, upon request, two may be provided); mattress (1 piece) - 6 years (it may be refurbished after 5 years of use); pillow (1 piece) - 6 years (it may be refurbished after half of its usage period).

We also specify that the feeding of persons deprived of liberty is carried out in accordance with the food standards specific to the National Administration of Penitentiaries. The center's administration provides detainees with three meals per day, ensuring food that is varied, properly prepared, and adequate in both quality and quantity, considering age, health condition, and religious beliefs, in accordance with legal provisions. A person deprived of liberty who, for religious reasons, requests specific dietary food shall be provided with such food, within the limits of available resources, either by the center's administration or by family members or other persons, subject to medical approval. The doctor's approval is granted based on any medical contraindications in relation to the person's health condition.

Paragraph 46 of the CPT Report

The arrangement and equipping of centers shall be carried out in compliance with the provisions of the Regulation approved by Order of the Minister of Internal Affairs No. 14/2018, as well as Annexes No. 1 and 1.A-1.K to the Regulation. These establish both the minimum mandatory standards for drafting documentation related to new investment projects, major repairs, modernization, modification, transformation, and expansion of existing infrastructure, as well as the measures necessary to ensure the safety of detention.

Accommodation rooms and other areas intended for persons deprived of liberty must have access to natural light, installations for artificial lighting, and be equipped with sanitary facilities and heating systems. The windows of detention rooms must be large enough to allow persons deprived of liberty to read in natural light under normal conditions and to ensure proper ventilation, while artificial lighting devices must comply with recognized technical standards in the field.

In this context, it should also be noted that the annual maintenance and repair works carried out within the detention and pre-trial arrest system aim to maintain detention conditions in line with established standards, both in accommodation rooms and in auxiliary spaces.

Also, the renovation of existing detention spaces and the construction of new ones must comply with legal provisions which refer to taking all necessary measures to progressively increase the number of individual accommodation spaces, as well as with international recommendations, particularly those of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

With regard to food provision for persons deprived of liberty, see the aspects mentioned at paragraph 45.

Paragraphs 47-48 of the CPT Report

According to the provisions of Annex No. 1.D.1 to the Regulation approved by Order of the Minister of Internal Affairs No. 14/2018, the arrangement and equipment of the room intended for isolating persons deprived of liberty who display violent behavior are as follows:

The room designated for isolating violent detainees must be built as a single-volume space and shall not be equipped with furniture, air conditioning units, or other fittings. The floor and walls must be padded to prevent the persons deprived of liberty from causing injuries to themselves and to prevent the padding from being removed through acts of vandalism.

For the safety of detainees, the access door to the isolation room must also be padded on the inside.

The only item placed in the room used for the disciplinary sanction of isolation is a mattress for sleeping, positioned directly on the floor. This mattress must be made of wear-resistant materials and, where appropriate, be waterproof and non-flammable; accordingly, it must not contain any metal elements.

Natural lighting and ventilation are ensured by installing a horizontal window with a hatch above the padded area, positioned so that it is inaccessible to the detained person.

It can therefore be observed that the reason behind the use of this type of room is not disciplinary in nature, but rather relates to the purposes set out in art. 193 para. (6) of the Regulation approved by Order of the Minister of Internal Affairs No. 14/2018, namely where there is an imminent risk of one of the following events occurring: self-harm or suicide; injury to another person, where separation is not possible; destruction of property; or serious disturbance of order.

Furthermore, paragraphs (7) and (8) of the same article provide that:

During placement in the isolation room, the person deprived of liberty receives psychological counselling and is monitored by medical staff providing healthcare at the center. In exceptional situations, a new placement measure in the isolation room may be applied for a maximum of 24 hours. Exceptional situations may include:

- a) the person displays aggressive behavior or threatens to repeat the actions that led to their placement in the isolation room;*
- b) the person exhibits fluctuating behavior that maintains a high risk of the incidents that led to their placement in isolation.*

During the period of placement in the isolation room, the person is also monitored by security and supervision staff, who observe their physical and psychological condition and inform responsible authorities of any deterioration in health or the imminent occurrence of negative events.

At the same time, it should be noted that, according to art. 147 para. (2) of the same regulation, the hospitalization of persons deprived of liberty is carried out based on an admission ticket issued by the doctor providing medical care at the center, as a result of their own medical assessment, following a specialist's recommendation or in any medico-surgical emergency situation.

Paragraphs 49-50 of the CPT Report

Regarding how persons held in detention centers spend their time, it should be noted that, according to art. 122 of the Regulation approved by Order of the Minister of Internal Affairs No. 14/2018, each person deprived of liberty is ensured at least one hour per day for outdoor exercise (walking). The duration of this right is established by the internal regulations of each center and may be progressively increased beyond the minimum of one hour per day, depending on the preferences of the persons concerned and the occupancy level of the center.

During this time, persons deprived of liberty may engage in physical exercise. Outdoor activity is carried out under direct visual supervision or via video surveillance, in designated exercise yards arranged in accordance with safety standards. To ensure the lawful exercise of this right, the General Inspectorate of the Romanian Police has introduced and distributed registers for recording the granting of daily outdoor exercise, in which any refusal or limitation—regardless of the reason—expressed by detainees is recorded separately in dedicated sections.

At the same time, art. 75 of the same Regulation provides that during leisure time, persons deprived of liberty may read newspapers, listen to the radio, watch television programs, or engage in other activities such as chess, rummy, dominoes, go, etc., either in their detention rooms or in specially designated areas within the center, in compliance with internal rules and separation criteria. Detainees also have access to the center's library.

Other options for activities outside detention rooms include performing unpaid work for the benefit of the center and, subject to the daily schedule established by the aforementioned Regulation and any judicial activities in which they are involved, participation in recreational activities provided for therein. Additionally, persons deprived of liberty may exercise their right to religious assistance and psychological counselling outside their detention rooms.

With regard to the logistical support of spaces designated for activities outside detention areas, it should be noted that the locations intended for daily outdoor exercise may be equipped, as appropriate, with wall bars, exercise bicycles, and fitness equipment, as well as fixed elements designed to ensure rest and relaxation.

Paragraphs 51-52 of the CPT Report

Referring to paragraphs 51 and 52, we reiterate the information previously mentioned in paragraphs 46 and 49.

Furthermore, regarding the provision of wheelchair access inside the center and to the exercise yards, we note that, according to the applicable legislation, the arrangement of each center shall be carried out in compliance with the provisions of the Regulation approved by Order of the Minister of Internal Affairs No. 14/2018, as subsequently amended and supplemented, as well as Annexes No. 1 and 1.A-1.K to the Regulation. These set out both the minimum mandatory standards for drafting documentation related to new investment objectives, major repairs, modernization, modification, transformation, and expansion of existing infrastructure, as well as the measures necessary to ensure detention security. Consequently, access routes and appropriately equipped accommodation rooms for persons with disabilities will be provided.

At the same time, according to the provisions of art. 17 of the same Regulation, as amended and supplemented, exercise yards may be partially covered to allow the exercise of the daily outdoor walk right even in unfavorable weather conditions. The design of exercise yards must ensure permanent supervision of persons deprived of liberty and allow natural light to enter, while also ensuring conditions that prevent the receipt or transmission of objects or written materials by detainees.

In this context, it is also noted that the continuation of policies aimed at improving detention conditions at the level of the Bucharest Police Directorate (DGPMB) is under review, including from the perspective of establishing a single center that complies with relevant recommendations, particularly those of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment.

Regarding paragraph 53 of the CPT Report

According to the provisions of Article 248 of the Regulation approved by the Government Decision No. 157/2016, by way of exception, a visit with the minor child of a person deprived of liberty is granted without a separation device, if the person deprived of liberty is not in one of the following situations:

- a) their criminal, disciplinary, or behavioral history leads to the impairment of the child's best interests;
- b) there are data and information regarding the possibility of introducing prohibited objects or substances;
- c) disciplinary proceedings have been initiated against the person deprived of liberty, or he/she has been disciplinarily sanctioned within the last 60 days for sale or possession of drugs, over-the-counter medications or prohibited items, for acts of violence or for disciplinary violations committed within the sector for granting rights to package and visitation;
- d) he/she is included in the category of persons who pose a risk to the security of the detention and pre-trial detention center.

By way of exception, visit without separation devices may also be granted to adult pre-trial detainees and convicted persons temporarily held in detention and pre-trial detention centers, with the approval of the head of the detention and pre-trial detention center, under the following conditions:

- a) for encouraging persons deprived of liberty who have appropriate conduct, on the occasion of special events, birthday, marriage, the birth of a child, the death of a family member;
- b) at the request of the members of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, respectively Subcommittee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment within the United Nations, during their visits to detention and pre-trial detention centres.

In the context of the aspects previously presented, it can be observed that numerous situations are regulated in which visits may take place without a separating device, this way

of granting the right being conditioned only by the assessment of the risk presented by the persons deprived of liberty in the respective situations.

Also, considering that the formulated recommendation concerns the same issue of amending the legislation so that the rule is open visitation, without a surveillance device, we refer to what was set out in paragraphs 220-221.

Regarding paragraphs 54-57 of the CPT Report

According to the criminal enforcement regulatory framework¹³, the accommodation of minors who are detained or placed in preventive arrest is carried out jointly, as a rule, separately from adult persons, with respect for the principle of separation by sex. In order to reduce the negative effects of deprivation of liberty on physical, psychological, or moral development and to prevent certain negative events such as self-injury or suicide, in the case of a minor person accommodated alone in a room, the center administration may order its custody together with other young persons, as a safety measure.

The administration of the center has the legal obligation, on the one hand, to ensure the exercise of the legal rights of persons deprived of liberty, with the limitations imposed by the state of detention, and on the other hand to take all legal measures to ensure the safety of detention as a whole, and to protect their life, physical integrity, and health, of the staff of the place of detention and of any other persons.

Depending on the configuration and specific characteristics of the center, by order of the head of the police unit, within the center sections/detention rooms may be established for certain categories of persons deprived of liberty: minors and young persons, women, or other categories of persons who require a special accommodation regime. In the event that several centers operate within the same administrative-territorial unit, by order, the head of the police unit may designate centers for certain categories of persons deprived of liberty, minors and young persons, women, or other categories of persons who require a special accommodation regime.

¹³ Art. 264 paragraph (1) of the Regulation implementing Law no. 254/2013 on the execution of custodial sentences and of measures ordered by judicial bodies during criminal proceedings, with the amendments and subsequent additions, approved by Government Decision no. 157/2016.

Detention rooms are arranged so as to ensure all persons deprived of liberty in custody, including minors, respect for human dignity and meet minimum sanitary and hygiene standards, taking into account living space, air volume, lighting, heating sources and ventilation, in relation to climatic conditions, and are equipped so as to provide persons deprived of liberty with conditions for sleeping, eating meals, keeping their belongings and personal items, under the conditions of the Regulation for the application of Law no. 254/2013¹⁴.

During the period of custody in the center, each person deprived of liberty is ensured daily access to the library for the use of the book collection and at least one hour for the purpose of taking a walk, during which they may perform physical exercises. Also, the minor may perform unpaid work activities appropriate to their physical development, skills, and knowledge, only at their request and with the consent of their parents or legal representatives, provided that their health is not endangered.

Upon admission to the center and throughout custody, ex officio, at the written request of the head of the center, as well as upon request, minor persons deprived of liberty benefit from primary psychological assistance, which aims to provide qualified support to ensure psychological assistance in order to facilitate adaptation to the conditions imposed by the custodial environment, by identifying and improving dysfunctional states when they are reported, to prevent the emergence of maladaptive behaviors and to resolve their psychological problems.

Psychological assistance is provided by a psychologist, and its organization and delivery are based on the principles of professional ethics. The practice of psychological work is carried out in specially arranged spaces by psychologists with the right of free practice, employed in specialized positions within the Ministry of Internal Affairs.

At the same time, the staff of the detention and pre-trial detention centers, made up of police officers, is specifically selected, specialized, trained, and instructed to carry out the activities necessary to ensure the safety of detention and the respect of the rights of persons deprived of liberty, in accordance with the legal provisions in force.

In addition, as part of efforts to develop training programs for law enforcement personnel, within a project implemented by a structure of the Ministry of Internal Affairs (MAI) with responsibilities in the field of professional training - "Developing the skills of law enforcement

¹⁴ Regarding the execution of custodial sentences and measures ordered by judicial authorities during criminal proceedings, with subsequent amendments and additions.

forces in interacting with minor offenders, victims, and witnesses” - the Interaction Guide in Law Enforcement Activity “In Dialogue with Minors,” 1st edition, was published in 2025. It aims to increase awareness and improve knowledge regarding the legal and psychological standards that ensure the protection and promotion of children’s rights, both at national and international level, through an effective interaction between law enforcement and public safety forces and one of the most vulnerable categories of persons.

The guide was disseminated to all county police inspectorates as well as to other relevant national institutions, with the aim of strengthening knowledge and standardizing working practices at the institutional level. Also, the publication was sent to the National Library of Romania and published on the website www.dialogcuminori.ro, with the purpose of promoting relevant information in the field and facilitating access for interested persons.

Regarding paragraph 59 of the CPT Report

In accordance with the legislation in force, the medical assistance of a person deprived of liberty is ensured by medical-sanitary personnel with responsibilities in this regard, within the MAI medical unit that has competence to provide medical assistance at the level of the center, as well as by medical-sanitary personnel from MAI health units or from other public health units, according to the law.

The external recruitment of vacant medical and healthcare personnel positions within all outpatient diagnostic and treatment medical centers and county medical centers represents a priority for the Medical Directorate - the specialized structure of the Ministry of Internal Affairs (MAI). It is important to mention that these positions can only be filled through external recruitment or through schooling at the Military Medical Institute.

Over the years, multiple recruitment procedures have been initiated for vacant positions within all specialized units responsible for providing medical assistance to persons deprived of liberty, however, their results have highlighted the lack of attractiveness/interest among doctors in filling these positions. At the level of the MAI healthcare network, constant efforts are being made to identify measures to optimize working conditions and increase the attractiveness of positions.

Regarding the filling of vacant positions at CRAP Dolj, as highlighted in the report, we would like to point out that this has been a priority even prior to the CPT visit. Thus, during 2024, the specific hiring procedures were carried out, however there were no registered candidates, which is why, during the course of 2026, the efforts in this regard will be resumed.

Regarding the CPT observations which aim for medical-sanitary staff providing medical assistance to persons deprived of liberty to no longer provide medical assistance to MAI personnel, we note that the medical profession is based on professional independence, as well as the right of decision over medical decisions. The medical staff who provide medical assistance in CRAP are employed within medical units coordinated by the Medical Directorate. The provision of medical services by doctors, both to MAI personnel and to persons deprived of liberty, does not represent a situation of incompatibility or conflict of interest, as the doctor is obliged to respect patients' rights and to maintain the confidentiality of data in accordance with Law no. 46/2003¹⁵.

At the same time, to date, no situations have been reported in which medical-sanitary personnel would not have complied with the professional code of ethics. Also, the status of doctors and medical assistants, in the MAI health network is the same as that of doctors in the national health system, with the same professional obligations, doctors being members of the College of Doctors of Romania, and medical assistants being members of the Order of Generalist Medical Assistants, Midwives and Medical Assistants of Romania.

Regarding paragraph 61 of the CPT Report

Through OMAI nr. 20/2025¹⁶, Annex No. 1K was incorporated into the Regulation approved by OMAI nr. 14/2018¹⁷, thereby regulating the layout of spaces intended for providing medical care, consultations, and conducting epidemiological triage in the centers.

According to this provision, the areas designated for providing medical care, consultations and for conducting epidemiological triage, will also be equipped with a sink connected to a hot and cold running water supply.

The cited provisions do not provide an exhaustive list of the equipment that may be provided for outfitting these spaces, being specified that the methodological norms regarding the

¹⁵ Regarding patients' rights, with subsequent amendments and additions.

¹⁶ For amending and supplementing the Regulation on the organization and operation of detention and pre-trial detention centers, as well as the necessary measures for their security, approved by OMAI no. 14/2018.

¹⁷ For the approval of the Regulation on the organization and operation of detention and pre-trial detention centers, as well as the necessary measures for their security, with subsequent amendments and additions.

establishment, organization, and operation of medical offices, approved by the Minister of Health, insofar as they concern the mandatory minimum equipment of medical offices, shall apply accordingly, as appropriate, to spaces intended for the provision of medical assistance, consultations, and the performance of epidemiological triage.

The medical units of the Ministry of Internal Affairs are equipped with emergency medical kits containing the medication and medical supplies necessary for emergency treatment aimed at stabilizing the patient, as well as emergency medical equipment, which constitutes the stock of medicines and medical supplies/medical devices intended for commonly used routine treatments, in order to meet unforeseen and urgent needs. The minimum equipment of the emergency medical apparatus includes, among other things, a defibrillator and an electrocardiograph, depending on needs and the competence of the personnel.

Spaces intended for providing medical assistance to persons deprived of liberty, held in CRAP, are equipped with emergency medical kits and/or emergency medical devices, and the medical and healthcare staff within the MAI medical unit responsible for ensuring medical assistance at the center level have been trained in the use of these, in relation to professional competencies.

We specify that the majority of the aforementioned medical and healthcare staff, as well as the medical and healthcare staff in MAI medical units, hold ALS (Advanced Life Support) certification and BLS (Basic Life Support) certification, respectively.

In context, we also highlight the fact that, at the level of the MAI healthcare network, the continuous professional training of medical and healthcare staff is a priority, as they regularly participate in courses aimed at continuing medical education and/or courses on emergency medical care.

By way of example, we show that, during 2025, a number of medical offices within the premises of CRAP were equipped with one defibrillator each that also include monitoring functions, as well as other medical devices (blood pressure monitor, stethoscope, etc.). Also, following the CPT visit, the medical office at CRAP no. 1 (which provides medical assistance to persons deprived of liberty held in the CRAPs in Bucharest) was equipped with new equipment - a resuscitation kit with an automated defibrillator, a monitor with vital functions, a digital spirometer, and an automatic blood pressure monitoring device.

Regarding the shortcomings identified by the CPT delegation concerning the lack of a sink in the spaces designated for providing medical assistance to persons deprived of liberty, we note that for the medical office within CRAP no. 1, measures with a deadline have been ordered to install the sink, and for the space within CRAP Dolj it has been established that, until the

non-compliance is remedied, only medical triage will be carried out, while the other activities related to providing medical assistance to persons deprived of liberty will be performed in another medical office located in the immediate vicinity (in the same courtyard as CRAP).

Paragraph 63 of CPT Report

Persons deprived of their liberty are provided with all the services available to insured patients on a family physician's capitation list. For HIV, HBV, and HCV testing, under the terms of the current framework agreement on the conditions for the provision of health care, a referral from a specialist is required.

Screening for communicable diseases is conducted on a targeted basis in the following cases: if there is suspicion of HIV infection or hepatitis B or C infection; if the individual has reported being diagnosed with these infections; or if the individual belongs to a high-risk category (e.g., people who inject drugs). In these cases, the examining physician refers the patient to a public infectious disease hospital or one within the National Prison Administration network for specialized examination and treatment. Additionally, biological samples for testing for the aforementioned viruses are collected at the request of the incarcerated person.

With regard to hepatitis B vaccination, according to WHO No. 3120/2023¹⁸, all individuals diagnosed with HIV/AIDS, close contacts of confirmed hepatitis B cases, and individuals with chronic hepatitis C infection are eligible for free hepatitis B vaccination. The vaccine in question is dispensed by prescription from a CRAP medical clinic physician if the incarcerated person has given informed consent or voluntarily requested the vaccination; the vaccine may be administered by medical staff at the CRAP medical clinic, as appropriate.

Regarding the gender-specific needs of women who require screening for sexual abuse, we note that, as part of the medical examination conducted upon admission to the CRAP, medical and healthcare staff are required to identify, regardless of the person's gender, any signs of violence, whether the person has been subjected to torture, inhuman or degrading treatment, or ill-treatment, or alleges violence against them, and to document their findings and immediately notify the competent prosecuting authority. Furthermore, in such situations, the persons in question are referred for specialized consultations as soon as possible, both upon the recommendation of the physician providing medical care at the center and at the request of the person deprived of liberty.

¹⁸ For the approval of the population groups eligible for the prescription, dispensing, and reimbursement through the compensation system of immunological drugs used to induce active immunity or to prevent certain communicable diseases, as subsequently amended and supplemented.

Regarding paragraphs 64-65 of the CPT Report

In accordance with the applicable legislation in the field of providing medical assistance to persons deprived of liberty held in CRAP and the provisions of Procedure of the Medical Directorate PS-MAI-DM-120 no. 872064/29.07.2024 regarding medical activity in detention and pre-trial detention centres within the Ministry of Internal Affairs (MAI), the medical and healthcare personnel providing medical assistance at CRAP level are obliged, when carrying out the medical examination upon receipt/entry into CRAP, as well as throughout the period of deprivation of liberty, to identify any signs of violence, whether the person deprived of liberty has been subjected to torture, inhuman or degrading treatment or ill-treatment, or whether they allege acts of violence against them, to record the findings and to immediately notify the competent prosecutor's office. All findings made by the medical and healthcare personnel on this occasion are mandatorily recorded in the medical file of the person deprived of liberty, the note regarding the identification of traumatic marks (including the anatomical Sketch for the examination of torture and ill-treatment), the report on the identification of traumatic marks, and the Register for the recording of traumatic marks, the model of which was standardised by PS-MAI-DM-120 no. 872064/29.07.2024. One copy of the report is immediately sent to the competent prosecutor's office by telephone note, fax, email, or by any means capable of producing a written document under conditions that allow the recipient authorities to establish its authenticity.

At the same time, in the situation where, following the medical examination, it is found that further specialist investigations are required or in the situation where the person deprived of liberty requests the carrying out of a certain examination/specialized medical investigation, the doctor refers the person for specialist consultation/investigation in healthcare units of the relevant profile, which are in contractual relations with the health insurance funds, as soon as possible.

We note that, through OMAI nr. 20/2025¹⁹, the obligation to establish and manage, by medical and sanitary personnel, the Register for the recording of traumatic marks was instituted, thus implementing the previous recommendation formulated by CPT regarding the need to keep a special trauma register in which all types of observed injuries are recorded.

In order to accurately complete the note regarding the recording of traumatic marks, as well as for the identification and recognition of signs of ill-treatment, assaults or violence, at the level of DM, training sessions and information activities are regularly carried out for the

¹⁹ For the amendment and completion of the Regulation on the organization and operation of detention and pre-trial detention centers, as well as the necessary measures for their safety, approved by the Order of the Minister of Internal Affairs no. 14/2018.

medical centers subordinate to the directorate, regarding the identification of traumatic marks, as well as the method of completing and reporting the related observation Note.

The medical consultation of persons deprived of liberty is carried out by the doctor strictly within the limits of their specialty - Family Medicine; thus, during the anamnesis, questions are addressed regarding the appearance of the observed lesions, and the patients' statements are recorded in the medical documents. Relevant statements of persons deprived of liberty are quoted in the medical records, however, establishing the correspondence / any possible causal link between the clinical findings and the accounts of the person deprived of liberty falls within the competence of specialists in Forensic Medicine.

Before signing the informed consent form for the provision of health care at CRAP, the person deprived of liberty is fully informed of their rights regarding medical care—including the option to request, in writing, to be examined at the place of detention by a forensic medical examiner or a doctor designated by him, specialists who may, as appropriate, photograph any injuries found. The forensic medical certificate issued by the forensic medical examiner is attached to the medical record after the person deprived of liberty acknowledged its contents by signing it.

Regarding paragraph 66 of the CPT Report

According to the provisions of art. 137 of the Regulation approved by OMAI nr. 14/2018²⁰, the medical examination of the person deprived of liberty is carried out upon admission to the center, at their request due to complaints of illness, based on an appointment made by the doctor in the case of patients undergoing treatment or under medical supervision, as well as whenever necessary.

The medical examination is carried out with respect for the confidentiality, dignity, and privacy of the person deprived of liberty, except in cases where the doctor expressly requests additional supervision in particular cases, for reasons of safety and maintaining order and discipline. The presence of police officers from the guarding or escort personnel during certain medical examinations occurs only in cases where the medical staff expressly requests this, for reasons of safety and maintaining order and discipline, as well as when there are data or indications of a possible escape attempt or that the person will behave violently.

We note that, as a rule, the particular situations in which the medical-sanitary staff deemed it necessary for the police officers escorting the deprived-of-liberty person to be present in

²⁰ For the approval of the Regulation on the organization and operation of detention and pre-trial detention centers, as well as the necessary measures for their security, with subsequent amendments and additions.

the medical office concerned individuals with certain mental health conditions or with aggressive, violent behavior, which could have endangered the physical integrity of the medical-sanitary staff and/or their own physical integrity. According to the provisions of the Procedure of the Medical Directorate PS-MAI-DM-120 no. 872064/29.07.2024, the medical-sanitary staff records in the Consultation Register of the medical-sanitary staff's request the exceptional situations when the presence of supervisory personnel was required, the latter signing in the designated section.

Also, we specify that specialist consultations are carried out outside CRAP, in healthcare units within the public network or within prison hospitals, a fact that requires escort and guarding of persons deprived of liberty.

It should be noted that compliance with the principle of confidentiality of the medical act is regularly included in coordination and training activities carried out by the Medical Directorate with the medical centers under its subordination.

Regarding paragraph 67 of the CPT Report

The legislation governing the enforcement of sentences and measures involving deprivation of liberty regulates the exercise of the right of persons deprived of liberty to specialized medical care, both clinical and paraclinical, both upon the recommendation of the doctor providing medical care at the level of the center and at the request of the person deprived of liberty.

With regard to persons deprived of liberty who use drugs, we note that, upon introduction into CRAP, any person who declares themselves to be a drug user (regardless of whether they were previously enrolled in a substitution program or not) undergoes a specialized psychiatric evaluation, following which the diagnosis and the medication treatment are established.

Until February 13, 2025, the assessment, prevention, and treatment of addiction and drug use for persons deprived of liberty held in the CRAP were carried out by doctors from the National Anti-Drug Agency (ANA)—an agency under the Ministry of Internal Affairs—in accordance with the legal provisions in force²¹ at that time.

²¹ The Joint Order of the Ministry of Justice (MJ)/Ministry of Internal Affairs (MAI)/Ministry of Health (MS) 1216/1310/543 of 2006 *regarding the method of implementing integrated medical, psychological, and social assistance programs for persons deprived of liberty who are drug users*, under Law no. 143/2000 *on the prevention and combating of illicit drug trafficking and use, as subsequently amended and supplemented*, respectively under Government Decision no. 860/2005 for the approval of the Regulation for the application of the provisions of Law no. 143/2000.

By aligning with European best practices, ANA was dissolved and replaced by the National Agency for Coordination and Policies in the Field of Drugs and Addictions, subordinated to the Prime Minister's Chancellery and under the coordination of the Prime Minister, a structure that currently coordinates anti-drug policies in Romania. The integrated assistance component for drug users was transferred to mental health and addiction prevention centers, methodologically coordinated by the National Center for Mental Health and Anti-Drug Action under the Ministry of Health. Therefore, at present, individuals within CRAP benefit from the same standards of medical care available to other members of the community as well, and have access to free and non-discriminatory services within the national mental health program developed by the Ministry of Health.

With regard to the situations mentioned in the report concerning the provision of specialized treatment with opioid agonists/antagonists to persons deprived of liberty, held in CRAP, visited by the CPT delegation, we would like to clarify that, at the level of Dolj and Argeș counties, there are no authorized/accredited institutions for the initiation/continuation, and monitoring of specialized treatment with opioid agonists/antagonists, therefore, for all persons deprived of liberty who are undergoing specific substitution treatment and who declared this during the medical examination at the time of entry into CRAP, a transfer to CRAP No. 1 in Bucharest is requested.

In order to facilitate access for drug-using persons deprived of liberty to specific medical assistance and to ensure specialized treatment with opioid agonists/antagonists, CMDTA Bucharest has concluded protocols with two public hospitals that run mental health programs, with the possibility of concluding similar protocols at county level also to be analyzed.

Regarding paragraphs 76-81 of the CPT Report

The Superior Council of Magistracy (CSM) was informed of the CPT observations, and, following this notification, the CSM specialized commission decided to forward the CPT report to the National Institute of Magistracy, for the purpose of valorization of the relevant aspects contained therein in the development of initial and continuous training programs for judges and prosecutors.

C. Aspects regarding the penitentiary system - National Administration of Penitentiaries (ANP)

Regarding paragraph 82 of the CPT Report

The national authorities continuously assess and analyze the level of overcrowding in detention facilities in order to adopt the appropriate measures that are required. The priority

of the Ministry of Justice and the National Administration of Penitentiaries is to ensure material detention conditions that comply with European standards in the field, even though this objective faces numerous administrative and criminal policy-related challenges.

However, although the recommendation formulated may be a solution worth exploring, we are of the opinion that any measure for controlling or reducing the prison population that may be taken must be integrated into the national legal system, correlated with the other provisions in force, and take into account the need to carry out the act of justice (as a primary objective in a rule-of-law state). Thus, establishing an absolute maximum number of accommodation places in each detention facility (*numerus clausus*)²² that, in each case, complies with space standards and material conditions of detention is not capable of resolving the issue under discussion in the long term. Once that number of places is filled, there will be possible difficulties regarding the ability of judicial authorities to order, during criminal proceedings, for example, preventive measures consisting of detention and preventive arrest.

Without denying *ab initio* such an approach that presupposes the execution of the custodial sentence, within the limits of the available places in penitentiaries, we consider that such a solution is likely to affect the administration of justice. A situation may arise in which a custodial sentence is served after a period of time from the finality of the conviction judgment (for example, 3-9 months), meaning that persons finally convicted will remain at liberty from the moment the conviction decision becomes final until the moment of the actual commencement of execution. Thus, in order for persons more recently convicted to be able to begin serving their custodial sentence and to be accommodated in detention rooms compliant with European standards in the field, they must wait until places become available in penitentiaries as a result of the release at term or conditional release of other persons deprived of liberty.

At the level of the National Administration of Penitentiaries, a weekly statistical situation is compiled regarding the occupancy and accommodation capacity of the subordinate detention facilities. This situation also includes the element indicated in the recommendation, namely the number of places calculated at 4 square meters. However, if in penitentiary units the accommodation of detainees were carried out with the limitation to the maximum number of places calculated at 4 square meters, more than 3,000 people could not be received in detention. Consequently, the accommodation capacity calculated at 4 square meters or 3 square meters remains a permanent systemic indicator, but the penitentiary system has the

²² The Recommendation with the following content: „*The Romanian authorities should envisage setting an absolute upper limit for the number of detained persons (numerus clausus) for every prison establishment in order to guarantee the minimum standard in terms of living space*”.

obligation to enforce the custodial measures and sentences ordered by the courts by receiving into detention the persons in question.

Regarding paragraph 83 of the CPT Report

At the end of 2013, there were **33,434 persons** in custody in the penitentiary system, a period in which the highest shortage of accommodation places was recorded, from over 14,000. On **1 February 2014**, the criminal reform measures adopted in Romania led to the entry into force of a new Criminal Code, a new Code of Criminal Procedure, and a new law on the execution of custodial sentences, legislative acts still in force today. Through the new legislative framework, alternative, non-custodial measures were introduced, but at the same time, higher penalties were established for recidivists, and only inmates assigned to open and semi-open regimes benefit from conditional release.

These measures led to a gradual decrease in the number of persons held in the penitentiary system, but not sufficient to ensure the individual space of 4 sqm for each detainee. From December 2013 to December 2016, a decrease of almost 6,000 persons in custody was recorded.

On April 25, 2017, the European Court of Human Rights delivered a *pilot judgment in the case Rezmiveș and Others v. Romania* concerning detention conditions in prisons and detention and pre-trial detention centers in Romania. The Court requested the Romanian state that, **within 6 months** from the date the judgment became final, it submit a timetable for the implementation of measures to address the issue of prison overcrowding and detention conditions.

The measures expected from Romania were structured on two levels, as follows:

- 1. legislative measures to ensure an effective remedy for the harm suffered;*
- 2. administrative measures to increase accommodation capacity and improve the material conditions of detention.*

Following the pronouncement by the European Court of Human Rights of the pilot judgment in the case *Rezmiveș and Others v. Romania*, Law No. 169/2017 was adopted amending and supplementing Law No. 254/2013 *regarding the enforcement of sentences and custodial measures ordered by judicial authorities during criminal proceedings (law repealed as of 23 December 2020)*, which provided that, in calculating the sentence actually served, regardless of the custodial regime, as a compensatory measure, serving the sentence in inappropriate conditions was taken into account, in which case, for every period of 30 days, even if not

consecutive, an additional 6 days of the imposed sentence were deemed to have been served, a normative act that produced effects starting from **19 October 2017**.

After the application of the provisions introduced by Law no. 169/2017, the number of detainees in custody recorded a substantial decrease over a short period of time, as follows:

	Prisoner Population	Shortage of accommodation places at 4 sq m
30 Septembrie 2017	25.951	6.830
31 Decembrie 2017	23.450	4.329
31 Decembrie 2018	20.792	2.665
31 Decembrie 2019	20.578	2.301

By Law no. 240/2019 of 19 December 2019 *regarding the repeal of Law no. 169/2017 for the amendment and completion of Law no. 254/2013 on the enforcement of custodial sentences and measures ordered by judicial bodies during criminal proceedings, as well as for the amendment of Law no. 254/2013 on the enforcement of custodial sentences and measures ordered by judicial bodies during criminal proceedings, the effects of the compensatory mechanism ended on 23 December 2019*. After this date, the prison population recorded an upward trend, as shown below:

	Prisoner Population	Shortage of accommodation places at 4 sq m
31 Decembrie 2019	20.578	2.301
31 Decembrie 2020	21.753	3.489
31 Decembrie 2021	22.989	4.319
31 Decembrie 2022	23.114	2.888
31 Decembrie 2023	23.650	2.437
31 Decembrie 2024	24.343	2.311
31 Decembrie 2025	25.424	2.918
15 Aprilie 2026	25.984	3.131

It should be noted that the efforts of the National Administration of Penitentiaries to expand systemic accommodation capacity have mitigated the effects of the increase in the prison population after 2019. We recall that during the implementation period of the 2020-2025 Action Plan, in execution of the pilot judgment *Rezmives and Others v. Romania*, as well as the judgments delivered in the group of cases *Bragadireanu v. Romania*, a number of 3,549 new accommodation places were completed, of which 1,255 places provided for in the

Memorandum (the action plan proper) and 2,294 places created as alternative measures, as well as 318 modernized accommodation places provided for in the Memorandum, with the remaining objectives being in various stages of implementation.

Between 2020 and 2025, a total of 3,549 new accommodation units were completed, of which 1,255 were provided for in the Memorandum (the action plan itself) and 318 were modernized accommodation units provided for in the Memorandum, as well as 2,294 units built as alternative measures, with the remaining objectives currently in various stages of implementation.

In the period 2021-2025, **1,255 new accommodation places and 318 modernized places were completed:**

➤ **1,255 places provided for in the Action Plan:**

- year 2021: 40 places (Târgu Jiu Prison);
- year 2022: 214 places (Deva Prison - 30 places, Târgu Ocna Educational Center - 60 places, Găești Prison - 80 places, Târgu Jiu Prison - 44 places);
- year 2023: 55 places (Codlea Prison);
- year 2024: 236 places (Aiud Prison - 100 places, Găești Prison - 48 places, Craiova Prison - 88 places);
- year 2025: 710 places (Constanța Poarta Albă Prison - 80 places received, Baia Mare Prison - 420 places received, Vaslui Prison - 210 completed and received in February 2026).

➤ **318 modernized accommodation places** (218 places at Deva Prison - year 2023 and 100 places at Târgu Ocna Educational Center - year 2024).

In the context of the investment objectives established at the prison system level, aimed at expanding accommodation capacity and improving detention conditions, the National Administration of Penitentiaries considered, in addition to carrying out major infrastructure investments, the adoption of complementary measures intended to contribute to the gradual increase of accommodation capacity. These measures were necessary given that large-scale investment projects involve complex design, authorization, and execution procedures, carried out over extended periods of time.

Thus, in addition to the 1,255 newly created accommodation places and 318 modernized places, during the 2021-2025 period a series of alternative measures aimed at optimizing and making better use of the existing infrastructure were implemented. The main objective of

these interventions was to create additional accommodation capacity within a shorter timeframe, namely 2,294 new places, through refurbishment works, functional reconfiguration, or the enhancement of existing spaces within penitentiary units.

The measures were financed from the state budget and primarily aimed at carrying out intervention works on existing buildings, reorganizing the available spaces, as well as adapting certain constructions or functional structures for use as accommodation facilities for persons deprived of liberty, while complying with the minimum requirements regarding detention conditions and operational safety.

By implementing these alternative measures, the aim was to ensure a more efficient use of the existing prison infrastructure, create additional accommodation capacity within a short period of time, and support institutional efforts to reduce the pressure on the capacity of the prison system until the completion of major investment projects intended for the development of detention infrastructure, as follows:

➤ **2,294 places created as alternative measures:**

- year 2021: 176 places (Târgu Jiu Penitentiary - 17 places, Tulcea Penitentiary - 11 places, Brăila Penitentiary - 5 places, Arad Penitentiary - 17 places, Mărgineni Penitentiary - 12 places, Mioveni Penitentiary - 5 places, Craiova Pelendava Penitentiary - 24 places, Craiova Detention Center - 85 places);

- year 2022: 291 places (Craiova Pelendava Prison - 8 places, Slobozia Prison - 4 places, Aiud Prison - 80 places, Bucharest-Jilava Prison - 40 places, Vaslui Prison - 46 places, Timișoara Prison - 8 places, Mărgineni Prison - 5 places, Drobeta-Turnu Severin Prison - 24 places, Deva Prison - 36 places, Ploiești Prison - 40 places);

- year 2023: 1,227 places (Arad Prison - 63 places, Botoșani Prison - 80 places, Bucharest-Jilava Prison - 210 places, Bucharest-Rahova Prison - 351 places, Craiova Prison - 108 places, Gherla Prison - 131 places, Mărgineni Prison - 27 places, Timișoara Prison - 151 places, Brăila-Tichilești Detention Center - 24 places, Aiud Prison - 22 places, Drobeta-Turnu Severin Prison - 13 places, Bistrița Prison - 47 places);

- year 2024: 224 places (Galați Prison - 50 places, Timișoara Prison - 30 places, Arad Prison - 20 places, Bucharest-Jilava Prison - 124 places);

- year 2025: 376 places (Constanța-Poarta Albă Prison - 300 places, Mărgineni Prison - 52 places, Galați Prison - 24 places). 318 modernized accommodation places (218 places at Deva Prison - year 2023 and 100 places at Târgu Ocna Educational Center - year 2024).

Based on the results achieved at the end of the 2020-2025 Action Plan, the National Administration of Penitentiaries aims to continue the unfinished investment objectives, which will lead to the efficient and long-term resolution of the systemic issues related to prison overcrowding and the improvement of material detention conditions, aiming, for the 2026-2030 period, at investments in the physical infrastructure of penitentiaries through which a total of 7,559 new accommodation places and 2,211 modernized places will be created, as follows:

1. State budget - 5,659 new accommodation places and the modernization of 2,211 accommodation places, as listed in the annex;

- 820 new accommodation places and 628 modernized places are in the design phase: the prisons of Deva (250 new places), Mioveni (120 new places and 180 modernized places), Constanța-Poarta Albă (300 new places and 363 modernized places), Ploiești (150 new places), and the Prison Hospital Târgu Ocna (85 modernized places);

- 1,976 new accommodation places and 1,182 modernized places are in the stage of obtaining the authorization of construction/issuance of the order to commence execution works: the prisons of Bucharest-Jilava (100 places), Mioveni (100 places), Focșani (100 places), Ploiești (100 places), Târgu Jiu (200 places), Vaslui (200 places), Constanța-Poarta Albă (100 places), Satu Mare (100 places), Tulcea (100 places), Târgu Mureș (210 places), Ploiești - Târgșorul Nou (88 places), Bistrița (500 places), Arad (78 new places and 1,182 modernized places);

- 2,863 new accommodation places and 401 modernized places are currently being implemented, respectively in the works execution stage: the prisons of Aiud (79 modernized places), Mioveni (190 places), Focșani (118 places), Ploiești-Târgșorul Nou (240 places), Botoșani (400 places), Ploiești (80 places), Galați (186 places), Bistrița (100 places), Timișoara (276 places), Codlea (200 places), Găești (48 places), Târgu Mureș (200 places), Iași (240 modernized places), Craiova Pelendava (325 places), Gherla (300 places), Drobeta Turnu Severin (200 places) and the Brăila-Tichilești Detention Center (82 modernized places).

2. Loan from an International Financial Institution, according to the project approved by the Government of Romania on 05.12.2017, through the Memorandum titled Decision regarding the opportunity of financing the physical infrastructure of the Romanian prison system, through a project financed from reimbursable external funds, through which the national project concept is proposed - Investments in prison infrastructure - 1,900 new accommodation places through the construction and establishment of two new prisons (Berceni Prison and Unguriu Prison).

This project is financed through a repayable loan worth 177 million euros from the Council of Europe Development Bank and through co-financing from the state budget in the amount of 44.5 million euros.

This Project includes *the construction of a prison with a capacity of 1,000 detention places in the locality of Berceni, Prahova County, and the construction of a prison with a capacity of 900 detention places in the locality of Unguriu, Buzău County*, objectives that are currently under execution. The works for the two objectives were contracted in December 2023.

Berceni Prison, once completed, will provide accommodation for inmates, distributed as follows: for the maximum security regime, one inmate per detention cell and for the closed regime, a maximum of two inmates per detention cell, ensuring a space of more than 4 m² per inmate, in accordance with the European Prison Rules. The prison will have 100 detention places in the maximum security regime and 900 in the closed regime.

Unguriu Prison will provide accommodation for a maximum of 10 inmates per cell, ensuring a space of more than 4 m² per inmate, in accordance with the European Prison Rules. The prison will have 100 places in the open regime and 800 places in the semi-open regime.

Regarding paragraph 86 of the CPT Report

The National Administration of Penitentiaries has made available to the CPT the data regarding the accommodation capacity situation at the level of all subordinate units and the occupancy rate, both prior to the CPT visit and during it. The transfer activity aimed to balance the inmate populations, without the intention of presenting a situation that does not reflect reality, all the more so since the northeastern region (which geographically also includes Iași Prison) records the highest numbers of individuals whose domicile is in the counties of the region, in relation to the four execution regimes. As an example, a total of 3,723 male adult prisoners definitively sentenced to imprisonment have their domicile in the counties belonging to the North-East region (Botoșani, Suceava, Neamț, Iași, Bacău, Vaslui, Focșani, Buzău).

The National Administration of Penitentiaries assures the CPT that it is an honest partner, the common goal being to improve life in detention and to modernize national procedures. The transfer efforts presented aim to balance the inmate populations, in accordance with the recommendations of the Council of Europe.

Regarding paragraph 92 of the CPT Report

At the Bucharest-Rahova Prison, two investment projects with a direct impact on improving detention conditions are currently being prepared and implemented, through the development of infrastructure intended for outdoor activities and sports activities.

The first investment project, entitled “Modernization of existing walking yards, construction of a new walking yard and access walkways to the walking yards,” aims to modernize the existing infrastructure and expand the areas intended for daily outdoor activities. At present, for this project, the technical design has been approved and the authorization of construction has been issued, thus fulfilling the necessary conditions for initiating the procurement procedure for the execution works contract.

The second objective, “Development of multifunctional sports fields, modernization of the interior perimeter fence, modernization of the sewage network,” aims to create modern sports facilities and carry out related infrastructure works. For this objective, the technical project has been approved, and the technical documentation required to obtain the authorization of construction is in the process of being submitted.

The estimated execution duration for each of the two objectives is 12 months from the date of issuance of the work commencement order.

During 2026, for the objective regarding the modernization of walking yards, commitment credits in the amount of 5,952,000 lei were allocated, later increased to 6,052,000 lei as a result of a budget credit transfer, for the purpose of contracting and awarding the works execution contract.

Regarding the objective concerning the development of multifunctional sports fields, commitment credits in the amount of 695,000 lei have been allocated. However, the allocated amount does not fully cover the estimated financial requirement for awarding the execution works contract. Consequently, steps will be taken to supplement the funds, depending on the expenditure limits approved annually through the budget of the National Administration of Penitentiaries and within the expenditure limits set by the Ministry of Finance.

The estimated deadline for the implementation of the two investment objectives is December 2028, with the clarification that compliance with this schedule is conditional upon securing the necessary financial resources through the annual budgets approved for this purpose.

At the level of Craiova Penitentiary, during the period 04.04.2025-04.07.2025, Section E IV underwent routine repair works aimed at improving accommodation conditions and remedying

deterioration resulting from use. The works carried out included interventions on interior plastering and finishes, metal structures, ceramic cladding, replacement of damaged sanitary fixtures, repairs to the heating system, as well as painting and repainting of metal elements. The completion of these interventions was recorded in the work completion acceptance report no. 58 889/07.07.2025.

Following an analysis of the existing situation and the structural characteristics of the current site, it was concluded that the development of new spaces intended for sports activities cannot be carried out under appropriate conditions due to the limitations imposed by the configuration and structure of the existing buildings.

In this context, the strategic solution identified for the development of the prison infrastructure consists of relocating the facility outside the urban area, an initiative approved through Memorandum No. 16815/07.03.2024.

For the implementation of this initiative, a suitable plot of land was identified, currently under the administration of Craiova-Pelendava Penitentiary, and the necessary procedures were initiated to transfer the right of administration in favor of Craiova Penitentiary.

At the same time, the concept note and the design brief were prepared for the investment objective “1,000-place Penitentiary with Maximum-Security and Closed Regime,” documents that received a favorable opinion from the Technical-Economic Council of the National Administration of Penitentiaries and were approved by the Ministry of Justice.

In addition to these efforts, an institutional cooperation protocol was concluded between Craiova Penitentiary, National Administration of Penitentiaries, Local Council of the Municipality of Craiova and Dolj County Council, with the purpose of supporting the relocation process of the facility. Following the signing of the protocol by all parties involved, the public procurement procedure was initiated for contracting the design services necessary for the preparation of the pre-feasibility study, with the submission deadline set for 09.06.2026.

At the level of Iași Penitentiary, the investment project “Strengthening and Expansion of Pavilion A” is currently underway, investment aimed at modernizing and expanding the accommodation capacity by creating 240 modernized places.

The financial resources necessary for the continuation of the construction works have been allocated for this project, and the physical stage of the investment currently stands at approximately 32%.

The estimated completion date for the works is December 2027, while the actual operationalization of the project, namely its commissioning and use in accordance with the purpose for which it was built, is estimated for March 2028.

In parallel, through Memorandum No. 12/7134/13.02.2024, the strategic initiative regarding the relocation of the facility outside the urban perimeter was approved.

Currently, the unit does not have in its administration any land that would allow the development of a new detention infrastructure, and up to this moment no land areas available for transfer to the administration of the penitentiary system have been identified at the level of local public administration authorities.

Under these conditions, continuing the efforts to identify suitable locations, in cooperation with central and local public administration authorities, represents an essential condition for the implementation of the strategic relocation program.

Through the implementation of this program, the aim is to achieve a gradual process of reconfiguration of the penitentiary infrastructure, oriented towards the development of modern detention facilities, compliant with national and European standards regarding detention conditions and capable of meeting the current requirements of the penitentiary system and the public policy objectives in the field of executing custodial sentences.

At the level of Botoșani Penitentiary, two investment projects are currently underway with significant impact on the expansion and modernization of the detention infrastructure, namely:

- New detention pavilion - 80 accommodation places;
- “Correctional Complex - Detention pavilion with 320 new accommodation places and multifunctional pavilion”.

For these objectives, the necessary financial resources have been allocated for the continuation and completion of the execution of the works.

The estimated completion date of the works is December 2026, and the estimated date for the actual operationalization of the investments, namely their commissioning and use according to the purpose for which they were built, is May 2027.

Through the implementation of these investments, the premises are created for a significant expansion of accommodation capacity and for ensuring modern detention conditions, including through the creation of multifunctional spaces and the infrastructure necessary for

carrying out educational, sports, and social reintegration activities for persons deprived of their liberty.

Overall, the measures and investments currently underway at the level of the analyzed units reflect a strategic approach by the National Administration of Penitentiaries, oriented toward modernizing infrastructure, expanding detention capacities, and aligning detention conditions with national and European standards. Their implementation remains dependent on ensuring financial resources and the phased execution of specific procedures, but it creates the premises for a sustainable improvement of the penitentiary system.

Regarding paragraph 95 of the CPT Report

Botoșani Penitentiary

In order to ensure compliance by members of the Special Operations Teams with standard intervention and restraint procedures, as provided by the applicable normative acts, during 2025 and 2026 theoretical training activities were carried out for members of the intervention structure.

These aimed at deepening and applying the legal provisions governing the specific activity, in accordance with professional and physical training programs. In this regard, in 2025, 38 training sessions were organized.

At the same time, without excluding the possibility of isolated situations, we consider that the current institutional monitoring mechanism allows for the adequate management of this issue.

At the same time, the National Administration of Penitentiaries reaffirms its commitment to continue closely monitoring compliance with the established mechanisms, as well as supervising how staff comply with the professional standards and codes of conduct applicable in the detention environment.

Bucharest-Rahova Penitentiary

The acts committed by prison police officers, reported both as disciplinary misconduct and as possible criminal offences, remain subject to the suspension provisions provided by Article 183 of Law No. 145/2019 on the status of prison police officers. In accordance with the aforementioned legal framework, the procedure for initiating disciplinary liability is suspended until the solution issued in the criminal case that triggered the suspension becomes final.

This measure is based on the necessity of complying with the principle of the priority of criminal liability over disciplinary liability, as well as avoiding the issuance of contradictory decisions by the competent authorities. Consequently, any administrative action in the matter of disciplinary liability is temporarily suspended until the legal situation is clarified within the ongoing criminal proceedings.

So far, at the level of the unit, the results of the criminal proceedings conducted by the competent judicial bodies have not been communicated. Depending on the final decisions that will be issued, the unit will promptly proceed, in accordance with the applicable legal provisions, to resume and complete the disciplinary proceedings.

Regarding paragraph 97 of the CPT Report

We express regret that situations of ill-treatment of persons deprived of liberty still exist. Although these are isolated cases and not a phenomenon within detention facilities, such behavior by prison staff cannot be tolerated in a rule-of-law state. Ill-treatment of detainees, as well as abusive conduct, constitute criminal offences and must be punished as such. Furthermore, according to Article 267 of the Criminal Code (*Failure to report*), “the public official [*i.e.*, including prison police officers, colleagues or superiors in relation to the person committing an abuse] *who, upon becoming aware of the commission of an act provided for by criminal law related to the service within which they perform their duties, fails to immediately notify the criminal prosecution bodies shall be punished with imprisonment from 3 months to 3 years or with a fine. When the act is committed through negligence, the penalty is imprisonment from 3 months to 1 year or a fine.*”

The National Administration of Penitentiaries reaffirms its firm commitment to ensuring constant monitoring of compliance with institutional mechanisms for preventing and combating all forms of aggression in the prison environment, as well as to continuously supervising staff adherence to the principle of zero tolerance for such conduct.

To this end, the institution strictly prohibits any behavior that could be considered torture, inhuman or degrading treatment, or other forms of ill-treatment inflicted upon persons serving sentences or subject to measures of deprivation of liberty. Any suspicion regarding the existence of such acts triggers the immediate activation of legal mechanisms to notify the competent authorities, with a view to thoroughly investigating the circumstances and determining liability, as appropriate.

In the event that intentional actions are found to have been committed that are likely to cause physical or mental suffering to persons deprived of their liberty, the facility's management is obligated to take the appropriate legal measures, including notifying the

criminal prosecution authorities and initiating disciplinary proceedings, in accordance with the applicable legal framework.

At the same time, the applicable legal framework guarantees persons deprived of liberty the right to report any inappropriate conduct by staff or any violation of their rights, both to the administration of the detention facility and to the supervising judge responsible for overseeing deprivation of liberty, or to other competent institutions. We note that the supervising judge carries out their activity on a permanent basis within each detention facility, ensuring an independent and accessible mechanism for monitoring the legality of sentence execution.

Furthermore, the penitentiary system guarantees unrestricted access for persons in custody to national and international human rights protection mechanisms, without the risk of negative consequences arising from the exercise of this right. At the same time, institutional management seeks to make use of the conclusions resulting from the analysis of submitted complaints, with the aim of continuously improving internal practices and procedures.

In terms of prevention, special attention is given to the professional training of staff, with the aim of strengthening communication skills, managing difficult situations, and establishing appropriate relationships with persons in custody.

Thus, operational staff within Iași Penitentiary participated in training programs in the fields of communication, psychology, and personal development organized throughout 2025, during two training sessions involving **273** prison police officers, these efforts contributing to the improvement of professional standards and the prevention of non-compliant behavior.

Similarly, at Bucharest-Rahova Penitentiary, **267** prison police officers from the operational sector participated in communication courses throughout 2025.

At Botoșani Penitentiary, **42** prison police officers from the operational sector attended such courses in 2025.

The National Administration of Penitentiaries treats with the utmost seriousness any suspicion regarding the application of ill-treatment to persons deprived of their liberty, regardless of the circumstances or the seriousness of the acts attributed to them. Respect for fundamental rights and the legal framework in force constitutes a firm obligation for all staff within the penitentiary system.

In this context, on the occasion of the evaluation of the intervention structures conducted in April 2026 at Botoșani Prison and in May 2026 at Bucharest-Rahova Prison, officers from the National Administration of Penitentiaries who participated in the evaluation procedure of the

intervention units members explicitly conveyed a firm message to the personnel concerned. This message emphasized that any form of ill-treatment applied to detainees is strictly prohibited, constitutes a violation of the law, and entails disciplinary, administrative, or criminal liability, as applicable.

We reiterate that the activity of the intervention units is carried out exclusively within the limits of the law, in compliance with the principles of necessity, proportionality, and graduality in the use of force, as well as with respect for human dignity.

Our institution will continue to closely monitor these aspects and to take the legal measures required whenever violations are identified.

Furthermore, in Letter No. 31909 dated May 16, 2025, the National Prison Administration ordered that the entire professional staff be informed and retrained regarding compliance with systemic requirements concerning:

- Zero tolerance for assaults among inmates and increased attention to the prevention of sexual abuse of minors or other vulnerable groups;
- Prompt action, in all situations governed by the legal framework regarding abuse issues, when filing legal complaints (e.g. criminal investigation authorities, disciplinary committees, prison security risk assessment committees, etc.);
- Efficiency in carrying out the specific procedures for resolving cases of abuse/assault committed by persons deprived of their liberty;
- Fairness in determining disciplinary sanctions, commensurate with the severity of the act, in accordance with the classification of the disciplinary violation;
- The obligation that the use of force must be carried out in compliance with the principles of legality, security, proportionality in the use of force, gradualness, non-surprise, minimum risk, and the protection of the human being;
- Giving increased attention to persons deprived of liberty diagnosed with mental health problems;
- Making use of time spent in detention and ensuring that detainees have, on a non-discriminatory basis, access to activities and programs, in accordance with individual needs and resources.

Regarding paragraph 98 of the CPT Report

With regard to the 20 cases referred to the criminal prosecution authorities, we note that these involved allegations of inappropriate conduct by prison staff, including possible instances of exceeding legal limits in the performance of their duties. The nature of these situations necessitated the involvement of the competent judicial authorities in order to conduct specialized investigations and accurately establish the facts of the matter.

From the data available so far at the level of the National Administration of Penitentiaries, in a single situation, in relation to a prison police officer from the Oradea Penitentiary, criminal action has been initiated, with the court ordering the measure of postponing the application of the sentence, as a form of judicial individualization that involves the temporary suspension of its execution, under the conditions provided by law.

We emphasize that the referral of criminal prosecution bodies is a procedural measure aimed at ensuring an objective and impartial clarification of the circumstances of each case, not being equivalent to establishing the guilt of the persons involved. Our institution provides full cooperation to the judicial authorities and makes available to them all relevant data and information.

We reiterate the firm commitment of the National Administration of Penitentiaries to respecting the rights of persons deprived of liberty, as well as to maintaining a high professional standard among its own staff, in full compliance with applicable national legislation.

Regarding paragraph 100 of the CPT Report

According to the legislation applicable at access points, on the perimeter of the detention facility, in the weapons and ammunition storage and warehouse, security zones, detention sections, the sector for granting rights to packages and visits,, as well as in other permanent indoor or outdoor spaces belonging to the detention facility, established by its management, other than detention rooms and sanitary facilities, technical video surveillance and/or alarm systems are installed. The images and data provided by these systems are monitored and stored, within technical capabilities, at the level of the electronic surveillance center for at least 30 days, but no more than 6 months. Upon expiration of the 6 months, the stored images and data are deleted, except for the extracted data that are subject to administrative, disciplinary, contraventional, civil investigations aimed at establishing damages, or judicial, concerning persons deprived of liberty, staff of the detention facility, or other persons visiting the detention facility.

Within the framework of activities for managing negative events, prison staff use, to the extent of available equipment, individual portable video cameras, these constituting an essential tool for ensuring transparency and the objective documentation of the manner of action.

In all situations in which operational incidents are recorded, a separate incident file is drawn up for each individual case. This document necessarily includes the documentation related to the intervention, as well as the audio-video annex resulting from the use of BWC equipment.

The audio-video recordings are attached to the incident file in their entirety and are preserved under conditions that ensure the integrity, authenticity and confidentiality of the data.

These recordings constitute important means for subsequent verification of how the situation was managed and are used both in internal analyses and, where appropriate, in disciplinary proceedings or investigations conducted by the competent judicial authorities.

Incident files, together with the corresponding audio-video annexes, are archived at the level of the penitentiary unit for extended periods, in accordance with applicable legal provisions and internal regulations, so as to ensure that they can be consulted whenever the situation requires it.

Regarding paragraph 104 of the CPT Report:

At the level of penitentiary units, the Methodology for conducting multidisciplinary activities involving team-based interventions is implemented, in relation to aggressive behaviors and suicide risk. This framework ensures the individualized assessment of risks and needs of persons deprived of liberty who exhibit aggressive behavior, through the application of case management, including in terms of their classification and allocation. Within the methodology, an algorithm is established for estimating the degree of risk severity, which underpins the type and frequency of monitoring and intervention measures. Depending on the established level of risk, distinct stages of management are provided, namely identification, prevention, monitoring and intervention.

A novel project aimed at preventing negative events and, in particular, suicide, by facilitating inmates' access to specialized services, implemented as of September 2025, consists of a Suicide Prevention Emergency Hotline. This service is available free of charge from any network in all penitentiary units across the country. The call center is located within Bucharest-Rahova Penitentiary, where four psychologists work, providing telephone support between 06:00 and 22:00, from Monday to Friday.

Through address no. 37228/10.07.2025, the National Administration of Penitentiaries reiterated to subordinate units the need for the morning roll call of persons deprived of liberty to be attended directly by the section head or another designated person, a staff member from the social reintegration structure and a staff member from the economic-administrative structure. The measure aims to gain insight into the state of mind among persons deprived of liberty, from a multidisciplinary perspective.

Regarding paragraph 105 of the CPT Report:

The framework for implementing the methodology is the Strategy for Reducing Aggressive Behaviors in the penitentiary system, and its application and monitoring are carried out through the National Implementation Plan of the Strategy. This plan is transmitted to penitentiary units, which adapt it according to the specific context and needs identified at local level.

Monitoring of implementation is carried out through periodic evaluation of the extent to which the established objectives and measures are achieved, with penitentiary units preparing annual activity reports that reflect the degree of their implementation.

In order to ensure an appropriate response to the specific needs of young adults within the prison population, the National Administration of Penitentiaries sent to penitentiary units, in 2025, the address no. 34824/DRS/DSDRP/DSM/23.06.2025 - immediate measures regarding the reduction of suicide risk among minors women, young and adult women held in the custody of the penitentiary system.

In Iași Penitentiary, according to *the Annual Implementation Plan of the Strategy, adapted at unit level (2025)*:

- Two training sessions were organized for staff on the management of inmate aggression, with 240 staff members participating.
- Six inmate support peers were trained to assist persons deprived of liberty with severe mental health conditions and 12 inmates were trained under the *Listener* Project to carry out active listening activities in relation to persons deprived of liberty who are prone to maladaptive, hetero-aggressive or self-harming behaviors.
- 287 persons deprived of liberty were monitored in accordance with the methodology for conducting multidisciplinary team-based interventions, in relation to aggressive manifestations and suicide risk.

Regarding paragraph 107 of the CPT Report:

Based on the CPT findings, as of May 2025, the National Administration of Penitentiaries approved the decommissioning of cells E1.34, E1.35, E1.36, E2.34, E2.35 and E2.36 at Botoșani Penitentiary, totaling 12 places of 4 sqm intended for adult inmates under the semi-open regime, as these do not meet the minimum required width of 2 meters between walls.

On 19.02.2026, at Botoșani Penitentiary, detention section E6 was also dismantled, in view of the need to continue the investment project “Multifunctional Complex with a 320-place Detention Pavilion.”

As a result of this measure, also taking into account the increasing dynamics of the prison population, starting in March 2026, the previously decommissioned cells E1.34, E1.35, E1.36, E2.34, E2.35 and E2.36 were brought back into use. After the completion of investment works at Botoșani Penitentiary and the expansion of accommodation capacity, spaces that do not meet the minimum width of 2 meters will be withdrawn from use and subject to evaluation for modification.

Regarding paragraph 109 of the CPT Report:

The accommodation capacity of a detention cell is calculated at national level by dividing the usable area of the cell (excluding the sanitary facility area) by 4, taking into account the 4 sqm standard. The fixed part of this calculation represents the accommodation capacity of a cell. This working tool is objective, transparent and uniform and is applied to all accommodation cells, except those designated as hospital wards within prison hospitals belonging to the National Administration of Penitentiaries.

Thus, the revision of a cell’s accommodation capacity involves its internal reconfiguration and is not a process that can be interpreted differently from one case to another.

Section E1 comprises 7 accommodation cells, two of which have a usable area of 8 and 9 sqm, respectively, excluding the sanitary facility area. These two cells have a capacity of 2 places per 4 sqm standard. It should be noted that the specific nature of the prison system is characterized by shared accommodation, while individual accommodation remains exceptional, justified by personal and dynamic safety.

All cells within Section E1 are equipped with a telephone, which allows persons deprived of liberty to contact the supervising officer whenever such a need is identified. In the same regard, where communication via the in-cell telephone is not sufficient, each penitentiary

unit has the possibility to procure, depending on operational needs, call bells; this measure is also applicable in Craiova Penitentiary.

With regard to accommodation cell equipment, these are fitted in accordance with the provisions of the applicable legislation, namely with beds and the corresponding bedding for each person deprived of liberty, as well as furniture depending on available space, including tables and benches or chairs, lockers for personal belongings and other specific fittings.

At the same time, in relation to fluctuations in the custodial population, measures are continuously considered to increase the number of chairs where necessary, so that it is proportionate to the number of accommodated persons, in line with CPT recommendations.

Regarding paragraph 114 of the CPT Report

Between 2020 and 2025, the National Administration of Penitentiaries ordered the transfer of **19,823 persons** in order to balance custodial populations.

Through continuous efforts, a reduction in occupancy rates by execution regime was achieved by the end of 2025, as follows:

- open regime - average system-wide occupancy rate was **116.29%**;
- semi-open regime - average system-wide occupancy rate was **143.78%**;
- closed regime - average system-wide occupancy rate was **140.62%**;
- maximum-security regime - average system-wide occupancy rate was **130.37%**.

At the level of the National Administration of Penitentiaries, a **total of 234 minutes** were drawn up by the committee established under the Decision no. 369/2018 of the Director General, through which the occupancy rate of subordinate units was analysed and measures were ordered for the efficient management of accommodation spaces and custodial populations.

In order to effectively prevent and control bedbug infestations across all penitentiary units, an internal analysis was carried out regarding the effectiveness of current disinfection methods, as well as the need to adopt modern, safe and sustainable solutions. As a result, it was determined that it would be appropriate to initiate centralized procurement procedures for specialized equipment based on heat treatment, namely heat boxes and bed bugs ovens intended for bedbug elimination. These technologies allow for effective control of infestations without the use of insecticides or other chemical substances, thereby reducing risks to the health of both persons deprived of liberty and staff. In this context, it was established as a strategic objective that, over a two-year period, penitentiary units will be progressively equipped with a number of heat boxes (minimum 220 units) and bed bugs ovens (minimum 60 units), in order to ensure the operational capacity required for effective and

rapid intervention in managing infestations. In addition, periodic disinfection, disinsection and deratization (DDD) activities are carried out at penitentiary level, either through specialized economic operators or authorized in-house personnel, in compliance with the maximum intervals provided by applicable legislation.

Furthermore, given that the recommendation concerns the same issue as that addressed in paragraph 82, reference is also made to the information provided above under paragraph 82.

Regarding paragraph 115 of the CPT Report:

On 28 March 2024, Law no. 64/2024 of 27 March 2024 amending and supplementing certain legislative acts in the field of tobacco products was published in the Official Gazette of Romania, Part I, no. 267. Through this law, Law no. 349/2002 on the prevention and control of the effects of tobacco product consumption was amended and supplemented as follows:

Article 3 para. (1) has been amended to read as follows: *“Smoking is prohibited in all enclosed public spaces, enclosed workplaces, public transport vehicles, children's playgrounds. An exception to these provisions applies to detention areas in which persons deprived of liberty are accommodated.”*

Consequently, the previous form of the exception applicable in the prison system has been amended, in that the legal provision no longer specifically limits its scope to cells for inmates in maximum-security prisons.

For protection against exposure to passive smoking, the following provisions are set out in *Decision No. 500494/2017 of 4 December 2017 approving the Rules on Fire Prevention Activities within the Penitentiary Administration System*:

Art. 128: (1) Depending on the number of persons deprived of liberty and the accommodation spaces allocated to each category of offence (section), separate cells shall be designated for smoking and non-smoking persons deprived of liberty, in accordance with the applicable legal provisions on smoking.

(2) When allocating persons deprived of liberty to cells, consideration shall be given not only to the other separation criteria established by specific legislation, but also to their freely expressed preference as smokers or non-smokers.

Art. 129 In detention cells designated for smokers, the sanitary facility area is established as the smoking area. Cigarette butts and matches shall be collected in specially designated metal ashtrays, in compliance with fire safety requirements. In cells designated for persons deprived of liberty who have declared themselves non-smokers, the keeping and storage of

tobacco products are prohibited. *The cigarettes they receive are placed in their personal luggage and are returned to them upon release or when they amend their statement.*

In penitentiary units, accommodation spaces are managed in compliance with the above-mentioned provisions, taking into account the number of requests for accommodation in non-smoking areas. In practice, however, the general rule may be affected by increases in the number of persons deprived of liberty, which further exacerbate existing overcrowding.

In accordance with the provisions of Article 8 para. (1) of Order of the Minister of Justice no. 2772/2017 approving the Mandatory Minimum Standards on Accommodation Conditions for Persons Deprived of Liberty, detention facility administrations are required to ensure, during the cold season, the maintenance of a minimum temperature of 19°C in accommodation rooms and in areas designated for activities.

In the implementation of these legal provisions, the heating systems at Craiova Penitentiary are operated and maintained so as to ensure the microclimatic conditions necessary for the accommodation of persons deprived of liberty and the conduct of activities, in accordance with the parameters established by the applicable regulations.

With regard to the specific measures adopted at unit level to improve detention conditions, with particular emphasis on optimizing the operation of heating systems, it should be noted that, within the framework of routine repair works carried out in detention rooms under the annual maintenance and repair program, specific interventions were also undertaken on the heating systems.

These works included, as appropriate, the replacement of heating units that exhibited functional deficiencies, the cleaning and flushing of radiators, the replacement of supply and return valves, as well as the replacement of sections of piping where the circulation of the heating agent had been impaired due to blockages.

Furthermore, in order to improve the efficiency of the heating distribution system, routine repair works were carried out on the main supply line serving the detention sections. These works consisted of the replacement of a pipeline section with a total length of 148 linear meters (supply and return), as well as dismantling and reconstruction works on the heating duct and the associated sanitary installations.

The completion and acceptance of these works were recorded in Acceptance Reports no. 45428/05.05.2025, no. 70264/03.09.2025 and no. 70267/03.09.2025.

Through the implementation of the above-mentioned measures, the administration of Craiova Penitentiary seeks to maintain the heating systems in proper working condition and to ensure accommodation conditions that comply with the applicable legal standards, thereby contributing to the continuous improvement of detention conditions.

Regarding paragraph 116 of the CPT Report

In accordance with the provisions of Law no. 254/2013 *on the execution of sentences and custodial measures ordered by judicial authorities during criminal proceedings*, sentenced persons **who are in the quarantine period** or serving their sentence under **semi-open** or **open** regimes are, as a rule, accommodated in **shared** cells. This approach aims to foster a proper attitude towards the rule of law, social coexistence and work, with a view to facilitating their social reintegration.

It should be noted that the Romanian penitentiary system is fundamentally based on the **shared** accommodation of persons deprived of liberty. Individual accommodation during the quarantine period or under semi-open and open regimes constitutes a temporary and exceptional measure, most often necessitated by the need to ensure the security of the detention facility or to protect the life and physical integrity of inmates.

With regard to the investment project P47 Berceni Penitentiary, it should be noted that, according to the approved architectural technical documentation, all detention cells have been designed with a usable area of 11.12 sqm and an effective free floor area of 8.23 sqm.

Taking into account the purpose of the facility and the custodial regimes for which it has been configured, namely the maximum-security and closed regimes, the maximum accommodation capacity established by the project is two persons deprived of liberty per detention cell. This technical solution ensures compliance with the applicable standards governing detention conditions, including the minimum individual living space requirements established by national legislation and relevant European standards.

Consequently, the occupancy of detention cells will not exceed two persons per cell, in strict compliance with the applicable legal provisions and the approved technical and operational parameters.

With regard to the P48 Unguriu Penitentiary investment objective, the architectural technical documentation provides for detention rooms with free floor areas ranging from approximately 47 sqm to 53 sqm. Taking into account the execution regimes for which this facility is intended, namely the open and semi-open regimes, the maximum accommodation capacity resulting from the technical documentation is 12-13 persons deprived of liberty per room, without exceeding this number.

It should be noted that the design solutions adopted for both investment objectives were developed in accordance with the applicable legal framework and the functional requirements specific to each custodial regime. The differences in the accommodation capacity of detention rooms are determined exclusively by the particular characteristics of the penitentiary regimes for which they were designed.

Thus, under the open and semi-open regimes, persons deprived of liberty benefit from a higher degree of autonomy and freedom of movement within the facility, participating for significant periods of time in work, educational, sports, cultural and psychosocial assistance activities carried out outside the detention rooms. Consequently, the actual time spent in accommodation areas is considerably reduced, which functionally and operationally justifies the design of rooms with a higher accommodation capacity, without compromising the standards governing detention conditions.

Accordingly, both the constructive solutions adopted for P47 Berceni Penitentiary and those envisaged for P48 Unguriu Penitentiary comply with the applicable legal and technical requirements, being based on objective criteria relating to the available space, the sentence execution regime and the functional characteristics specific to each category of penitentiary facility.

The National Administration of Penitentiaries has taken note of the recommendation made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) regarding the preference for smaller-capacity accommodation units, particularly in the context of constructing new penitentiary facilities or developing new detention spaces within existing institutions.

In this regard, consideration will be given, during the process of promoting and preparing the technical and economic documentation for future investment objectives, to ensuring that the proposed design solutions, insofar as technical, functional and budgetary conditions permit, provide for accommodation spaces organized into smaller residential units, in line with CPT recommendations and European good practices in the field of penitentiary infrastructure.

This approach will also be taken into account during the investment implementation phase, so that the technical solutions adopted and executed reflect the objective of creating detention conditions that foster an environment more conducive to the effective management of custodial regimes, the strengthening of institutional safety and the support of social reintegration efforts for persons deprived of liberty.

Accordingly, in the development of future investment projects, the National Administration of Penitentiaries will incorporate this recommendation into its decision-making and technical planning process, with a view to adapting constructive solutions to the applicable European standards and guidelines governing detention conditions.

Regarding paragraph 117 of the CPT Report

Ensuring adequate personal hygiene conditions remains a constant priority throughout the penitentiary system.

The hot water supply arrangements vary between penitentiary units and detention sections, primarily due to differences in existing infrastructure, the capacity of technical systems and occupancy levels. Nevertheless, the organization of access schedules for hot water is designed to ensure compliance with the minimum standards established under national legislation.

Accordingly, pursuant to Article 111 para. (7) of Government Decision no. 157/2016, “inmates shall be provided with the opportunity to bathe using hot water at least twice per week.” The provision also allows for daily bathing for persons engaged in activities involving increased epidemiological risks or whenever circumstances so require.

In this context, the arrangements currently in place within the penitentiary units visited comply with the minimum legal requirements, ensuring access to hot-water showers at least twice per week. It may even be noted that this minimum standard is exceeded in all of the units concerned. Furthermore, in certain sections (such as those accommodating persons engaged in work activities or within medical facilities), daily access is provided in accordance with specific needs.

At the same time, the National Administration of Penitentiaries acknowledges that, in situations where a large number of persons are accommodated in shared facilities, the actual duration of access to hot water may be perceived as insufficient. In this regard, a number of gradual improvement measures are being considered, including:

- the modernization of hot water supply infrastructure;
- increasing the capacity of existing systems;
- optimizing access schedules in accordance with the number of accommodated persons.

Regarding paragraph 121 of the CPT Report

Pursuant to Article 101 of the Regulation for the Implementation of Law no. 254/2013 and Decision no. 468/2016 of the Director General of the National Administration of Penitentiaries (ANP) regarding the content of the hygiene and sanitary kit provided to persons deprived of liberty, upon admission to detention facilities under the jurisdiction of the National Administration of Penitentiaries, the prison administration provides the inmate with a hygiene and sanitary kit, the contents of which are specified by a decision of the Director General of the National Administration of Penitentiaries.

It should be noted that a kit containing personal hygiene items is provided to each inmate upon admission to the prison. The content of the hygiene and sanitation kit is provided for in Article 3 of Decision no. 468/2016²³ of the Director General of the National Administration of

²³ Art. 3. - Persons deprived of liberty shall receive, free of charge, upon admission to detention facilities, a kit containing personal hygiene items, with the following contents:

Penitentiaries. Subsequently, inmates are required to comply with hygiene and cleanliness standards, either by purchasing specific personal hygiene products with their own funds or by receiving these products from family members via packages sent to them.

According to information provided by the National Administration of Penitentiaries (ANP), inmates are consistently provided, free of charge, with the essential items stipulated by the regulations in force, as established by Order of Ministry of Justice no. 3848/2016 (OMJ no. 3848/2016) approving the Regulations on cleaning and personal and collective hygiene items provided by the prison administration. Article 5 of OMJ no. 3848/2016 stipulates that items for individual and collective cleaning and hygiene are generally distributed between the 10th and 15th of the current month.

In addition, inmates have the opportunity to purchase additional products through retail outlets within the correctional facilities, depending on their available financial resources.

With regard to support provided to individuals with insufficient financial resources, the prison system ensures minimum conditions for subsistence and hygiene, and the ability to purchase additional goods is supplemented, where appropriate, by institutional support mechanisms, within the limits of existing regulations.

Ensuring adequate nutrition is a priority area of focus for the National Administration of Penitentiaries, which is why concrete steps have been taken to improve the quality of food provided to inmates. Following institutional analyses, including inspection missions and recommendations from audit and oversight bodies, a process was initiated to update and optimize dietary standards. The development process was based on consultations with nutrition specialists and recommendations from relevant expert bodies.

The project aims to align with current nutritional standards, including by incorporating recommendations from specialized health and nutrition organizations and seeks to modernize the structure of the dietary standards. To this end, the project focuses on measures such as diversifying menus, increasing nutritional value, optimizing the macronutrient ratio and introducing or replacing certain food categories in accordance with the principles of healthy eating.

In addition, significant structural changes were made, including the simplification and restructuring of the regulations to improve their practical applicability, the adjustment of

a) males: 1 roll of toilet paper, 1 comb, 1 tube of toothpaste (minimum 50 milliliters), 1 toothbrush, 1 tube of shaving cream (minimum 50 milliliters), 1 bar of soap (maximum 100 grams), 1 disposable razor;

b) women: 1 roll of toilet paper, 1 comb, 1 tube of toothpaste (minimum 50 milliliters), 1 toothbrush, 1 bar of toilet soap (maximum 100 grams), 1 package of feminine hygiene pads (maximum 10 pads per package).

Inmates held in prison hospitals receive an additional bar of soap (maximum 100 grams) and one roll of toilet paper.

food composition based on nutritional value and the elimination of certain operational distinctions that no longer reflected current supply realities. At the same time, efforts were made to align the regulations with national and European regulations on food safety and product labeling.

Overall, the regulatory initiative aims to ensure a high, sustainable standard tailored to the actual needs of persons deprived of liberty, both in terms of food quality and the efficient use of resources, thereby contributing to the improvement of detention conditions and compliance with applicable legislative and international requirements.

In addition, the National Administration of Penitentiaries (ANP), through its central office and specialized departments at each prison facility, seeks to train staff involved in ensuring the right to food, as an essential step in documenting the actual status of the criteria underlying the daily allocation of inmates to meal groups, taking into account their religion, health status, age and participation in gainful activities.

Regarding paragraph 123 of the CPT Report

Across the entire system, out of a total of 44 correctional facilities, 37 are equipped with spaces specifically designed for sports activities, with the exception of prison hospitals, which, due to the nature of their professional activities, are focused on providing medical services. Furthermore, at the Botoșani Penitentiary, there are no sports facilities used for physical education and sports activities for inmates.

In order to remedy this situation, within the investment objective "Correctional Complex - Detention - Pavilion 320 new accommodation places and Multifunctional Pavilion" - Botoșani Penitentiary, related infrastructure development measures are provided, aimed at ensuring the necessary conditions for sports and recreational activities. Thus, the project includes the construction of three walking yards, each with an area of approximately 240 square meters, located near the detention pavilion, each equipped with its own sanitary unit, with an area of 5.60 square meters.

At the same time, plans call for the construction of a 788-square-meter sports field using an artificial turf system, featuring a 100% polyethylene multisport turf with straight fibers and a pile height of 22-24 mm, designed for various sports, including soccer, handball, tennis and basketball, under conditions that meet standards for both functionality and durability.

We note that the investment objective is currently underway, with physical progress at approximately 85% and the estimated completion date is December 2026.

The completion of these facilities will lay the groundwork for providing an appropriate setting for physical education and sports activities, in accordance with the functional requirements and applicable standards in this field.

At the same time, it is emphasized that, at the level of the National Administration of Penitentiaries, the investment portfolio also includes other similar objectives aimed at modernizing and reconfiguring exercise yards in several correctional facilities, which are at various stages of progress, with these initiatives being implemented at several facilities within the system, such as the Baia Mare Penitentiary, Bistrița Penitentiary, Brăila Penitentiary, Bucharest Rahova Penitentiary, Târgu Mureș Penitentiary, Giurgiu Penitentiary, Ploiești Women's Penitentiary - Târgșorul Nou and the Brăila Tichilești Detention Center, in accordance with the needs identified at each location. These measures reflect a coherent and phased institutional approach aimed at improving the infrastructure supporting the daily activities of persons deprived of liberty, with a direct impact on detention conditions and the process of social reintegration.

Regarding paragraphs 124-127 of the CPT Report

With regard to the issue of prisoners with physical disabilities, criminal enforcement legislation includes specific safeguards for the enforcement of custodial sentences for this special category of prisoners. Thus, according to Article 43 para. (10) of Law no. 254/2013, *“if a convicted person has a disability, the prison administration shall take the necessary measures to ensure that the person serves their sentence under conditions that respect human dignity,”* and, according to Article 47 para. (3) of the same law, the National Administration of Penitentiaries (ANP) shall take specific measures to protect the physical and mental health of persons with disabilities.

Furthermore, pursuant to Article 94, paragraphs (2) and (3) of Law No. 254/2013, *“(2) Convicted persons with disabilities shall be provided with conditions enabling them to participate in educational, cultural, therapeutic, psychological counseling, social assistance and moral-religious activities appropriate to their needs and personalities, in accordance with their preferences and abilities.*

(3) Training activities for convicted persons with disabilities may be organized by the prison administration, in collaboration with specialized staff from the Ministry of Labor, Family, Social Protection and the Elderly.”

The National Administration of Penitentiaries has submitted proposals to the Ministry of Justice to amend Law No. 254/2013 on the enforcement of sentences and measures involving deprivation of liberty ordered by judicial authorities during criminal proceedings, with a view to regulating vocational educational activities carried out by persons deprived of liberty through the production of items that can subsequently be sold.

The proposed amendments have a particular impact on inmates with physical disabilities, the elderly or those with other medical conditions that prevent them from engaging in gainful

employment, facilitating their access to vocational educational programs tailored to their specific needs. Activities such as painting, sculpture, braids, origami or other forms of artistic creation and handicrafts are an effective way to compensate for the limitations imposed by health conditions, providing an accessible and safe environment for realizing individual potential in a way that ensures both inclusion and an improved quality of life. These activities can be adapted to each person's functional abilities, creating an environment conducive to creative expression and personal development.

At the level of the National Administration of Penitentiaries, Decision no. 1066 of 23 November 2021 issued by the Director General of the National Administration of Penitentiaries has been implemented. This decision provides, among other things, for the accommodation facilities required for persons with disabilities, ensuring easy access to the infirmary and its annexes, equipping beds with support handles, and providing personal hygiene rooms with showers fitted with orthopedic seats, toilet chairs designed for persons with disabilities and support bars/handrails. In addition, washbasins must be accessible to wheelchair users. At the end of the first quarter of 2025, penitentiary units (excluding prison hospitals) had achieved a compliance rate of 26.31% for infirmaries meeting the requirements established by the aforementioned Decision. Furthermore, we note that across all penitentiaries, 38.63% of detention rooms had been specially adapted for persons with physical and/or locomotor disabilities.

According to the provisions of Article 33 para. (5) and para. (6) of Decision no. 500165/2017 of the Director General of the National Administration of Penitentiaries, approving the Instructions on the Organization of Work for Persons Deprived of Liberty, as subsequently amended and supplemented, *"The training of assistants/support persons shall be carried out by medical personnel, who shall inform the head of the detention section or the person designated by the director of the detention facility where such a position does not exist, of the duties assigned to the assistants. The section supervisor and medical personnel shall monitor how assistants perform their duties and shall record their findings in the operational documents."* Therefore, given that there is a legal framework regulating this matter, the National Administration of Penitentiaries will initiate measures to provide retraining for medical and healthcare staff, as well as personnel from the prison security and detention regime sector, regarding their respective responsibilities, namely the training of assistants/support persons and the monitoring of the performance of their assigned duties.

Regarding Paragraph 130 of the CPT Report

All persons deprived of liberty are assessed across three dimensions: education, psychological assistance and social assistance. These assessments provide the basis for the design of

specialized intervention and support throughout the sentence enforcement period, through the Individualized Educational and Therapeutic Assessment and Intervention Plan.

The National Administration of Penitentiaries (ANP) continues its efforts to expand and diversify the range of rehabilitation activities and programs available to persons deprived of liberty. In 2026, particular emphasis will be placed on reorganizing this portfolio in relation to the main criminogenic needs (e.g., education, training and employment activities, family ties, substance use and anger management) and on increasing participation in social reintegration activities by 5%.

Regarding Paragraph 132 of the CPT Report

At Botoșani Penitentiary, there are currently no sports facilities available for conducting physical education and sports activities for persons deprived of liberty.

Pre-trial detainees may participate in educational, psychological assistance and social assistance activities upon request and subject to approval by the prison director. Participation is determined based on the nature of the offence committed, the duration of pre-trial detention, the execution regime, the risk posed to the prison, the prisoner's age, behavior while in custody, physical and mental health status.

For this legal category, priority is given to short-term, voluntary social reintegration activities aimed at stimulating learning and creativity, developing and practicing practical, artistic, literary, musical, visual arts and technical skills, as well as maintaining an appropriate level of physical and psychological well-being.

In 2025, out of an average prison population of 25,048 persons deprived of liberty, **6,751** individuals were assigned to work, representing an increase compared to 2024, when 6,319 persons were engaged in work activities. **Of the total prison population, 15,303 inmates were considered fit for work as of December 2025. Therefore, participation in work activities should be assessed only in relation to those deemed fit for work, rather than the entire prison population, resulting in a work participation rate of over 44%.**

The number of persons deprived of liberty engaged in paid work increased substantially, from 1,981 individuals in 2024 to **2,236 individuals in 2025.**

At present, there are four external work sites providing permanent accommodation for persons deprived of liberty, with a total capacity of 272 places, as follows:

- Ploiești Penitentiary - accommodation capacity of 40 places;
- Arad Penitentiary - accommodation capacity of 50 places;

- Timișoara Penitentiary - accommodation capacity of 122 places;
- Galați Penitentiary - accommodation capacity of 60 places.

Accommodation at these work sites is provided by private-sector companies that benefit from inmate labor and remunerate the inmates for their work. Supervision at the accommodation facilities is ensured by staff of the respective penitentiary establishments.

According to data analyzed at the central level, of the 36 detention facilities that hold juvenile pre-trial detainees, a percentage of 72.22% provide at least two hours of outdoor exercise per day. In 41.66% of these facilities, the time allocated for outdoor exercise for this category of detainees is three hours or more. Thus, as illustrated by the chart, 10 detention facilities (27.77%) provide less than two hours of daily outdoor exercise, while only 7 facilities (19.44%) restrict such exercise to the minimum duration of one hour provided at national level.

Juvenile pre-trial detainees	Outdoor exercise time					
	1 hour	between 1 and 2 hours	2 hours	between 2 and 3 hours	3 hours	more than 3 hours
Number of units	7	3	9	2	14	1

Adult pre-trial detainee	Outdoor exercise time					
	1 hour	between 1 and 2 hours	2 hours	between 2 and 3 hours	3 hours	more than 3 hours
Number of units	4	4	10	1	14	3

Regarding Paragraph 136 of the CPT Report

The applicable legislation provides that each sentenced person is guaranteed daily outdoor exercise for a **minimum of one hour**, depending on the execution regime of the custodial sentence.

The Law on the enforcement of custodial sentences and measures depriving persons of liberty ordered by judicial authorities during criminal proceedings establishes the minimum outdoor exercise time that penitentiary establishments must ensure for persons deprived of liberty, while leaving it to the prison administration to maximize this outdoor exercise time, depending on available architectural possibilities.

It is important to note that, where inmates choose to engage in work activities or participate in social reintegration activities, the time spent outside their accommodation cells increases proportionally to the time allocated to such activities. It is further noted that participation in these activities is based **on the inmates' free expression of will**.

The standardized range of educational, psychological assistance and social assistance programmes and activities is presented in the form of an inventory of all social reintegration activities and programmes available within the penitentiary system. This includes a brief description of each activity, as well as the benefits obtained through participation. The information is organized according to the stages of the custodial sentence enforcement process, taking into account the complexity and target group of each type of activity or programme. It also lists the categories of staff within the social reintegration structure and their respective responsibilities.

The range of activities is updated annually by the National Administration of Penitentiaries and is made available to subordinate penitentiary units in electronic format via the internal ANP portal.

Each penitentiary facility diversifies and adapts the range of activities locally, taking into account the needs of the beneficiaries. It is brought to the attention of persons deprived of liberty during the quarantine and observation period and is displayed permanently in areas visible and accessible to inmates.

In the penitentiary system, school courses are organized for **primary, lower secondary and upper secondary levels (including vocational education)**, as well as within the **“Second Chance” programme**. *Teaching staff are provided and remunerated by the school inspectorate, in accordance with the law, through the budgets of the local administrative-territorial units in whose jurisdiction the penitentiary is located.*

In the 2025-2026 school year, during the month of October, **2,768 persons deprived of liberty** were enrolled in mass education and in the “Second Chance” programme, as follows:

Mass education:

- ✓ primary level: 457
- ✓ lower secondary level: 859
- ✓ upper secondary level: 748
- ✓ vocational level: 99
- ✓ university level: 3

“Second Chance” programme:

- primary education: 285
- lower secondary education: 317

In the current school year, the enrolment figure increased by approximately 21% compared to the previous school year, indicating a growing interest among persons deprived of liberty

in educational activities, as well as increased involvement of penitentiary system staff in ensuring the right to education.

In 2025, a total of 6,146 persons deprived of liberty participated in activities carried out in the community.

Additionally, 762 persons deprived of liberty took part in job fairs organized by detention facilities in cooperation with county employment agencies.

Another important dimension of the rehabilitation process, aimed at ensuring an appropriate mental state and **providing meaningful use of time spent in detention** for convicted persons, **is participation in work activities**. Where persons deprived of liberty choose to engage in paid work, the time spent outside their accommodation cells increases proportionally to the time allocated to such activities. The figures regarding work participation are presented in paragraph 132.

Increasing the involvement of inmates in educational, vocational training, psychosocial assistance and work activities is a key objective of the penitentiary system, so that persons in detention spend as much time as possible outside their accommodation cells.

Regarding Paragraph 137 of the CPT Report

The general conditions for a sentenced person to serve a custodial sentence under the closed regime are provided for in Article 34 of Law No. 254/2013. Thus, according to Article 34 para. (1) of Law No. 254/2013, *“the maximum-security regime shall initially apply to persons sentenced to life imprisonment and to persons sentenced to imprisonment exceeding 13 years, as well as to those who present a risk to prison security”* – this representing the general rule for determining placement in the maximum-security regime.

The criteria for determining, as well as the procedure for assessing the risk posed by a sentenced person to prison security are set out in Articles 27²⁴ and 28²⁵ of the Implementing Regulation of Law No. 254/2013.

²⁴ Article 27 - Criteria for determining risk and risk assessment procedure

In determining the risk posed by a detainee to prison security, the following criteria are taken into account:

- a) the commission of the offence through the use of firearms or by acts of cruelty;
- b) escape or absconding from a place of work during the current sentence or previous sentences;
- c) attempted escape, forcing security devices or destruction of security systems;
- d) unjustified failure of the detainee to return at the date and time established under a prison leave permit;
- e) introduction, possession or trafficking of weapons, explosive materials, drugs, toxic substances or other objects and substances that endanger prison security, operations or persons;
- f) instigation, influence or participation in any form in riots or hostage-taking incidents;
- g) membership in organized criminal groups, coordination of criminal activities or terrorist-type activities;
- h) acts of violence resulting in bodily injury or death against staff or other persons;
- i) psychosocial profile information resulting from assessments established under the applicable regulations.

²⁵ Article 28 - Risk assessment procedure

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The exceptional case is provided for in Article 34 para. (3) of Law No. 254/2013, which provides that: *“In exceptional cases, the nature and manner of commission of the offence, as well as the convicted person, may determine the placement of the convicted person in the immediately less severe execution regime.”* In this context, the “immediately less severe execution regime” is understood to be the closed regime.

This provision allows for the consideration of certain personal circumstances of the detainee and of the committed offence (the nature and manner of commission of the offence, the convicted person, his/her behaviour during the quarantine and observation²⁶ period) and

(1) The initial assessment of the risk posed by detainees to prison security is carried out by the commission provided for in Article 32 of the Law, on the occasion of the individualisation and determination of the enforcement regime, in accordance with the provisions of Article 39 of the Law.

(2) After the risk to prison security has been determined, the commission referred to in Article 32 of the Law shall, until the execution of the portions of the sentence provided for in Article 40 para. (2) of the Law, meet once every six months and reassess the situation of persons in this category on the basis of the criteria set out in Article 27, with a view to maintaining or terminating the specific measures related to the risk to prison security. In the case of sentences shorter than 2 years and 6 months, the reassessment interval for prison security risk shall be determined in accordance with Article 40 para. (2) of the Law.

(2¹) After the execution of the portions of the sentence provided for in Article 40 para. (2) of the Law, the situation of persons who present a risk to prison security shall be reassessed by the commission provided for in Article 32 of the Law, concurrently with the assessment of any change in the enforcement regime, in accordance with Article 91. Subsequently, the reassessment of both the enforcement regime and the risk to prison security shall be carried out at intervals not exceeding six months.

(3) When reassessing detainees who present a risk to prison security, the provisions of Article 39 para. (2) of the Law, the recommendations set out in the Individualized Educational and Therapeutic Assessment and Intervention Plan, as well as the report of specially designated staff responsible for knowledge and positive influence, are also taken into account.

(4) Where the specific measures related to the risk to prison security cease to apply, the detainee remains in the maximum-security regime, and any change thereof shall be carried out in accordance with Article 40 para. (7) and para. (10) of the Law.

(5) Whenever, during the execution of sentences, one of the situations provided for in Article 27 arises, the commission referred to in Article 32 of the Law shall convene and assess the detainee's situation with a view to evaluating and determining the risk posed to prison security.

(6) Detainees are included in the category of those who present a risk to prison security only after the decision establishing or changing the enforcement regime has become enforceable under Articles 90 and 91 para. (4). The provisions of Articles 39 para. (3) and 40 para. (11) of the Law shall apply accordingly.

(7) In the process of risk assessment and reassessment, the commission referred to in Article 32 of the Law shall hear the detainee and analyse his/her situation based on the individual file and other relevant documents for determining the risk.

(8) The commission's decision under Article 32 of the Law regarding the assessment and reassessment of risk shall be communicated to the detainee.

(9) The acceptance of a complaint or appeal against the decision establishing or against the decision changing the enforcement regime to the maximum-security regime shall result in the removal of the detainee from the category of those who present a risk to prison security.

²⁶ The quarantine and observation period is the initial 21-day period following admission to the prison during which activities are conducted to familiarize inmates with the rules regarding order, discipline, conduct and relationships with others; it includes individual and group activities organized by the prison administration. This period will reveal the inmate's main characteristics, their ability to adapt to prison life, their identified needs for social

represents essential safeguards that counterbalance situations in which the imposed sentence is particularly severe (possibly for a first-time offence) and prevents the automatic allocation of a detainee to a specific execution regime solely on the basis of the sentence imposed.

The current mechanism allows for the placement of a detainee in a custodial execution regime that is immediately less severe, establishing a case-by-case assessment in which the importance of the sentence length criterion is reduced, giving precedence to personal circumstances in determining the initial execution regime.

Current legislation provides for this individual assessment, as set forth in the CPT recommendation, to determine the risk that a person deprived of liberty poses to the security of the detention facility, based on strictly defined criteria.

In this context, it is also important to note that the agenda of the meeting of the Committee of Ministers in its Human Rights format (CM DH or the Committee), which took place in Strasbourg from September 15 to 17, 2025, included the case of Enache v. Romania (application no. 10662/06), in which a final resolution was adopted to close the supervision of the execution of the judgment.

Thus, the Committee found that significant progress had been made in bringing Romania's detention regime into line with the standards of the Convention, with the classification of a detainee as posing a risk to prison security now subject to an individualized assessment conducted by a specialized commission.

Regarding paragraph 140 of the CPT Report

In order to ensure that placement in the maximum-security regime is determined solely on the basis of an individual assessment of the risk a person poses within the prison, without the regime being determined by the length of the sentence imposed, it is necessary to amend the entire structure of the criminal execution legislation, specifically the section on the application of the prison regime, thereby transforming the exceptional situation currently provided for into the general rule.

In light of the considerations set forth in paragraph 137, we believe that the regulatory framework governing the maximum-security regime is balanced and coherent, integrated into the broader body of criminal enforcement legislation, and that the application of this mechanism provides sufficient safeguards that take into account, among other factors, the personal circumstances of the inmate.

With regard to the safety measures applied, we note that periodically, but no later than 7 days from the date of application or from the date of the last analysis, the situation of

reintegration and will serve as the basis for the future determination of the regime under which the custodial sentence will be served.

individuals for whom the use of restraints has been ordered within the detention facility, upon their removal from the cell, is reanalyzed by the head of the detention unit, who, after consulting with the unit's psychologist and educator, proposes the termination, maintenance or modification of the security measures applied. The analysis is conducted for each detainee individually and includes their legal and disciplinary status, the reason for applying restraints, the manner of application along routes and—for the activities in which they participate—proposals to discontinue, maintain or modify the safety measures applied; this review is kept on file with the head of the Safety Department. The measures proposed by the head of the detention unit are endorsed by the head of the prison regime enforcement department, the head of the detention security department and the deputy director for detention security and prison regime and are approved by the director of the penitentiary.

The possibility of allowing individuals in the maximum-security regime to form associations is subject to the measures implemented at the detention facility level to ensure order and discipline, with the aim of supporting a positive rehabilitation path for these individuals. The association of inmates under the maximum-security regime is not prohibited by national legislation, nor is it prohibited in the practice of penitentiary institutions, apart from the safety measures mentioned above.

According to the law governing the execution of sentences, convicted persons serving their sentences under the maximum-security regime may work and participate in educational, cultural, therapeutic, psychological counseling and social assistance, moral-religious, school education and vocational training activities. These activities are carried out in **small groups**, in designated areas within the prison, under continuous supervision.

With regard to the time spent outside the detention cell, this is dependent on the actual possibilities for organizing activities and on the facilities available, such as activity rooms, sports facilities and exercise yards. All these aspects are closely linked to the architecture of the penitentiary system, the scale of investments and budget allocations, as well as fluctuations in the inmate population.

The daily schedule specifies, on an hourly basis, work time, inmates' personal time and rest periods, as well as time allocated for administrative and housekeeping activities, cleaning and hygiene, outdoor exercise, school education and vocational training, educational activities, psychological and social assistance, religious activities, sports, recreation and the exercise of various rights. The planning of activities within the daily schedule is designed to ensure that inmates spend as much time as possible outside their detention cells.

Regarding paragraph 141 of the CPT Report

As is well known, the accommodation of juvenile detainees separately from adult detainees is a well-established standard of the Council of Europe, based on considerations related to the reintegration process, the need for specific educational interventions and the provision of additional protection for juvenile detainees who constitute a vulnerable category. While we understand the rationale behind this recommendation, its implementation may be considered; however, this depends on a number of factors, such as the profile of the detention facility where the juvenile is accommodated, the material resources available and the availability of sufficient prison staff, given that these indicators are not uniformly present across all detention facilities.

Furthermore, the fact that there was a single case involving a juvenile who was accommodated separately from other detainees does not necessarily mean that this is a widespread practice within the prison. Rather, this situation stems from the simple fact that Botoșani Prison does not normally accommodate juvenile detainees, as it does not have dedicated juvenile units, but it has only one section for pretrial detainees, available to the judicial authorities of Suceava and Botoșani counties for detainees aged 18 to 21 years.

If a male juvenile is temporarily transferred to a detention facility, he may be accommodated jointly only with another person belonging to the same category. Accommodating detainees together without observing the separation criteria established by the law governing the execution of sentences and recognized at the European level may result in very serious consequences for the administration of the detention facility, particularly in the event of incidents affecting the life or health of juvenile detainees.

By Order of the Minister of Justice No. 1322/C/2017, *approving the Regulation on the organization and implementation of educational, psychological counseling and social assistance activities and programs in detention facilities under the authority of the National Administration of Penitentiaries*, **exceptions to the general separation criteria were established** for the conduct of school education and training activities in educational and detention centers. These exceptions allow for the joint grouping of girls and boys, detainees under open and closed regimes and detainees subject to supervision and those not subject to supervision.

Regarding paragraph 142 of the CPT Report

From a legislative perspective, the criterion of sexual orientation and gender identity were already included in 2023 among the criteria for determining detainee vulnerability (Article 34 para. (1) point (a) of the Implementing Regulation of Law No. 254/2013). Accordingly, the situation of transgender detainees has been recognized as a new vulnerability criterion.

To prevent gender-based violence among persons deprived of liberty, informational materials were developed, distributed to penitentiary units and published on the National Administration of Penitentiaries' internal portal (Ref. No. 44078/DRS/16.09.2024).

Furthermore, the National Administration of Penitentiaries will consider including, within the training programs for staff who work directly with persons deprived of liberty, topics related to raising awareness of hate-motivated offences and promoting understanding of the importance of preventing discrimination based on sexual orientation, gender identity, gender expression and sex characteristics.

Moreover, the penitentiary system will implement and comply with the provisions adopted at the national level by the relevant institutions, namely the Government of Romania and the Parliament of Romania concerning transgender persons and their status within society.

Regarding paragraph 148 of the CPT Report

The National Administration of Penitentiaries has taken note of the observations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment concerning the impact of staff shortages on the safety of the custodial environment, on the relational climate among persons deprived of liberty and on the capacity of prison administrations to provide activities and programmes aimed at social reintegration.

In this regard, the National Administration of Penitentiaries continues its institutional efforts to fill vacant positions within penitentiary establishments by organizing recruitment and appointment procedures, within the limits of the available budgetary resources and the applicable legal framework. At the same time, measures are being examined with a view to increasing the attractiveness of the profession and strengthening the stability of human resources within the penitentiary system.

Furthermore, during 2026, the National Administration of Penitentiaries initiated a comprehensive review of the intervention structures operating within all penitentiary establishments, with the objective of establishing a uniform framework for their organization, staffing and functioning, in line with the actual operational needs of the penitentiary system. This assessment process takes into account both the requirements relating to the safety and security of detention facilities and the need to ensure the efficient use of available human resources.

In parallel, an analysis was carried out across the penitentiary system to assess the adequacy of staffing levels in relation to the duties and responsibilities specific to the various professional categories, including from the perspective of ensuring a safe and secure

environment for both persons deprived of liberty and prison staff. As a result of this evaluation, a need was identified to fill 1,323 vacant positions within the operational sector in order to strengthen the institutional capacity to carry out specific missions and to enhance the overall level of prison security.

According to Article VII, paragraphs (1), (2) and (4) of Government Emergency Ordinance no. 156/2024, *“as of 1 January 2025, the filling of vacant positions through competitive recruitment procedures or examinations within public authorities and institutions shall be suspended, (...), regardless of their funding system or subordination, including activities financed entirely from own-source revenues, with the exception of unique vacant positions,” as well as positions whose recruitment had already been approved by the Government through a memorandum prior to the entry into force of this Government Emergency Ordinance.*

Furthermore, pursuant to paragraph (5) of the same Government Emergency Ordinance no. 156/2024, *“by way of exception to the provisions of paragraph (1), chief authorizing officers may, in duly justified cases, approve the filling of up to 15% of the total number of positions that become vacant after the entry into force of this Emergency Ordinance, provided that such recruitment remains within the personnel expenditure limits approved through the budget at the level of the chief authorizing officer, for each source of funding separately.”*

Taking into account the legislation in force, in February 2025, the National Administration of Penitentiaries initiated a recruitment procedure for the filling of 24 vacant physician positions within penitentiary establishments. However, the initiative could not be approved due to budgetary restrictions. Following the budget rectification, the procedure was resumed; however, it once again could not be approved, for the same reason, namely budgetary constraints.

In view of these legislative restrictions and in order to reduce staff shortages, the National Administration of Penitentiaries approved in 2025 the dissemination, across penitentiary establishments, of vacancy notices for the temporary filling of vacant positions through secondment for a period of six months or relocation in the interest of the service.

According to Article XXII, paragraphs (1) and (2) of Law no. 141/2025 on certain fiscal-budgetary measures, as subsequently amended and supplemented, *“during the period from 1 January to 31 December 2026, the filling of vacant positions through competitive recruitment procedures or examinations within public authorities and institutions shall be suspended, regardless of their funding system or subordination, including activities financed entirely from own-source revenues, with the exception of unique vacant positions.”*

Furthermore, according to Article XXII, paragraph (4) of Law No. 141/2025 on Certain Fiscal and Budgetary Measures, as subsequently amended and supplemented, *“As an exception to the provisions of paragraph (1), chief authorizing officers, in duly justified cases, may approve the filling of up to 15% of the total positions that will become vacant after January 1, 2026, provided that such fillings remain within the personnel expenses approved in the budget at the level of the chief authorizing officer for each individual funding source.”*

Taking into account the above-mentioned legislative provisions, the National Administration of Penitentiaries will assess the vacant positions falling within the scope of Law No. 141/2025, as subsequently amended and supplemented, and, depending on institutional needs and the available budgetary resources, will initiate the necessary procedures for filling such positions. In order to reduce staff shortages, the National Administration of Penitentiaries continued throughout 2026 the process of disseminating vacancy notices within penitentiary establishments for the temporary filling of vacant positions through secondment for a period of six months or relocation in the interest of the service.

In parallel, the National Administration of Penitentiaries has drafted a proposal for the promotion of a Government Decision regarding the increase of the number of positions within the prison police by 1,600 posts, with the aim of obtaining its approval, so that these positions may subsequently be included in the organisational charts of penitentiary units that have commissioned new accommodation facilities.

At the same time, in order to reduce the staff shortage in the area of detention security and the prison regime, institutional steps have been taken to double the admission capacity of the “Constantin Brâncoveanu” National Prison Police School in Târgu Ocna, so that the intake for the 2026-2027 class amounts to 570 places. This measure is of significant importance for the prison police system, as it will strengthen the capacity to carry out operational missions.

Regarding paragraphs 149-153 of the CPT Report

The National Administration of Penitentiaries maintains its firm commitment to aligning penitentiary system practices with international standards on the respect for the rights of persons deprived of liberty, as well as to strengthening a security climate based on modern principles of dynamic security.

At present, the activity of intervention structures is regulated and adapted to the operational needs of penitentiary establishments, with the main objective of preventing and managing situations involving a high risk to the security of detention facilities.

According to the applicable legislation, at the beginning of each year, the locations and times are determined for when members of the special operations team will be deployed to prevent adverse events from occurring.

Specifically, their work involves activities related to inmates who pose a risk to prison security, carrying out activities with this category of inmates, managing operational incidents and serving as a deterrent in other operational situations.

Regarding the wearing of balaclavas, we reiterate that this is done in strict compliance with the applicable regulatory framework, exclusively for protection and safety purposes.

Thus, inside the detention facility, the balaclava is worn only under a protective helmet during intervention operations or other approved activities, to maintain order and prevent incidents.

In the case of missions carried out outside the penitentiary, the balaclava is worn under the bulletproof helmet.

The use of these equipment items is intended to protect the identity and physical integrity of the personnel involved, in the context in which the resolution of certain incidents legally requires the use of physical force and restraint means.

At the same time, clear procedural safeguards are in place to prevent any potential abuse. Persons deprived of liberty have the possibility to lodge complaints with the competent authorities when they consider that interventions have not been carried out in a lawful manner, and the identification of the personnel involved is easily ensured based on existing records and through the preparation of an identification report.

Regarding the working schedule of intervention structure members, it includes 24-hour shifts, organised in conditions that respect the right to rest, with staff benefiting from 4 hours of rest during the night, on a rotating basis, in specially designated and appropriately equipped recovery areas.

Regarding the use of video recording equipment, the National Administration of Penitentiaries has developed and is implementing policies aimed at ensuring the progressive equipping of intervention structures with individual body-worn video cameras, as well as their systematic use during managed incidents, in line with standards of transparency and institutional accountability.

At the same time, the National Administration of Penitentiaries continuously assesses the opportunity to adjust staffing policies, including increasing the number of personnel in maximum-security units and strengthening the approach based on dynamic security, so as to ensure an appropriate balance between security requirements and the respect for the fundamental rights of persons deprived of liberty.

Regarding paragraph 154 of the CPT Report

The medical system within the penitentiary administration is administratively coordinated by the National Administration of Penitentiaries (ANP), through its central specialised structure, namely the Medical Supervision Directorate within ANP. The Medical Supervision Directorate is the central medico-sanitary specialised unit within ANP, which organizes, coordinates, evaluates, controls and provides guidance, in accordance with the applicable legislation, on the medical and healthcare activities carried out within the penitentiary administration system, with the aim of promoting and maintaining the health status of persons deprived of liberty.

All other aspects related to the provision of medical care and healthcare services remain regulated by the specific legislation adopted at the level of the Ministry of Health. Accordingly, all medical offices and prison hospitals apply the general medical legislation in force, which constitutes the common legal framework in this field (e.g., Law no. 95/2006 on healthcare reform, Law no. 46/2003 on patients' rights, Law no. 487/2002 on mental health and the protection of persons with mental disorders, pharmaceutical legislation, medical and intervention protocols etc.).

In addition, all healthcare units within the National Administration of Penitentiaries (ANP), under their various components, are subject to periodic authorisation by the county public health directorates and the National Authority for Quality Management in Health Care, in accordance with the legislation in force. Thus, it may be considered that the medical system within ANP operates also under the oversight of the Ministry of Health, given that the Ministry of Justice does not adopt its own regulations in the medical field.

These aspects are also reflected in the provisions of Order No. 4.858/C/3.363/2022 issued by the Minister of Justice and the Minister of Health regarding the provision of medical assistance, treatment and care to persons deprived of liberty held in detention facilities under the authority of the National Administration of Penitentiaries, which, in article 7 point (a), provides that *"The specialized medical and healthcare personnel within the medical office have the following main duties: a) provide medical care in all cases provided for by penal enforcement legislation and national health legislation, in accordance with the competencies of the specialties offered; (...)"*, and in article 61 para. (1) provides that *"Prison hospitals are required to comply with the rules on the surveillance, prevention and control of healthcare-associated infections, as provided for by the health legislation in force."*

In 2013 and in 2016, the National Prison Administration agreed a cooperation protocol with the Ministry of Health aiming to increasing the quality of medical services for the people in custody of prison administration and to increasing quality of data collected in supervising

infectious diseases at national level, including by ensuring medical assistance in specialties lacking in the penitentiary system.

Likewise, the Ombudsman institution forwarded to the Ministry of Health the *Recommendation no.142 of 29 September 2021* on the right to safeguarding health of the persons deprived of liberty by the medical personnel of the public health system. Thus, the General Directorate for Medical Assistance, Emergency Medicine, and Public Health Programs - Service for Medical Assistance and Strategic Planning within the Ministry of Health forwarded an address to all Directorates of Public Health to bring to their attention the afore-mentioned *Recommendation*, as well as to ensure services of medical assistance to people in prisons, by taking all necessary measures so that persons deprived of liberty benefit from specialized consultations, investigations or hospitalization in medical units in the public health system.

However, there have been numerous situations when persons deprived of liberty could not benefit from medical assistance in the public healthcare network, due to the lack of response or due to negative response or because of delay in responding to requests submitted by penitentiary units. At the same time, we would like to point out that, in current medical practice, the doctor-patient relation, and nurse-patient respectively, from the healthcare personnel perspective, has not been a functional one because of inappropriate behavior manifested by persons deprived of liberty, an aspect that has created a possible precedent that led to a reluctance of the medical and healthcare personnel in the public healthcare network to provide medical assistance to persons deprived of liberty.

Regarding paragraph 155 of the CPT Report

Considering that within the healthcare network within the ANP no medical and sanitary personnel positions are provided for the penitentiary system's employed personnel, in conjunction with major shortage of medical and healthcare personnel in the network, on top of providing medical care to persons deprived of liberty, doctors already employed have been assigned additional tasks so that the rights of the employed personnel are also ensured. At the same time, OMJ/OMS 4858/2022 stipulates that the chief physician also performs administrative activities. In this regard, the ANP will take measures to retraining medical and health personnel regarding their duties according to the job description.

Regarding the activity of the occupational medicine doctor, we specify that the annual medical assessment of the employed personnel is a temporary and punctual overlapping situation, adopted with the aim of also limiting expenses, as well as in light of the fiscal-budgetary measures implemented at national level, which did not have a negative impact on the doctor's duties in the field of gainful activities performed by persons deprived of liberty, as he permanently performs these duties.

Regarding paragraph 162 of the CPT Report

We are fully aware of the deficit of medical personnel in prisons, which affects the quality of medical services provided to persons deprived of liberty, therefore ANP continues its demarches that will make it possible to achieve the objective to attracting medical personnel to places of detention.

Should the penitentiary system be consulted on draft normative acts on restrictions to employment of supplementary personnel, the institutional position shall be, unequivocally, to be exempted from such measures.

From a medical point of view, it is feasible to supplement positions of doctors and generalist medical nurses, with the mention that as of present date, in addition to the position of chief physician, within the Botoșani Penitentiary there are already 2 positions of general practitioner and 2 positions of psychiatrist, at the Bucharest Rahova Penitentiary there are 4 positions of general practitioner, at the Craiova Penitentiary there are 4 positions of general practitioner and the position of dentist is filled full-time by a dentist with the right to free practice, and at the Iași Penitentiary there are 4 positions of general practitioner, of which 1 is filled with a full-time general practitioner.

We also mention that over time, the unattractiveness²⁷ of positions in the medical sector has determined either the termination of service relationships through resignation (graduates of the Medical-Military Institute or new employees shortly after hiring), or the non-registration of candidates for open competitions, meaning that the shortage of medical personnel has been maintained and even increased in some places in the context of termination of service relationships through retirement and the non-filling of vacant positions.

Currently, in the payroll of Bucharest Rahova Penitentiary there is no position of medical registrar, we are currently analyzing the opportunity of establishing such a post.

Further details of this recommendation are provided in the response to recommendation of paragraph no.148.

²⁷ Low intrinsic motivation, salary conditions that have become unattractive compared to other civilian offers, highly increased professional risk as compared to civilian life, cumbersome communication with the public healthcare network, high workload compared to the increased number of persons deprived of liberty, taking into account the standards of medical personnel and the provisions of the *Framework Contract* regarding the settlement of services and per capita payment.

Regarding paragraph 163 of the CPT Report

In order to strengthen the professional training of medical and sanitary personnel in the penitentiary system, in accordance with the provisions of OMJ no.3513/C/2020 on organizing and carrying out the professional training of prison police officers, ANP has identified and implemented sustainable solutions for continuing and enhancing professional training, including by using online training tools and through international cooperation, considering the lack of specialized trainers and existing budgetary constraints.

Thus, on the ANP's e-learning platform there are developed and made available to the medical staff (from central apparatus and subordinate units) several professional training modules with specific topics for medical activity in the penitentiary environment, of which:

- “Managing infectious-contagious diseases” - 303 final hits;
- “Management of patients under substitutive treatment with methadone” - 264 final hits;
- “Sterilizing medical instruments” - 273 final hits.

At the same time, ANP supports development of mentorship programs / job-shadowing and of means of transfer of professional expertise, dedicated to the specifics of medical activities carried out in the penitentiary system. To this end, both the newly employed medical and sanitary personnel and managers of prison-hospital units with limited managerial experience have been included in specific mentorship, guidance and professional support programs in order to facilitate professional integration, strengthening managerial competences and ensuring unitary practice in the penitentiary system.

In parallel, the ANP has developed in cooperation with the Council of Europe, within the projects dedicated to strengthening the provision of healthcare and the protection of human rights in closed institutions in Romania, facilitating the access of medical and sanitary personnel and of prison police officers to specialized training programs provided by international experts.

In this context, on 24-25 September 2025, in Iași, the “Mental Health for Inmates and Hospitalized Patients: Fundamental Rights and European Standards” training session was organized with medical personnel from the penitentiary system and from the public health system participating - its objectives being: expanding knowledge on mental health, fundamental rights and European standards applicable in closed institutions.

Also, ANP is a beneficiary / partner in the “Improving healthcare and human rights protection in closed institutions in Romania” project which is carried out by the Council of Europe

between January and December 2026 with the aim of aiding Romanian authorities in improving health services, including mental health in prisons and other closed institutions. Thus, for the duration of the project, 2 training sessions for medical nurses (Improving medical assistance and protection of human rights in closed institutions in Romania) will be organized, and 2 training sessions for psychiatrists (Pilot training course in forensic psychiatry) - a train-the-trainers course on mental health for medical and sanitary personnel in prisons. To date one training session for nurses (19-24 April 2026, in Bucharest) and one training session for psychiatrists (12-14 May 2026, in Sibiu) were carried out. At the same time, in the framework of strengthening institutional culture on human rights and preventing torture, ANP cooperated with the Council of Europe to facilitate prison police officers to HELP courses (Human Rights Education for Legal Professionals), developed in partnership with CPT Secretariate. In 2025 the program included two main training directions:

- “Mental Health and Human Rights” course for 30 people;
- “the Standards of the Committee for the Prevention of Torture (CPT)” course for 29 prison police officers.

The courses were online, on HELP platform of the Council of Europe, over 12 weeks, offering access to specialized educational resources and international expertise, considering the existing limitations of the specialized human resource and availability of funding for professional training.

At the same time, ANP joined the national efforts for strengthening the protection of human rights and mental health, by active participation in drafting the 2024-2029 Action Plan 2024-2029 on the execution of judgments of the European Court of Human Rights on mental health, approved by Memorandum in 2024, monitoring and supporting the implementation of the measures within its filed of competence.

Likewise, in the perspective of consolidating the vocational training system, ANP aims to strengthen, through the Norwegian Financial Mechanism, of projects dedicated to the development of professional training modules adapted to the specific needs of each category of jobs in the penitentiary system, including for personnel in the medical sector, focused on developing specialized competences needed for activities carried out in the custody environment. Moreover, within the project “WOMENRISE - Opportunity for Medicine, Education and support for Reintegration and Fair Social Inclusion” (MFN 2021-2028), whose primary objective is improving physical and mental health, improving personal development and the capacity for social reintegration of women deprived of liberty, through integrated interventions for psychosocial reintegration, sanitary education, vocational counselling, professional training for prison personnel and modernizing the dedicated medical

infrastructure, aims to professional training of medical and sanitary personnel, including nurses, by their participation in courses for complementary studies certificates, courses for continuous medical education and scientific events related to psychiatry specialty.

Regarding paragraph 164 of the CPT Report

The participation of MoJ, through ANP, as partner, along Ministry of Health, in running the Project financed by the Council of Europe - “Strengthening medical and mental health services in prisons in Romania”, and “Continuing strengthening providing healthcare and psychiatric care in prisons and other closed institutions in Romania”, contributed to improving medical assistance and psychiatric care services provided in prisons in Romania, in accordance with international recommendations.

One of the reference activities in the project aimed at drafting a Strategy on Human Resources for attracting medical personnel to work in the prison system, which was presented to ANP in July 2023. In 2024 the Strategy and Action Plan on organizing mental health in prison system was finalized in the project.

According to the Strategy on human resources, the standardization of activities of specialists in the prison system and uniformization of cooperation with the medical institutions of the community is carried out by:

- Taking steps in cooperation with the Psychiatry and Forensic Medicine Commissions of the Ministry of Health, for obtaining specialization certificates in forensic psychiatry and exploring good practices at European level, where psychiatric associations also have a forensic psychiatry component;
- Developing efficient protocols for cooperation between Ministry of Justice and Ministry of Health on psychiatric legislation;
- Measures to prevent burn-out and psychic exhaustion of personnel in the prison system by retaining and increasing the number of employees, evaluating the level of professional satisfaction and steps for intervention in psycho-social / occupational health;
- Developing services standards for psychiatric assistance given to persons deprived of liberty, observing patient confidentiality,
- Developing, in interinstitutional cooperation, of a set of instructions on prisoners’ routes in the network of specialized services and actual implementation of specialized interventions.

In the working groups organized in the Project financed by the Council of Europe, which started activity in May-July 2025, several universities in Romania interested in accrediting the

forensic psychiatry component have been identified. In 2026 will take place the first training as a pilot program.

To attract medical personnel, three events to promote career opportunities in prison system have been organized, addressed to medical students, in cooperation with “Grigore T. Popa” Medicine and Pharmacy University in Iași and with Socola Institute of Psychiatry in Iași (May 2025), with “Victor Babeș” Medicine and Pharmacy University in Timișoara (November 2025) și with “Lucian Blaga” University in Sibiu (December 2025).

Regarding paragraph 166 of the CPT Report

With regard to the transport means available to Iași Prison, concrete measures were undertaken in 2025 to address the deficiencies identified in the transport of persons deprived of liberty and to strengthen the institution’s logistical capacity. In this context, Iași Prison was additionally equipped with three special-purpose vehicles intended for the transport of persons deprived of liberty, with capacities of 16, 22 and 44 seats, respectively.

These investments seek improving availability of transport means and reducing the risk of rescheduling external medical consultations, including in the context of prioritizing other operative activities, such as presence in courts.

The administration of the place of detention permanently analyses means of optimization of planning the missions in order to ensure a balance between judicial obligations and the need to guarantee access to health care, in accordance with applicable standards.

Regarding the situation reported at Botoșani Penitentiary, we consider that the implementation of the measures envisaged at point 148, regarding the supplementation of personnel resources and the streamlining of operational activities, will directly contribute to reducing the observed dysfunctions, including with regard to ensuring the escort of persons deprived of their liberty to external medical consultations.

These acquisitions are meant to increase operational transport capacity and ensure an adequate flow for both court appearances and external medical appointments, so as to avoid overlapping requests and cancellation of medical consultations.

Through these measures, the transport capacity of the unit has been significantly improved, which contributes to reducing the risk of rescheduling medical consultations and ensuring effective access of persons deprived of liberty to specialized medical services, in accordance with applicable standards.

This confirms the interest given to this aspect by the National Penitentiary Administration, recalling that in 2025, no less than 63 special purpose vehicles were purchased for the transport of prisoners, as follows:

- 39 special purpose vehicles for transporting persons deprived of liberty with a capacity of 16 seats;
- 16 special purpose vehicles for transporting persons deprived of liberty with a capacity of 22 seats;
- 8 special purpose vehicles for transporting persons deprived of liberty with a capacity of 44 seats;

the beneficiary units also include those that were the subject of the committee's visits.

Regarding paragraph 167 of the CPT Report

Considering the recommendation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), following the visit to Romania between May 10-21, 2021, that prisoners should be able to directly address medical personnel with a request, the National Penitentiary Administration conducted an analysis of this approach in March 2025. The conclusions of the aforementioned analysis highlighted that, in all places of detention, persons deprived of liberty have unrestricted access to integrated electronic devices to formulate requests directly addressed to medical personnel, including for the provision of medical consultations.

Specifically, between 01.01.2025 and 24.04.2026, 9,530 requests were registered in the online system, through which persons deprived of liberty requested to appear at the medical office to receive a consultation.

As was also noted by the CPT delegation, this represents a significant improvement that already allows for the exclusion of the need to request supervisory (operational) personnel to accompany persons deprived of liberty to the medical office.

Regarding paragraph 168 of the CPT Report

In continuation of steps already taken, including equipping all units with defibrillators and training staff in their use, a centralized procurement for portable electrocardiograph (ECG) equipment was initiated in 2025.

To this end, a framework agreement has been concluded that allows penitentiary units to purchase such equipment until 2028, depending on the needs identified at local level. This measure aims to ensure the availability of ECG equipment at the level of medical units in

penitentiaries, contributing to increasing the diagnostic and intervention capacity in emergency situations.

According to the provisions of the Decision No 1017 of 14.10.2021 of the Director General of the National Penitentiary Administration for the approval of the standard regarding the arrangement and endowment with medical equipment and devices of the medical offices in the penitentiary system, the minimum mandatory equipment for Family Medicine medical offices in penitentiaries does not include a nebulizer and an oxygen concentrator. The use of a nebulizer and an oxygen concentrator is recommended for patients with chronic lung diseases such as asthma or COPD, the justification for equipping the medical office with such medical equipment being based on the need to ensure patients' access to a nebulizer and an oxygen concentrator according to the recommendations received from specialized doctors.

Moreover, for patients with chronic pulmonary conditions who are at risk of decompensation due to decreased oxygen saturation, they are admitted to prison hospitals or hospitals in the public healthcare network, either by prior appointment or on an emergency basis.

At the same time, according to the provisions of the *Framework Contract*²⁸, oxygen therapy equipment (oxygen concentrator) are medical devices reimbursed by the National Health Insurance House that can be made available to the patient by one of the providers from the list of evaluated medical device providers, with whom the health insurance house has concluded a contract, based on the decision issued by the health insurance house, the medical prescription, and the national social health insurance card/identity card.

Thus, according to the needs identified at each unit, the process of purchasing the nebulizers necessary to equip penitentiary units will be centralized and documented.

Regarding paragraph 173 of the CPT Report

In the first semester of 2024, the Romanian Government approved, by a Memorandum, a strategic document, 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*. The action plan aims to develop medical and social services in the community and psychiatric medical

²⁸ Government Decision No. 521/2023 for the approval of service packages and the Framework Contract regulating the conditions for the provision of medical assistance, medicines and medical devices, within the social health insurance system, with further amendments and supplements and Order No. 1857/441/2023 of the Minister of Health and of the President of the National Health Insurance House regarding the approval of the Methodological Norms for the application of Government Decision No. 521/2023 for the approval of service packages and the Framework Contract regulating the conditions for the provision of medical assistance, medicines and medical devices, within the social health insurance system, with further amendments and supplements.

services at the community level, by developing outpatient structures, modernizing, streamlining and expanding them. It also provides for measures to improve the material conditions of accommodation and other infrastructure elements, including in the penitentiary system.

In April 2026, the first session of the specialization course in medical assistance, mental health field, was held within the project financed with the support of the Council of Europe. The course is structured in two sessions and addresses topics of major interest for medical practice in the custodial environment, as follows: promoting mental well-being, identifying and managing mental disorders, the impact of trauma and loss, assessing and planning care, developing the therapeutic relationship, specific interventions, as well as assessing and managing risks and is addressed to both nurses in the penitentiary administration system and civil psychiatric health units, including those that manage safety measures.

Regarding paragraph 174 of the CPT Report

Considering the attributions of the Medical Supervision Directorate on coordination, monitoring and verification of medical activity in the penitentiary administration system, and according to the explanatory note No.47377/DSM/DSDRP/DRS of 14.10.2024, as of 25 October 2024 a process of populating the sections intended for prisoners with serious mental disorders of commenced.

Given the large number of prisoners diagnosed with mental illnesses in custody of units subordinated to the National Penitentiary Administration, the following inclusion criteria (transparent, objective diagnoses and based on written evidence) were identified at the level of the Medical Supervision Directorate, which condition accommodation in the sections intended for prisoners with serious mental disorders:

1. Mood disorders:

- Single depressive episode (mild/moderate);
- Recurrent depressive disorder - current mild/moderate episode;
- Persistent autolytic ideation, detected during psychiatric evaluation in the unit and by the psychologist, undergoing psychiatric treatment, compensated, compliant;
- Manic episode compensated and compliant with treatment or in the early phase of relapse or after discharge from the penitentiary hospital until symptomatic improvement is achieved;

- Bipolar affective disorder with hypomanic episode and mild manic episode compensated with therapy, compensated mixed episode, compensated depressive episode;
- Generalized anxiety disorder without other associated comorbidities.

2. Psychoses:

- Recently diagnosed schizophreniform disorder;
- Paranoid schizophrenia, compensated and compliant under treatment;
- Undifferentiated schizophrenia, compensated and compliant under treatment;
- Persistent delusional disorder, compensated and compliant under treatment or post-discharge from the penitentiary hospital;

3. Moderate mental retardation, compensated and compliant;

4. Disorders caused by substance use:

- Ethanol: chronic users identified at the time of admission to prison, sober / weaned, compliant with treatment with sporadic decompensations in the sphere of affectivity and will;
- Drugs: former substance users (polydrug users) under TSS, compensated and compliant, with sporadic decompensations in the sphere of affectivity and will.

5. Dementia

- Deteriorating syndrome (pre-dementia);
- Mild Alzheimer's dementia, with initiated antidementia therapy, compensated and compliant;
- Vascular dementia without significant motor deficits, with associated psychiatric and somatic treatment;
- Mixed dementia, compensated organically and mentally.

6. Persons deprived of liberty under the incidence of art. 109 of the Criminal Code, compensated and compliant;

7. Persons with a history of self-harm in the past, currently compensated.

When analyzing the opportunity for transfer to sections intended for prisoners with serious mental disorders, **the risk** posed by the person deprived of liberty or **the state of vulnerability** will also be taken into account, being essential factors in preventing the occurrence of negative events with a significant impact on the safety of places of detention.

When analyzing the transfer proposal to sections intended for prisoners with serious mental disorders, the Medical Supervision Directorate will take into account the available places, establishing the priority of implementing the transfer provisions, by maintaining contact with the medical staff of the source and destination units.

The Medical Supervision Directorate, based on the documents provided by the unit, will assess the inclusion/non-inclusion in the specialized monitoring program for persons deprived of liberty with serious mental disorders. The specialized evaluation will be carried out by a psychiatrist designated for this purpose.

Furthermore, the following exclusion criteria (transparent, objective diagnoses and based on written evidence) were identified at the level of the Medical Supervision Directorate:

1. Severe depressive episode with psychotic elements;
2. Suicide attempt and previous suicide attempts;
3. Severe manic episode/Manic rage;
4. Acute psychotic episode:
 - iatrogenic
 - induced by organic causes
 - induced by substances
5. Decompensated paranoid schizophrenia;
6. Catatonic schizophrenia;
7. Moderate and severe mental retard with behavioral disorders;
8. Substance use disorders: acute intoxication/withdrawal from ethanol and psychoactive substances;
9. Dementias with associated significant organic pathology;
10. Psychotic and dysbehavioral decompensated personality disorders;
11. Organic personality disorder, organic decompensated;

Persons deprived of liberty under the incidence of Art. 109 of the Criminal Code, decompensated and non-compliant with treatment.

Regarding paragraph 175 of the CPT Report

Considering the recommendation made, at the level of the psychiatric ward of the Botoșani Penitentiary, an immediate measure has already been taken to remedy the deficiency found, by placing a refrigerator in the ward's hallway, intended for use by the detainees.

At the same time, the penitentiary unit is considering continuing the steps to improve the conditions of detention, so that three more refrigerators are purchased and placed. This measure will allow each ward to be equipped with its own equipment for storing perishable food, thus ensuring fair treatment in relation to the other departments of the unit and alignment with the recommended standards.

Regarding paragraph 177 of the CPT Report

In order to strengthen interventions for persons deprived of liberty with specific needs, in 2025, the **Activity Project for the customization of social reintegration efforts and the diversification of occupational therapy activities carried out in hospital prisons** was developed. The project aims to improve the physical and mental health, raising the level of functionality and autonomy, as well as support the emotional balance of prisoners, through integrated occupational therapy interventions. The target group is represented by persons deprived of liberty admitted to hospital prisons, who present chronic somatic conditions and/or mental disorders, the project can also be implemented at the level of other penitentiary units or educational/detention centers, if eligible cases are identified.

The National Penitentiary Administration is a beneficiary/partner in the project "*Improving healthcare and human rights protection in closed institutions in Romania*", managed by the Council of Europe between January and December 2026, its purpose being to support the Romanian authorities in improving health services, including mental health services in penitentiaries and other closed institutions. Thus, during the project, 2 training sessions will be organized for nurses and 2 training sessions for psychiatrists (*Pilot training course in forensic psychiatry*) aiming at a training program on mental health care so that course participants can train medical and healthcare staff in penitentiary units.

The National Penitentiary Administration is also a project promoter within the project "WOMENRISE (Women on the Rise) - Opportunity for Medicine, Education and Support for Equitable Social Reintegration and Inclusion", managed through the Norwegian Financial Mechanism 2021-2028. The main objective of the project is to improve the physical and mental health, personal development and social reintegration capacity of women deprived of

liberty, through integrated psychosocial support interventions, health education, vocational counseling, professional training of prison staff and the modernization of dedicated medical infrastructure. Thus, the professional training of medical and health personnel, including nurses, is envisaged through their participation in courses for complementary study certificates, continuing medical education courses and scientific events related to the specialty of *Psychiatry*.

Regarding paragraph 179 of the CPT Report

For the purpose of medical evaluation upon admission to the detention facility and during the quarantine and observation period, the following are performed upon the physician's recommendation: collection of samples for laboratory analysis, screening and diagnostic tests, vaccinations, and specialized clinical and paraclinical medical examinations, so that, within no more than 21 days of admission, the individual's health status and needs for medical care and dietary requirement are determined, in accordance with Article 14, paragraph (1) of Order No. 4858/C/3363/2022 regarding the provision of medical care, treatment, and nursing care to persons deprived of liberty held in detention facilities under the authority of the National Penitentiary Administration. Thus, given that testing for HIV, HBV, and HCV infection is not part of the mandatory tests conducted upon admission, such tests are recommended for persons deprived of liberty, as needed, only following a medical evaluation conducted by the detention facility's physician or other medical specialists. At the same time, unlike airborne infectious diseases, transmission of HIV, HBV, and HCV occurs parenterally; therefore, by adhering to universal precautions, the risk of contamination should be minimal.

However, in order to maintain and promote the health of the prison population, as part of the preventive measures in the area of healthcare for incarcerated persons, we note the expansion of screening programs to increase access to treatment for incarcerated persons infected with HIV, HBV, and HCV, and to reduce complications caused by these infections. Thus, in 2025, a series of activities were carried out under Cooperation Protocol No. 40733/2423 of August 25, 2025, concluded with HEALTH THROUGH WALLS INC. Association and Vis JUVENTUM Association, under which the project "Strengthening and Innovating Health Systems in Romania. Integration of Medical Services and Expansion of Treatment and Prevention of Infectious Diseases within the Penitentiary System," with the aim of screening for HIV, Hepatitis B, Hepatitis C, and syphilis. These activities will continue throughout 2026.

Persons deprived of liberty benefit from all national vaccination prevention programs administered by the Ministry of Health; therefore, when vaccination campaigns against hepatitis B are conducted, persons deprived of their liberty will also be included among the beneficiaries.

Regarding paragraph 181 of the CPT Report

In accordance with provisions of Section 2 of OMJ /OMS no.4858/2022, of article 162 of GD 157/2016 and of article 72 of Law no.254/2013, persons deprived of liberty newly admitted are medically examined, and should marks of violence be found, they are noted in the Medical chart and in the Register on traumatic marks, and the doctor notifies the prosecutor and informs the warden, and a forensic medical examination or evaluation is conducted (at the request of and with the consent of the person deprived of liberty).

Furthermore, in accordance with the provisions of Section 2 of OMJ/OMS 4858/2022, newly admitted female persons deprived of liberty undergo a gynecological examination, and their obstetric status is determined. Furthermore, following the general medical evaluation upon admission, in conjunction with the patient's medical history, if the detention facility's physician deems it necessary to conduct laboratory tests and/or specialty consultations, as well as hospitalization, detained persons are guaranteed access to medical services within the facility's own healthcare network or the public healthcare system.

With regard to sexual abuse, we would like to clarify that Romania's forensic medicine network (institutes and services) is responsible for providing objective evidence regarding cases of sexual abuse from a physical/organic standpoint. However, from a psycho-emotional standpoint, pursuant to the provisions of Article 89 of Law 254/2013, upon admission, persons deprived of liberty undergo a multidisciplinary assessment from educational, psychological, and social perspectives, and based on the conclusions of this assessment, an *Individualized Plan for educational and therapeutic assessment and intervention* is drawn up, taking into account the priority intervention needs and in consultation with the convicted person.

Regarding paragraph 185 of the CPT Report

Current legislation, namely Law 254/2013, Government Decision 157/2016, and OMJ/OMS 4858/2022, sets forth provisions regarding the documentation and reporting of traumatic injuries and signs of physical violence [persons deprived of liberty undergo a medical examination, and if signs of violence are found, they are recorded in the Medical chart and in the Register of Traumatic Marks, and the physician notifies the prosecutor and informs the prison warden, with a forensic medical examination/assessment to be conducted (at the request and with the consent of the person deprived of liberty)], and it is the obligation of every penitentiary police officer to know the applicable legislation in this area. Accordingly, the ANP will retrain medical and healthcare staff on the need to comply with legal provisions regarding the documentation and reporting of traumatic injuries and signs of physical violence.

The thematic plans for vocational training programs aimed at entry-level prison officers in the medical sector - general medical assistants cover topics such as admission to prison and the medical examination upon admission, medical and surgical emergencies, medical care in specific situations (self-harm or harm to others, refusal to eat, etc.), as well as first aid measures. At the same time, the CPT's recommendations regarding the documentation and reporting of injuries will be taken into account in the process of updating and developing the training content related to these topics.

Regarding paragraph 186 of the CPT Report

Current legislation, specifically OMJ 2188/2022, Annex 33 the Medical Record of a Person Deprived of Liberty in the Custody of the ANP, which includes fields regarding medical history, personal medical history, and family medical history, as well as fields organized by organs and systems; and at the end there is a section for medical conclusions, so that, based on the findings, the physician can determine the need for hospitalization/ specialized consultations/ or paraclinical investigations necessary to establish a diagnosis of the individual's health status.

At the same time, Annex 33, Sections 10 and 11, contain the note of findings (and notifications) documenting bodily injuries / acts of violence that affect the physical integrity of the person deprived of liberty; these include fields in which the person deprived of liberty provides a written statement regarding their current state of health (which is the cause of the observed injuries), as well as an anatomical sketch of the observed injuries. We note that the ANP cannot assume the jurisdiction of Romania's forensic medicine network or criminal investigation authorities, which are authorized to document cases of homicide, bodily injury, rape, and other crimes by photographing the injuries, in conjunction with the fact that the Report on the finding of bodily injuries/ violence affecting the bodily integrity of a person deprived of liberty is based on the provisions of the protocols for the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman, and/or Degrading Treatment or Punishment, developed by the United Nations (the Istanbul Protocol and the Minnesota Protocol).

The ANP will take steps to provide retraining for medical and healthcare personnel on how to complete the *medical chart* correctly and in full.

To the extent deemed necessary, the possibility of supplementing the specific annex contained in Order of the Minister of Justice No. 2188/2022 approving the Instructions on the nominal and statistical record-keeping of persons deprived of liberty upon admission, the enforcement of custodial sentences and measures, the determination and modification of the regime of sentence enforcement, release, and the service of procedural documents, in order

to expressly address the issues raised in the CPT's recommendation. Such an amendment will also address the procedures for documenting injuries and preparing medical reports following medical examinations, as well as situations where the person examined is a minor admitted in educational centers or detention centers, given that the recommendation in paragraph 256 refers to those mentioned in paragraph 186.

Regarding paragraph 187 of the CPT Report

Concerning the record-keeping in medical practice, particularly in primary health care, the use of registers in Family medicine offices and the introduction of the provided services into the SIUI platform are regulated by national law. However, as IMSWeb IT application for recording persons deprived of liberty includes fields for the MEDICAL sector, a gradual transition from paper-based records to electronic records is envisaged, in line with the relevant national regulations.

Currently, in accordance with Oder no. 4858/2022 of Minister of Justice /Minister of Health, the following registers are in use:

1. The register of consultations for newly admitted persons;
2. Register of marks of trauma (in accordance with the recommendations of the United Nations Office on documenting torture and other cruel, inhuman or degrading treatment);
3. Consultation and treatment register;
4. Single register for vaccination;
5. Register of chronically ill patients;
6. Register of injectable treatments and bandages;
7. Register of prescribed treatments;
8. Register of health education activities;
9. Register of psychiatric treatment administration;
10. Register of prescriptions and treatment administration for chronic conditions;
11. Register of admissions to the infirmary;
12. Register of food refusals;
13. Register of consultations upon discharge;
14. Register of hygiene and health findings;

15. Register of food organoleptic properties.

There are also other types of registers in accordance with the medical legislation in force, specific to the prison system.

ANP will take steps to assess the necessity to maintain or remove the above-mentioned registers in accordance with the provisions of the relevant national health legislation.

Regarding paragraph 191 of the CPT Report

Inmates are entitled to medical consultations in conditions of confidentiality, with respect for the therapeutic relationship between the medical staff and the patient. Thus, article 72, paragraph (3) of Law No.254/2013 states that “the medical examination is carried out in conditions of confidentiality, with safety measures ensured”. The norm is also prescribed for in article 159, para (6) of the Regulation for application of Law No.254/2013, which states that “the medical examination is carried out in conditions of confidentiality and intimacy of the detainee”. The right to confidentiality of medical information is also prescribed for in Law No.46/2003 on the patients’ rights, further amended and supplemented.

In most cases, consultations take place exclusively in the presence of medical staff, without the involvement of supervisory staff, and there is generally an appropriate professional and therapeutic relationship between the physician and the detainee.

The presence of detention security and prison regime staff is required only in exceptional circumstances, namely when an inmate poses a high risk to the safety of the medical staff, other detainees or prison staff. In such cases, the role of the security staff is solely to ensure the order and safety, without intervening in or influencing in any way the medical procedure or the physician-patient relationship. At the same time, there are measures for protecting the patient’s privacy and dignity, including by positioning the security staff in such a way as to limit their exposure to confidential medical information.

Furthermore, there have been no cases of operational staff exerting pressure on medical staff or requesting that medical consultations should be conducted in their presence, except in cases justified by objective safety considerations.

The presence of operational staff is required only in exceptional circumstances and only with the consent of or at the request of the medical staff, when the person deprived of liberty displays aggressive behavior, present and aggressive potential or a concrete risk for the safety of medical personnel, of other persons deprived of liberty or penitentiary staff, as well as in cases when the detainee is in a seriously agitated state which can lead to operative incidents. In such cases, the role of supervisory staff is exclusively to ensure the order and safety,

without intervening in or influencing in any way the medical procedure or the physician-patient relationship.

Regarding paragraph 193 of the CPT Report

In order to diversify and adjust recovery interventions for former drug users, work on developing a **support group program/project for drug-using prisoners** began in 2026. The program aims at mitigating the impact of addiction, supporting the recovery process and developing adaptive coping strategies.

Furthermore, ANP contributes to implementing the Joint Action Plan for preventing and combatting the use of drugs and of other psychoactive substances - a major risk to individual and national security.

In the context of the recommendations on integrated approach to the use of drugs in penitentiaries, in 2025 measures aimed at providing assistance services, prevention of consumption, and training staff were taken.

Consequently, there were 1,675 participations in psychological counselling sessions and 2,436 participations in the program on addictive behaviors. At the same time, 136 activities (projects/campaigns/information and awareness-raising initiatives for inmates) were performed, with 40,298 beneficiaries (inmates, pupils and teaching staff). Furthermore, 503 information and training activities were organized for the staff working with drug users, with 5,756 beneficiaries.

The implemented measures contribute to identifying and engaging drug users, facilitating access to treatment and developing intervention capacity of the prison system.

In the context of implementing 2025-2029 Strategy on Preventing Recidivism, the Romanian Police, through the Institute for Crime Research and Prevention, has implemented nationwide, through its regional units, program and campaigns on **preventing drug trafficking, violence, school dropout and the victimization of minors, discrimination and victimization in the digital environment**.

In parallel with the Institute for Crime Research and Prevention activities, the **School Safety Directorate** (through its School Safety Offices) has performed local awareness-raising activities on the consequences of stigmatization and projects and campaigns targeting vulnerable groups at risk of criminal behavior.

Furthermore, as part of the previous strategic framework (2020-2024), *the Methodology for Inter-institutional Interventions to Facilitate the Social Reintegration of Persons Serving a Sentence or a Custodial Measure and of Released Persons* was developed. It includes the procedure for referring inmates with a history of psychoactive substance use to specialized

services. To ensure the continuity of community-based interventions, detainees who are about to be conditionally released are referred to the regional center for drug prevention, assessment and counselling and, where appropriate, other available and necessary service providers are informed, depending on the identified needs.

To ensure the continuity of specialist support, social workers inform the inmates participating in the Prolib Program of the possibility to access post-release services.

Regarding paragraph 194 of the CPT Report

Newly admitted prisoners diagnosed with HIV and currently on antiretroviral treatment should enter the prison with their antiretroviral medication for two reasons. First, obtaining the treatment was each patient's individual responsibility when they were free and secondly, antiretroviral treatment is dispensed monthly or quarterly through the national network of specialist centers (in the case of Bucharest: "Dr. Victor Babeș" Clinical Hospital for Infectious and Tropical Diseases and the "Prof. Dr Matei Balș" National Institute of Infectious Diseases). Following admission to prison, steps are taken to schedule appointments for the inmates in question at the specialized centers, with confirmation of the appointment, subject to availability, given that the number of centers is limited and that the general public is also scheduled at these centers.

However, in order to avoid any interruption in antiretroviral treatment, a system-wide review is being considered so that inmates can be transferred immediately after receiving their medication, ensuring there is sufficient time until the prescription for the following month is issued.

Regarding paragraph 197 of the CPT Report

In accordance with the provisions of the Law No.46/2003 on Patient Rights and OMJ/OMS No. 4858/2022, the patient's medical data is confidential. Currently, the abbreviation CVMC corresponds to the term 'Medically Surgically Vulnerable Case', and its use in practice is necessary, as it does not clearly specify the patient's condition but draws attention to the patient's potential medical or surgical vulnerability, with the aim of protecting both the patient and the accompanying/ supervising staff, similar to universal precautions. We consider that the use of this phrase does not constitute a breach of confidentiality. The provided information is limited to that necessary to prevent a serious risk to the detained person or others; no diagnoses are mentioned, and the Law on Patient Rights is not breached. Furthermore, inmates' medical records are handed over to other departments in sealed envelopes, and cannot be examined by non-medical staff.

Regarding paragraph 198 of the CPT Report

In accordance with the provisions of Article 6 (1) of Law no 254/2013 on execution of custodial sentences and measures depriving of liberty issued by the judicial authorities during criminal trials, as subsequently amended and supplemented, “during the execution of sentences and measures depriving of liberty any form of discrimination based on race, nationality, ethnicity, language, religion, gender, sexual orientation, political opinion or affiliation, wealth, social origin, age, disability, chronic non-contagious illness, HIV/AIDS or on other grounds of a similar nature is forbidden”. Thus, access to education, psychological support and social work services is guaranteed and provided to all persons in detention, according to their identified needs and risks.

Persons deprived of liberty for whom there is a suspicion of HIV infection receive pre- and post-test counselling for HIV/AIDS, in accordance with the provisions of *Decision No. 551 of 11 October 2019 of the Director General of the National Administration of Penitentiaries approving the Model for Supportive Psychological Counselling and the Model for Specific Psychological Counselling*.

In order to accommodate inmates diagnosed with HIV/AIDS, special areas have been designated for medically and socially vulnerable individuals by decision of the Director General of the National Administration of Penitentiaries on profiling prison units.

Regarding paragraph 204 of the CPT Report

On the matter of means to immobilize persons deprived of liberty, we specify that the criminal enforcement legislation remains unchanged. Thus, the cases, mechanisms and procedure of using means of immobilization, procedure of documenting, as well as specific guarantees are regulated exhaustively and according to human rights standards. All these aspects are regulated by Law No.254/2013 and further developed in subsequent legislation, particularly in articles 332-344 of Order No.4800/2018 of the Minister of Justice for approving the Regulation on safety of detention places under ANP, further amended and supplemented.

According to article 267 of the Criminal Code (failure to notify), “*The act of a public servant [note: which includes prison police officers, colleagues or superiors to the person committing an abuse] who, becoming aware of the perpetration of a offense provided for in the criminal laws in connection with the service where he/she works, fails to immediately notify the criminal prosecution authority, shall be punishable by no less than 3 months and no more than 3 years of imprisonment or by a fine.*”

In this context we recall the relevant provisions on using means of restraint. Provisions of article 342 of OMJ 4800/2018 include the principles of using immobilization means:

- a) The principle of legality - any measure taken to maintain order and discipline must be in accordance with the legal provisions in force;
- b) The principle of security - maintaining order and discipline in prisons is absolutely necessary for the performance of guard, escort, and surveillance duties, both inside and outside the detention facility;
- c) The principle of proportionality in the use of force - physical force and the use of equipment shall be employed only if the unlawful actions of the person deprived of liberty cannot be stopped by other nonviolent means;
- d) The principle of graduality - requires staff to use means and techniques of restraint and control progressively;
- e) The principle of no surprise - requires prior warning and notification regarding the imminent use of force and equipment, ensuring sufficient time for the cessation of unlawful actions;
- f) The principle of minimal risk - consists of selecting the most appropriate means of intervention to avoid bodily harm;
- g) The principle of protecting human life - requires providing first aid in the event of bodily harm or injury to health, as well as refraining from the use of unjustified violence.

At the same time, the provisions of Articles 334 and 335 of the same act stipulate the following:

“Article 334.

(1) The proportionality of the use of intervention and restraint procedures is a factual matter and shall be interpreted on a case-by-case basis, taking into account the action itself in light of the circumstances.

(2) The factors to be taken into account when assessing proportionality are:

- a) the number, physical dimensions, age, and sex of the person deprived of liberty in relation to those of the personnel involved in the use of force;
- b) the presence or absence of weapons of any kind at the scene of the incident;
- c) the time, place, or other relevant factors.

Art. 335.

- (1) In assessing the necessity of using intervention and immobilization procedures, consideration shall be given to the harm that a staff member is attempting to prevent and to the consequences of the person deprived of liberty's actions that do not comply with the legal instructions received.
- (2) The harm that a staff member seeks to prevent may involve one of the following risks:
 - a) harm to the life, physical integrity, or health of the staff member or others;
 - b) damage to property;
 - c) disruption of public order and peace.”

At the penitentiary units level, professional training activities are conducted periodically and systematically for operational staff, which include courses focused on developing interpersonal communication skills, managing tense situations, and using verbal techniques to defuse conflicts. These activities aim to strengthen staff capacity to prevent the escalation of conflictual behavior and to identify appropriate intervention strategies, prioritizing non-coercive methods.

At the same time, operational staff regularly participate in theoretical and practical training sessions on the gradual, necessary, and proportionate application of control techniques and means of immobilizing, in accordance with applicable legal and procedural provisions.

The professional training process aims both to teach the tactical aspects specific to intervention and to ensure knowing of the legal limits on the use of force, the principles of necessity and proportionality, as well as the obligations regarding the protection of the physical and mental integrity of persons deprived of liberty.

To ensure the uniform application and conformity of these measures throughout the prison system, the National Prison Administration monitors and verifies situations in which immobilizing techniques or devices are used.

Thus, when such incidents occur, correctional facilities are required to submit documentation regarding the interventions carried out, as well as video footage captured by video surveillance systems, in order to analyze staff conduct and verify compliance with the applicable legal and procedural framework.

These verification and monitoring activities enable the assessment of the compliance of the measures taken, the identification of any procedural vulnerabilities, and the adoption of necessary measures to improve institutional practices, including through the dissemination of the resulting conclusions and the adaptation of professional training activities.

The National Prison Administration continues its efforts to strengthen the professional standards applicable to staff in the prison system by continuously updating training activities

and promoting an approach focused on incident prevention, the proportionate management of operational situations, and respect for the rights of persons deprived of liberty, in accordance with the recommendations of European monitoring bodies.

Regarding paragraph 206 of the CPT Report

The criminal enforcement legislative framework provides for a series of mechanisms designed to protect the life, physical integrity, and psycho-behavioral well-being of persons deprived of liberty, including through the implementation of temporary placement in a protective cell.

Thus, according to the relevant regulatory provisions, the director of the detention facility may order the placement of a person deprived of liberty in a protective cell, based on a report submitted by staff directly involved in working with that person, in situations where an imminent danger is identified that could result in events affecting the life, physical integrity, or safety of persons and property within the prison environment.

This measure may be ordered in cases where there is a risk of self-harm or suicide, of assaulting others when separation is not possible, as well as in situations involving the destruction of property or a serious disturbance of internal order.

Placement in an isolation room is a temporary measure, ordered for a maximum period of 24 hours, and is accompanied by procedural and medical safeguards designed to ensure respect for the rights of the person deprived of liberty and continuous monitoring of their condition. While this measure is in effect, the person deprived of liberty receives psychological counselling, and medical staff are required to monitor and assess their condition whenever necessary, but no less than once every 4 hours. At the same time, before the 24-hour period expires, the physician and psychologist produce a joint report on the person's medical condition, behavior, and conclusions regarding their psycho-behavioral state; this document is submitted to the prison warden so that appropriate measures may be ordered.

In addition, the staff assigned to the supervision unit monitor the individuals housed in the isolation room by observing their physical and mental condition and by informing decision-makers of any changes in behavior or the risk of incidents occurring.

In all situations where a person deprived of liberty exhibits psychomotor agitation or behavior that requires a specialized medical evaluation, and the medical staff determines that further investigations or care in an appropriate medical setting is necessary, the person is transferred to a healthcare facility within the national public health system or to a prison hospital for evaluation and to receive the necessary medical care.

The use of mechanical immobilization is not standard practice in the prison system and is not a measure routinely applied to manage aggressive behavior among inmates.

This measure may be ordered exclusively in exceptional situations, as a last resort, when all other steps and measures applied progressively within the detention facility have failed to restore order or mitigate the existing risk.

In such situations, the measure is used strictly to protect the life and physical integrity of the person involved, other detainees, or staff, as well as to prevent major damage.

It is carried out in a room where no other detainees are housed, for a limited period of time, and under the constant supervision of medical and correctional staff, in accordance with the principles of necessity, proportionality, and individualization of the measure.

Regarding paragraph 207 of the CPT Report

The procedure for disciplinary investigations of prisoners is set out in the main legislative acts, such as the Law on enforcing sentences and the regulation for implementing it. Prisoners' right to defense is guaranteed throughout their prison sentence, both in judicial proceedings and in disciplinary or administrative proceedings. To ensure the legality of the disciplinary measures and the disciplinary investigations, the penal enforcement legislation in force provides two ways for complaining against the disciplinary sanction decisions. Firstly, inmates can lodge a complaint with the surveillance judge, who works within the prison and subsequently, they can make an appeal against the judge's decision at the competent first court instance having territorial jurisdiction over the location of the prison. The complaint suspends the enforcement of the disciplinary sanctions. How the disciplinary procedure is regulated and the possibility of complaining against the decisions of disciplinary sanctions guarantee inmates' right to defend themselves and, consequently, eliminate any suspicion of abuse.

Currently, the procedure does not provide that the prisoner is handed a copy of the summary report on the investigation of the disciplinary incident prior to its consideration by the disciplinary committee. Such a requirement should be assessed in terms of its usefulness, as during the disciplinary investigation prisoners are guaranteed by law to be able to submit evidence and later on the documents are part of the individual file to which inmates have access.

The assigned person or persons shall inform the prisoner of the reason for initiating the disciplinary proceedings and of the fact that they may propose the submission of evidence.

The disciplinary committee actually notes that a disciplinary offence has been committed, imposing a disciplinary sanction. Consequently, handing the prisoner a copy of the summary report on investigating the disciplinary incident prior to its consideration by the disciplinary

committee may undermine the procedure, as it is the disciplinary committee who takes the final decision, not the person conducting the disciplinary investigation.

The additional costs generated by such a new measure must also be taken into account, given that the number of incident reports investigated annually at national level is high (18,384 incident reports drawn up in 2025).

Regarding paragraph 208 of the CPT Report

The National Administration of Penitentiaries will seek to implement this recommendation when drafting new draft amendments to the law on the execution of sentences. However, it should be pointed out that the current regulation of disciplinary proceedings was not intended to affect the doctor-patient relationship, but was intended to put in place safeguards to ensure that the medical situation of prisoners would not be affected by the application of the disciplinary measure of confinement for a maximum of 10 days.

Regarding paragraph 209-212 of the CPT Report

The National Prison Administration responded pre-emptively and proactively by promoting, at the end of 2023, a legislative amendment stipulating that *persons deprived of liberty who have been diagnosed with mental disorders likely to lead to self-harming behavior cannot be punished for acts of self-mutilation*. In promoting this legislative amendment, the CPT's recommendations—formulated following previous visits (the 2018 and 2021 missions)—were taken into account.

Specifically, Government Decision No. 850/2023 was published in the Official Gazette of Romania, Part I, No. 849/20 September 2023, amending and supplementing the Regulation implementing Law No. 254/2013 on the enforcement of sentences and measures involving deprivation of liberty ordered by judicial authorities during criminal proceedings, approved by Government Decision No. 157/2016, which contains the following provision:

“Persons deprived of liberty who have been diagnosed with mental disorders likely to lead to self-harming behavior may not be sanctioned for violating the prohibition set forth in Article 82(ț) of the Law” (self-harm in any form and by any means).

In support of this conclusion, we present the following statistical data, which illustrate the positive impact of implementing the new legislative changes:

➤ **In 2023:**

- 1,375 incident reports filed for self-harm;
- 754 sanctions imposed on 647 incarcerated individuals;
- 45% of incident reports for self-harm were closed.

➤ **In 2024:**

- 1,875 incident reports filed for self-harm;
- 541 sanctions imposed on 466 incarcerated individuals;
- 71% of incident reports involving self-harm were closed.

➤ **In 2025 (prisons and prison hospitals):**

- 1,763 incident reports filed for self-harm;
- 310 sanctions imposed on 296 incarcerated individuals;
- 82% of incident reports for self-harm were closed.

The complete abolition of disciplinary sanctions for acts of self-harm, regardless of the status of prisoners, requires an amendment to the law on the execution of sentences to remove this type of prohibition. The repeal of the prohibition on self-harm will be implemented when the relevant legislation (Law No. 254/2013) is amended.

Although the amendments made in 2023 to the Implementing Regulation of Law No. 254/2013 (precisely in light of the recommendations that had been repeatedly made), according to which persons deprived of liberty diagnosed with mental disorders liable to give rise to self-aggressive behaviour cannot be sanctioned for committing a disciplinary offence consisting of self-harm, these amendments were reviewed by the CPT, which considered that this new approach creates an additional administrative burden because, in order to impose a disciplinary sanction, it is necessary to obtain a document from medical staff confirming that the prisoner in question suffers from a mental disorder—a requirement that results in the involvement of medical staff in this procedure.

In our opinion, it should be noted that when a prisoner engages in acts of self-harm, this does not necessarily indicate a mental health condition in every case. Thus, there are also practical cases in which inmates who engage in acts of self-harm do so deliberately, with the intention of obtaining certain subsequent benefits (such as being transferred from their cell and admitted to the medical office or infirmary), or simply as an act of bravado or as a reaction to the unfavourable outcome of previous requests.

From this perspective, it is difficult to apply the same treatment protocol in all cases, since the motivations of inmates who engage in this behaviour vary. Treating all these situations in the same way as food refusals, which require separate accommodation and the transfer of the inmate from the detention cell to the infirmary or medical office, raises the same issues regarding the lack of available space.

For this reason, it was decided to exempt from solitary confinement only those persons deprived of their liberty who have been diagnosed with mental disorders likely to lead to self-harming behaviour, rather than to grant a general exemption, as a case-by-case assessment

is required, an assessment that would not be possible if the approach were purely medical or therapeutic.

As regards the disciplinary sanction of suspension of right to visits, we envisage that the repeal of that type of disciplinary penalty, without having any other counterpart in the criminal enforcement legislation, could lead to applying an increased number of disciplinary penalties with *isolation for a maximum of 10 days*, leading to a considerable numerical difference between those two types of penalty, or to applying lighter penalties, without there being any proportionality between the offence committed and the penalty imposed. To comply with the CPT recommendation, this sanction may be replaced by another sanction, by amending the provisions of Law No 254/2013. The repeal of the disciplinary sanction in question, without identifying another sanction to be provided for, would create an imbalance in the sanctioning mechanism and further aggravate the situation of detainees by the severity of the sanctions to be applied in its absence (isolation).

At the same time, we point out that each disciplinary sanction is applied as a result of an individualization carried out by a specialized multidisciplinary commission established at the level of each prison, having in mind:

- a) the circumstances and manner of committing the disciplinary offense, as well as the means used;
- b) the degree of damage to normal coexistence in the penitentiary or its safety;
- c) the nature and seriousness of the result produced or other consequences of the disciplinary offense;
- d) the reason for committing the disciplinary offense and the purpose pursued;
- e) the nature and frequency of previously committed disciplinary offenses;
- f) the attitude of the detainee after committing the offense and during the disciplinary procedure;
- g) the manifestation of obvious aggression or violence that seriously affects normal coexistence in the penitentiary, as well as its safety;
- h) the level of education, age and state of health.

Moreover, the sanction of suspension of the right to visit for a period of no more than 3 (three) months can be applied only for very serious or serious/repeated disciplinary offenses, which indicates a proactive intervention, proportional to the negative consequences of the behaviour manifested by the person deprived of liberty. This approach, in conjunction with the possibility of the sanctioned person to contact the support environment through telephone communications and correspondence, cannot, by itself, entail a lack of contact with the family.

Furthermore, the types of disciplinary sanctions, which can be applied depending on the seriousness of the disciplinary offense, are known to the detainees, which makes the detainee responsible for maintaining a regulatory conduct in order to benefit from all the rights provided for by law, including the rights to online communications, visits and intimate visits.

Regarding paragraph 215 of the CPT Report

The use of tear gas and irritant-tear gas agents is a strictly exceptional measure, that may be ordered only in limited situations where it is necessary to restore order, discipline, and safety within the prison environment, when other, less intrusive means have proved insufficient or ineffective. The active substance used in the composition of these agents is, generally, subject to the European Union regulations governing the classification and labelling of chemical substances. Irritant-tear gas agents are used inside or outside the detention facility, solely for the purpose of immobilizing persons deprived of their liberty or dispersing groups engaging in actions likely to seriously affect the order and security of the detention facility, such as acts of destruction, arson, blocking access routes, damaging safety devices or systems, riots, or other violent acts with the potential for serious consequences on the normal conduct of institutional activities.

Irritant and tear-gas agents whose integrity has not been verified or whose expiry date has passed shall not be distributed or used, these agents are subject to strict control and verification procedures before being put into service. The use of these agents is of a subsidiary nature and is, generally, directed at groups of people involved in incidents, but may also be applied in individual situations, depending on operational circumstances, only after other techniques/means of restraint have failed to restore order.

In this context, special attention is paid to protecting the physical and mental integrity of persons deprived of their liberty, as well as to preventing any form of excessive or disproportionate treatment, by ensuring strict compliance with the principles of legality, necessity, proportionality, and the gradual use of such measures in all operational situations.

Regarding paragraph 216 of the CPT Report

According to the applicable legal framework, the rubber baton/truncheon constitutes a means of protection and immobilisation, used exclusively under the conditions and within the limits provided by law, namely to prevent escape, to protect persons deprived of their liberty from self-harm, to prevent injury to others or the causing of damage, and to restore order and discipline in situations arising from aggressive or violent behaviour.

These means may only be used against persons deprived of their liberty who become physically aggressive, attack or attempt to immobilize staff, endanger the life or physical integrity of staff or other persons, as well as in situations where the behaviour of persons in custody hinders the performance of official duties. Furthermore, the use of a baton/truncheon is permitted only when non-violent techniques or the use of physical force have failed, or in cases of self-defence, and it may be used only until the person is immobilized, taking care to avoid striking vital parts of the body.

In this context, **the use of protective and restraining equipment by prison staff serves a preventive and safety purpose, being intended to manage high-risk situations that may arise within the prison environment, including in medical or psychiatric wards, where there may be prisoners exhibiting unpredictable or violent behaviour.** The National Administration of Penitentiaries places a strong emphasis on adhering to the principles of legality, necessity, proportionality and the graduated use of force, and staff receive ongoing training on **the strictly limited and justified use of restraint equipment, in accordance with applicable national standards.**

Regarding paragraph 217 of the CPT Report

In accordance with the applicable legal provisions, thorough body searches are carried out, by persons of the same sex, under conditions that do not infringe upon the dignity or affect the health of persons deprived of their liberty, whilst ensuring their privacy. The privacy of the person deprived of liberty is ensured by conducting the body search separately from other persons, in specially designated areas, and by carrying out the search in two stages, so that the person being searched does not have both the upper and lower parts of their body exposed at the same time. Inspections of body cavities shall be carried out only by specialised medical staff. Inspections of bandaged wounds, prostheses and plaster casts are carried out by medical staff if there are indications that prohibited items are being concealed.

The National Administration of Penitentiaries pays constant attention to the implementation of body search procedures, with measures in place to retrain staff at the Bucharest-Rahova and Craiova prisons, as well as to monitor institutional practices, with a view to ensuring compliance with CPT standards and the applicable internal regulatory framework. Furthermore, the prison system is constantly assessing the possibility of expanding the use of modern technical screening methods, including body scanners, as a suitable and less intrusive alternative to thorough body searches, in line with available budgetary resources and identified needs.

In 2025, a state-of-the-art millimetre-wave scanning device was trialled at Giurgiu Prison, designed to streamline screening procedures and reduce the intrusiveness of thorough body

searches, by rapidly and accurately identifying objects concealed on individuals, while also contributing to increased safety within the prison environment and compliance with standards regarding the protection of the dignity and privacy of persons deprived of their liberty.

Regarding paragraph 220 of the CPT Report

The causal link identified during the CPT visit was not between the number of staff members and the number of scheduled/requested visits, but between the number of rooms/spaces allocated and the number of requested visits; thus, the number of tables and cubicles was calculated based on the facility's former capacity, but since 2023, the number of accommodation places has increased, whilst the capacity of the visiting area has remained unchanged (architectural limitation). From February 2026, an online portal was implemented through which relatives of prisoners can automatically book visits, without the need for manual intervention by prison officers. This approach ensures a transparent way of working and optimises the human, material and IT resources available within the prison system.

Furthermore, we highlight the positive impact on society of the implementation of the online visit booking portal, in that the relatives of inmates are choosing this method of booking over traditional methods: telephone, email or in person, at the prison. Specifically, between 1 March 2026 and 24 April 2026, the following figures were recorded:

- 69,089 bookings made via the online portal;
- 3,805 appointments made at the prison;
- 17,807 appointments made via email;
- 23,288 appointments made by telephone.

In view of the existing budgetary restrictions, namely that under Law No. 141/2025 on certain fiscal and budgetary measures, as subsequently amended and supplemented, *the filling of vacant posts in public authorities and institutions through competitive selection or examination is suspended for the period 1 January to 31 December 2026*, with the aim of securing additional human resources for the effective provision of online visits and communications, the National Administration of Penitentiaries will draft a proposal to amend the legislative framework to ensure that visits are scheduled exclusively via the online portal.

This measure aims to redeploy prison officers who previously managed online visit and communication bookings to carry out specific activities relating to the provision of rights to persons deprived of their liberty.

Regarding paragraph 221 of the CPT Report

Following the recommendations made as a result of the CPT's visits to Romania in 2018 and 2021, a significant step has been taken towards ensuring visits without the use of a physical

barrier. Thus, through Government Decision No. 850/2023 amending and supplementing the Regulations for the implementation of Law No. 254/2013 *on the enforcement of sentences and measures involving deprivation of liberty ordered by judicial authorities during criminal proceedings*, approved by Government Decision No. 157/2016, new provisions have been included allowing contact visits without the use of a physical barrier for persons in pre-trial detention and prisoners in the closed regime under certain conditions, in addition to prisoners in the open and semi-open regimes.

At the same time, visits with the minor child of a person deprived of liberty are granted without a physical barrier, if the prisoner is not in one of the following situations:

- a) their criminal, disciplinary or behavioural record is such as to undermine the best interests of the child;
- b) there is evidence or information regarding the possibility of prohibited items or substances being brought in;
- c) disciplinary proceedings have been initiated against the prisoner or they have been subject to disciplinary sanctions in the last 6 months for the introduction, sale or possession of drugs, medicines without a prescription or prohibited items, for acts of violence or for disciplinary offences committed within the sector responsible for granting rights to parcels and visits;
- d) is classified as posing a risk to prison security.

The full extension of visits without a physical barrier can only be assessed after an analysis of the effects of the changes outlined above and the architectural possibilities within the prisons. Modifying the visiting areas requires financial allocation and ensuring the necessary time for carrying out the works and procuring goods.

Regarding paragraph 223 of the CPT Report

Persons deprived of their liberty may participate in dedicated programmes, such as ‘*A Day with Dad*’, ‘*A Day with Mum*’ or ‘*Beyond Success*’, run in collaboration with external partners, which offer the opportunity for joint activities between children and prisoners, both inside and outside the prison premises. These initiatives benefit both children and parents, helping to improve the institutional environment and support social reintegration.

At the Ploiești-Târgșorul Nou Women’s Prison, during 07.02.2025-09.05.2025 and 06.11.2025-13.03.2026, the programme promoted by external partners, ‘*Beyond Success*’, was run with 20 female prisoners. The Romanian prison system guarantees a range of rights enabling prisoners to maintain contact with family members, including their children, and to receive support from their relatives. As is well known, prisoners are entitled to visits, *mother/father*

and child visits, conjugal visits, online communication (a right that has been extended following CPT recommendations) and telephone calls.

The new amendments to national legislation have also facilitated visits with prisoners' children to ensure the maternal/paternal bond, with provisions included whereby persons in the categories for whom visits with a separation barrier are provided for, may benefit from visits without a separation barrier with their minor child, provided they are not in one of the following situations:

- a) their criminal, disciplinary or behavioural record is such as to undermine the child's best interests;*
- b) there is evidence or information regarding the possibility of prohibited items or substances being brought in;*
- c) disciplinary proceedings have been initiated against the prisoner or they have been subject to disciplinary sanctions in the last 6 months for the introduction, sale or possession of drugs, non-prescription medicines or prohibited items, for acts of violence or for disciplinary offences committed within the sector responsible for granting rights to parcels and visits;*
- d) is classified as posing a risk to prison security.*

Consequently, it can be observed that the focus of the prison system, through the legislation and procedures it promotes, is based on supporting prisoners by maintaining contact with their families.

Furthermore, with the publication of Government Decision No. 850/2023, a provision was introduced allowing unused visits from the previous month to be converted into online communications. This is a positive step, with the exercise of this right showing significant increases. For example: in 2022, a total of 93.498 online communications were granted, and in 2025, a total of 215.625 online communications were granted.

Regarding paragraph 228 of the CPT Report

The recommendation put forward relates, rather, to a national initiative, which could be incorporated into a strategy for the rehabilitation of individuals who commit criminal offences whilst still minors. The proposed project would, in practice, involve the establishment of several educational centres and detention centres with better geographical coverage; however, these would become facilities with a reduced number of residents, and the organisational structures would be diverse for each new centre. The benefits of such an approach must be carefully analysed in terms of its effectiveness for the re-education of those in custody, the overall costs, and the ability to ensure the new centres' functionality by identifying specialists in each area.

A newly established centre will be useful and justified to the extent that there are individuals in the geographical area subject to custodial educational measures. In other words, the

proliferation of centres will create situations where operating budgets are allocated without knowing the local need, and redundancy may arise in the absence of such cases, given the low number of individuals in the centres at the time of the visit.

Across all four centres, approximately 410 individuals are being held, against whom custodial educational measures have been ordered for criminal offences committed as minors or who are in pre-trial detention. In the event of an increase in the number of such centres, the number of residents would decrease, and such an initiative must be assessed at the level of national criminal policy, not merely at the level of the National Administration of Penitentiaries.

The country commitments undertaken under the Action Plan for the period 2020-2025, drawn up with a view to implementing the pilot judgment in *Rezmiveș and Others v. Romania*, as well as the judgments delivered in the *Bragadireanu v. Romania* group of cases, approved by the Government via a Memorandum, on 18 November 2020, provide for the improvement of material conditions in prisons through investment in their physical infrastructure, namely the creation of 7,849 new prison places and the modernisation of 946 prison places. Meeting the European standards for prisons, which Romania has adopted and committed to, requires an increase in accommodation capacity across the entire system.

Given that on 13 May 2026, there were 25,372 prisoners within the National Administration of Penitentiaries (currently at 4 m² per prisoner), this results in a shortfall of 3,546 places, which is a key argument for achieving the proposed objective.

Thus, the South-West Oltenia Region has a specific shortfall of 643 places, with the greatest shortages being in the closed regime (386 places) and maximum security (114 places). The conversion of the Craiova centre will directly alleviate this regional pressure.

The current architecture of the Craiova Detention Centre, the number of staff already in post and its strategic location allow for its reorganisation into a closed-regime prison, providing 339 new places for adults, without major financial or human resource implications.

Detention centres for minors and young people have an occupancy rate of less than 50%, whereas adult prisons across the country (e.g. Târgu Mureș Prison, Vaslui Prison, Codlea Prison) are severely overcrowded, with occupancy rates reaching as high as 177%. Shortcomings regarding minimum accommodation standards (in particular, failure to provide 4 square metres of space per prisoner) have led to repeated rulings against Romania by the European Court of Human Rights. Between 2011 and 2025, the Romanian state paid over €16.6 million in compensation to prisoners. Statistical data show that both existing detention centres (Craiova and Brăila-Tichilești) are operating at less than half capacity (occupancy rates of ~44% and ~47% respectively).

The Brăila-Tichilești Detention Centre has a total capacity of 386 places and is fully capable of safely accommodating all 283 inmates currently held in both centres. Transforming the Craiova Centre into a closed-regime prison would resolve, quickly, efficiently and without additional budgetary costs, a significant part of the crisis of overcrowding in adult prisons in the South-West region, partially bringing the prison administration system into line with ECHR standards and European rules.

We would like to point out that, at present, the draft Government Decision on the establishment of the Craiova - Bariera Vâlcii, through the reorganisation of the Craiova Detention Centre, has completed the publication procedure in accordance with the principles of transparent decision-making; the move to close the Craiova Detention Centre and convert it into a prison is justified by the need to reform the detention infrastructure within the prison administration system.

Regarding paragraph 235 of the CPT Report

In accordance with the legal provisions applicable to the enforcement of sentences or measures involving deprivation of liberty, the prison system guarantees prisoners the right to complain to national and international bodies about any issues arising from their detention, without facing any repercussions. Thus, persons deprived of their liberty in the prisons/centres visited shall not be subjected to reprisals in any form.

Furthermore, the prison system management's approach is to capitalise on areas for improvement or rectification identified following the analysis or verification of any type of complaint. If a breach of staff duties is found, appropriate measures are taken promptly.

In the context of the CPT's observations, the National Administration of Penitentiaries reiterated that such practices are not tolerated within the Romanian prison system and that the needs of detainees must be addressed professionally, by identifying the best solutions in accordance with the law, and certainly not by concealing potential complaints.

Regarding paragraph 236 of the CPT Report

The NAP management has decided, for the period 10 June to 29 August 2025, to establish a structured framework for the professional supervision of staff at the two educational centres - Târgu Ocna and Buziaș, to be conducted in the form of weekly group sessions (online) and individual sessions (online). The programme aimed to improve the skills of specialists (educators, psychologists, social workers and operational staff) through a programme of group and individual supervision, designed to support the effective management of complex cases, inter-institutional collaboration and the prevention of burnout. The beneficiaries of the

programme were specialists (educators, psychologists, social workers) and, occasionally, operational staff.

For the Târgu Ocna Centre, the programme was extended to include three additional sessions, and following their completion, regular monitoring meetings were held. As a result of the programme, the level of involvement of residents in activities, primarily sporting and occupational, has increased, allowing for the effective use of time, taking into account the particularities of their age. The intervention by operational staff aims to restore order, prevent the escalation of acts of violence and protect the physical integrity of inmates and staff, and is carried out in accordance with the applicable regulatory framework and the principles of necessity and proportionality.

In situations where, following internal checks, shortcomings were identified in the use of force or means of restraint, appropriate administrative measures were taken, namely warnings, staff retraining, and referral to the disciplinary committee; in cases requiring further analysis, the competent authorities were notified. Following operational incidents, where necessary, operational staff were retrained on the gradual and proportionate use of force, incident management and de-escalation techniques, as well as the need to adapt the response to the specificities of each individual situation, with a view to preventing unprofessional conduct and aligning institutional practices with CPT standards.

Regarding paragraph 238 of the CPT Report

As part of the professional supervision programme for staff at the two educational centres - Târgu Ocna and Buziaș - specialist staff were reminded of the need to use *the Guide to Crisis Intervention - a manual intended for staff working with juvenile offenders*.

The content of this guide is up-to-date and aims to clarify the main risk behaviours exhibited by individuals with a delinquent personality structure, to understand these within the broader context of the individual's upbringing and development, and, last but not least, to empower staff to intervene effectively should negative events occur.

Regarding paragraph 243 of the CPT Report

The exercise yards at the Târgu Ocna Educational Centre are constructed and operated in accordance with the applicable legal provisions, which set out specific technical requirements to ensure the security of the detention facility.

To this end, the exercise yards are fitted with security features, namely a welded wire mesh cover designed to prevent climbing and the introduction of prohibited items, covering the entire surface of the yard where the architectural layout permits, as well as a canopy covering

approximately one third of the area, in order to protect detainees from adverse weather conditions.

These structural solutions were implemented to ensure a balance between outdoor activities and the imperative need to prevent operational incidents. In this context, during 2025, there were 12 instances in which prisoners scaled the exercise yards, including under the current layout, which highlights the need to maintain the existing configuration to prevent risks to the safety of inmates or staff.

The provisions introduced by Law No. 59/2024 amending and supplementing Law No. 254/2013 expressly stipulate that educational centres and detention centres are institutions specialising in the social rehabilitation of inmates, have legal personality and are subordinate to the NAP. At the same time, Law No. 59/2024 introduced a new provision stating that educational and detention centres shall organise and operate a specialised unit for the treatment, recovery, rehabilitation and social reintegration of convicted persons who are dependent on psychoactive substances.

Consequently, in order to equip these units with specialised tools designed to assist in the social reintegration of inpatients with substance use disorders, a multidisciplinary working group has drawn up and made available to educational centres and detention centres the Intervention Methodology for the treatment, recovery, rehabilitation and social reintegration of inmates in educational centres and detention centres who are dependent on psychoactive substances, which is to be applied following the update of Decision No. 360/2020 of the Director General of the National Administration of Penitentiaries on the profiling of detention facilities under the National Prison Administration, as subsequently amended and supplemented.

In the same vein, at the end of 2025, the model for psycho-educational and skills development interventions was approved, to be implemented by specialists in the social reintegration sector who will carry out their work within specialised units for the treatment, recovery, rehabilitation and social reintegration of convicted persons who are dependent on psychoactive substances.

Following the modernisation work carried out at the Târgu Ocna Correctional Establishment, as part of the CHILD Project, the need was identified to move on to the next stage, namely the creation of spaces that are explicitly friendly, pleasant and welcoming. Consequently, between June and September 2025, the 'Painting Hope - Colours that Heal' project was carried out. This had a dual purpose: on the one hand, it was aimed directly at the residents, seeking to develop creativity, facilitate the expression of emotions and improve self-esteem; on the other hand, it had an institutional objective, consisting of transforming the centre's

spaces and walls into friendly, pleasant environments adapted to the needs of the beneficiaries.

The activity was carried out with the direct support of a collaborator - a painter - and was coordinated by the educational centre's psychologist.

With regard to the individual accommodation of persons in custody, we would like to inform that one of the rules implemented in the prison system is to avoid individual accommodation in order to reduce the risk of suicide and prevent such negative events. The methodology promoted within the prison system for the prevention of suicide risk includes the following rules regarding individual accommodation: to prevent suicide, the solitary confinement of detainees shall be avoided, except where such a measure is necessary for the security of the detention facility or to protect the life or physical integrity of the detainees or of other persons. Where individual accommodation is necessary, a note shall be submitted to the director of the facility for approval, with the endorsement of the deputy director for social reintegration and the medical staff. Outside working hours, the shift supervisor shall request the facility director's approval for individual accommodation by telephone, following prior consultation with the deputy director for detention security and prison regime. The facility director shall approve the transfer, with the consent of the deputy director for social reintegration and the medical staff. Medical situations requiring individual accommodation (diagnosis, treatment or pending transfer to a prison hospital, etc.) shall be dealt with promptly.

The introduction of these rules has proven beneficial in practice, as the intentions of individuals at risk can be identified in a timely manner, thereby ensuring the necessary psychological support in such situations.

Regarding paragraph 244 of the CPT Report

Recognising the responsibility of local authorities regarding the management of pollution in the vicinity of the Craiova Detention Centre, the NAP will seek an ongoing collaborative relationship to ascertain the specific measures taken to reduce pollution.

Furthermore, depending on the extent to which the thermal power plant operator succeeds in improving the current situation by reducing the emissions to which the environment and, by extension, those in custody at the detention centre are exposed, the facility in question will be supported in promoting investment objectives aimed at reducing harmful effects, namely equipping the buildings with air treatment systems or similar.

Regarding paragraph 249 of the CPT Report

Throughout the supervision programme, the practice of involving inmates from the two educational centres in as many activities as possible was monitored, with a view to enabling them to use their time effectively, taking into account the particularities of their age. Emphasis was placed on the importance of involving inmates in:

- dynamic and occupational activities as well as sports, enabling them to use their time effectively, taking into account their age-specific needs;
- activities carried out outside the detention room and in open-air spaces, identifying engaging, dynamic and creative activities, making maximum use of 'green' spaces, as well as areas that can be transformed into gardens (gardening workshops).

In order to monitor the activities in which minors at the Târgu Ocna Correctional Centre were involved, the Social Reintegration Directorate requested the completion of a template for the period 23 June-21 August 2025, which included a list of the minors in custody, the activities they took part in, and the duration of those activities. Throughout the supervision programme, the aim was to optimise solutions to increase the time spent by residents outside their rooms, as well as to diversify and adapt activities according to age-specific needs.

The regime applicable in educational centres provides for doors to remain open throughout the day, with the exception of specific activities, ensuring freedom of movement for those subject to the educational measure of detention. However, the management of an educational centre is responsible for implementing specific safety measures to ensure an optimal environment and protect the physical integrity of those in custody. Time spent outside detention rooms and daily activities are organised in accordance with the behaviour of those in the centre and their compliance with disciplinary rules.

Regarding paragraph 250 of the CPT Report

The Ministry of Justice is currently implementing a new regulatory framework on the provision of food, developed in consultation with nutrition specialists, which aims to diversify menus, increase nutritional value and align with current recommendations on healthy eating. These measures will also have a direct impact on detention centres for minors and young people.

Following the approval of this regulatory framework, to support prison facilities, guidelines will be drawn up on recommended meal options for various medical conditions, as well as technical instructions regarding the procurement, storage and processing of food products.

The National Administration of Penitentiaries will continue to monitor the situation at the facility level and will implement additional measures, as necessary, to ensure compliance

with applicable European standards regarding the nutrition of persons deprived of their liberty, particularly in the case of minors.

Regarding paragraph 251 of the CPT Report

According to the provisions of Decision No. 1017 of 14 October 2021 of the Director-General of the National Administration of Penitentiaries approving the standard on the layout and provision of medical apparatus and equipment for medical clinics within the prison system, the minimum mandatory equipment for family medicine clinics in prisons does not include a nebuliser and an oxygen concentrator. The use of a nebuliser and an oxygen concentrator is recommended for patients with chronic lung conditions such as asthma or COPD; the justification for equipping the medical clinic with such medical equipment is based on the need to ensure patients' access to a nebuliser and an oxygen concentrator in accordance with the recommendations received from specialist doctors.

Furthermore, for patients with chronic lung conditions who are at risk of decompensation due to a drop in oxygen saturation, they are admitted to the prison hospital or to hospitals within the public healthcare network, either by prior appointment or on an emergency basis.

At the same time, in accordance with the provisions of *the Framework Contract*²⁹, oxygen therapy equipment (oxygen concentrators) constitutes medical devices reimbursed by the National Health Insurance Fund, which may be made available to the patient by one of the suppliers on the list of assessed medical device suppliers, with whom the health insurance fund has concluded a contract, based on the decision issued by the health insurance fund, the medical prescription, and the national health insurance card/identity document.

At the Tg. Ocna Educational Centre, the medical practice is equipped with two devices intended for the administration of nebuliser treatments, namely a nebuliser and a nebuliser atomiser, used in the day-to-day provision of medical care to inpatients.

²⁹ Government Decision No. 521/2023 approving the service packages and the Framework Agreement governing the conditions for the provision of medical care, medicines and medical devices within the social health insurance system, as subsequently amended and supplemented, and Order of the Minister of Health and the President of the National Health Insurance House No. 1857/441/2023 approving the Methodological Rules for the implementation of Government Decision No. 521/2023 approving the service packages and the framework contract governing the conditions for the provision of medical care, medicines and medical devices within the social health insurance system, as subsequently amended and supplemented.

Following the checks carried out, it was found that the nebuliser-type aerosol device is in good working order and can be used under appropriate conditions, ensuring the technical parameters necessary for the performance of the medical procedure.

With regard to the nebuliser, the technical assessment revealed a significant degree of wear and tear, due to the age of the equipment and its failure to meet current performance and reliability standards.

In view of these issues, the necessary administrative and budgetary steps are to be taken at the unit level to replace this equipment, subject to available financial resources and in compliance with the applicable legal provisions on public procurement.

The aim of this measure is to maintain the medical unit's equipment at an appropriate level, so that healthcare provision can take place under optimal conditions and detainees can benefit from medical services that are adequate and in line with specific requirements.

Regarding paragraph 253 of the CPT Report

In accordance with Article VII, paragraphs (1), (2) and (4) of Emergency Ordinance No. 156/2024, *"From 1 January 2025, the filling of vacant posts in public authorities and institutions through competition or examination shall be suspended, (...), regardless of the system of funding and subordination, including activities funded entirely from own revenue, with the exception of single vacant posts" and posts whose filling has already been approved by the Government by memorandum by the date of entry into force of this Emergency Ordinance, (...)."*

Furthermore, pursuant to Article (5) of Emergency Ordinance No. 156/2024 *"By way of exception to the provisions of paragraph (1), chief authorising officers may, in duly justified cases, approve the filling of a maximum of 15% of the total posts that will become vacant after the date of entry into force of this emergency ordinance, provided that this remains within the staff expenditure approved in the budget, at the level of the chief authorising officer, for each individual source of funding"*.

Taking into account the legislation in force, in February 2025, the National Administration of Penitentiaries initiated a process to advertise 24 vacant medical posts in prison facilities; however, the process could not be successfully concluded due to budgetary constraints. Following the budget amendment, the initiative was resumed, but once again it could not be successfully concluded, the cause being budgetary restrictions.

According to Article XXII (1) and (2) of Law No. 141/2025 on certain fiscal and budgetary measures, as subsequently amended and supplemented, *“Between 1 January and 31 December 2026, the filling of vacant posts in public authorities and institutions through competition or examination is suspended, regardless of the system of funding and subordination, including activities funded entirely from own revenue, with the exception of single posts.”*

Furthermore, pursuant to Article XXII (4) of Law No. 141/2025 on certain fiscal and budgetary measures, as subsequently amended and supplemented, *“By way of exception to the provisions of paragraph (1), the chief authorising officers for appropriations, in duly justified cases, may approve the filling of a maximum of 15% of the total posts that will become vacant after 1 January 2026, provided that this remains within the staff costs approved in the budget, at the level of the chief authorising officer, for each individual source of funding”.*

Taking into account the aforementioned legislative provisions, the National Administration of Penitentiaries will review the situation regarding vacant posts falling within the scope of Law No. 141/2025, as subsequently amended and supplemented, and, in accordance with institutional needs and available budgetary funds, will take the necessary steps to fill them.

Regarding paragraph 254 of the CPT Report

In accordance with the provisions of Article 18 of the Patient Rights Act (No. 46/2003), as subsequently amended and supplemented, *“The patient’s consent is mandatory for the collection, storage and use of all biological samples taken from their body, for the purpose of establishing a diagnosis or treatment to which they consent”.*

Furthermore, we would like to remind that, pursuant to Article 22 of Law No. 254/2013³⁰, the collection of biological samples is ordered by the prison director with the approval of the judge supervising the deprivation of liberty, who shall then rule on the request either by written decision or verbally in cases where the judge is not present at the place of detention. In the absence of a favorable opinion from the judge supervising the deprivation of liberty (which is a binding opinion, not an advisory one), the collection of biological samples cannot take place even if the detainee were to give consent.

³⁰ **Art. 22. - Collection of Biological Samples**

If there are indications that an inmate has consumed narcotics, alcohol, or toxic substances, or has ingested, without a prescription, medications likely to cause behavioural disturbances, the prison director shall order, with the approval of the judge supervising the deprivation of liberty, that the inmate undergo the collection of biological samples through non-invasive means, with a view to testing, in accordance with the regulations implementing this law.

If, following a favorable ruling by the judge supervising the deprivation of liberty, the detainee refuses to submit to the collection of biological samples, this will be recorded in the medical file and will constitute a serious disciplinary offense.

The NAP will take steps to retrain medical staff on obtaining the consent of the patient, or their legal representative, as appropriate.

Regarding paragraph 256 of the CPT Report

In accordance with Order of the Minister of Justice No. 1322/C/2017, as subsequently amended and supplemented, for inmates identified as being at risk of abuse or victimisation (who have suffered physical, psychological or sexual violence), at least one of the psychological support services must be provided, with the aim of preventing victimisation. Whenever residents show signs of vulnerability, health problems or there are indications of suspected violence or self-harm, they must be referred without delay to the medical clinic and the psychologist.

Psychological counselling is a semi-structured, specialised process designed to prevent and alleviate emotional, cognitive and behavioural problems, and to assist persons deprived of their liberty in identifying the solutions needed to overcome the difficulties they face. Inmates at the Târgu Ocna Educational Centre have benefited from this type of intervention, including in crisis situations or in situations requiring supportive counselling.

In this context, inmates who have been victims of assault receive psychological support, either at their own request when they report having suffered abuse, or on the initiative of specialists, in situations where signs indicating possible assault are observed.

In accordance with the provisions of the National Strategy for the Prevention of Recidivism 2025-2029, the NAP revised, as early as 2023, the Systemic Interdisciplinary Procedure on the Identification of Vulnerable Persons Deprived of Liberty / at risk of vulnerability, the purpose of which is to establish criteria for identifying vulnerable persons, the approach to working with them and the recording of data in specific documents, as well as the safety and monitoring measures ordered by the prison administration, where necessary.

Regarding paragraph 257 of the CPT Report

Article 132 of OMJ/OMS 4858/2022 provides, for the protection of medical staff and to maintain order and discipline, for the possibility of requesting the presence of non-medical staff. Staff within the detention security and prison regime sector are subject to legislation on confidentiality, including when carrying out surveillance duties during the provision of medical care.

Furthermore, given that the recommendation addresses the same issue as the one mentioned in paragraph 191 (regarding the breach of confidentiality in the context of medical examinations of minors held in educational centers and detention centers), we would like to make reference to the points set forth in **paragraph 191** of this response.

Regarding paragraphs 258-260 of the CPT Report

Relevant references regarding human resources were presented in paragraph 148.

Regarding paragraph 262 of the CPT Report

In educational centres and detention centres, during 2025, 151 incident reports were drawn up for acts of self-harm, with 47 disciplinary sanctions imposed. In this context, for 68% of the reports drawn up, the disciplinary committees decided to close the case (not to sanction individuals for self-harm). Taking the steps indicated in **paragraph 212** will also produce the recommended effects for educational centres and detention centres.

Regarding paragraph 264 of the CPT Report

The use of restraint measures is limited exclusively to exceptional situations, when other methods of behaviour management have failed to produce the necessary results to prevent risks to the physical integrity of individuals, the safety of staff or institutional order.

Staff are trained to apply intervention measures progressively, giving priority to communication and verbal de-escalation techniques, followed, only if the situation requires it, by restrictive measures proportionate to the identified level of risk.

Furthermore, to strengthen staff capacity to manage tense situations appropriately and to prevent inappropriate conduct, operational staff at the Târgu Ocna Educational Centre participated, throughout 2025, in specific training sessions on staff safety and specialised intervention. Stress-reduction programmes were delivered as part of these sessions. Specifically, 92 prison officers completed these sessions.

The training activities aimed to develop professional skills regarding interaction with minors and young people in custody, to promote a graduated approach to intervention, and to strengthen institutional conduct based on respect for the rights of persons deprived of their liberty.

Furthermore, the prison management continuously reviews the implementation of operational procedures regarding the use of force and restraints, with a view to ensuring that interventions are tailored to the specific needs of minors and young people in custody, including by placing greater emphasis on the ongoing assessment of the behaviour of those

involved throughout the intervention, and the National Administration of Penitentiaries ensures that these situations are reviewed.

With regard to the recommendation concerning the carrying of batons and other means of restraint in detention facilities, we reiterate the response provided in point 216 and emphasise that the provision of rubber batons to staff responsible for supervising persons deprived of their liberty is provided for by the relevant legislation governing the enforcement of sentences and measures involving deprivation of liberty.

Under the applicable legal framework, the rubber truncheon constitutes a means of protection and restraint, used exclusively under the conditions and within the limits provided for by law, namely to prevent escape, to protect persons deprived of their liberty from self-harm, to prevent injury to others or the causing of damage, and to restore order and discipline in situations arising from aggressive or violent behaviour.

These means may only be used against persons deprived of their liberty who become physically aggressive, attack or attempt to immobilise staff, or endanger the life or physical integrity of staff or other persons.

At the same time, the use of a rubber truncheon is permitted exclusively when non-violent techniques or the use of physical force have failed, or in cases of self-defence, and it shall be used only until the person is immobilised, taking care to avoid striking vital parts of the body.

Furthermore, given that the recommendation addresses issues that are similar to those mentioned in paragraphs 204 and 236, we refer to the points set forth in those paragraphs above.

Regarding paragraph 265 of the CPT Report

We reiterate the provisions set out in the response to point 217, emphasising that the National Administration of Penitentiaries attaches particular importance to respecting the dignity of persons deprived of their liberty and to conducting body searches in accordance with the principles of necessity, proportionality and the protection of privacy.

Body searches are carried out in accordance with the relevant legal and procedural provisions, in a manner that minimises as far as possible any discomfort or unjustified exposure of the person deprived of liberty, with the two-stage procedure being applied in accordance with CPT standards.

With a view to strengthening institutional practices in line with the Committee's recommendations, measures have been put in place to retrain staff at the two detention facilities, namely the Craiova Detention Centre and the Târgu Ocna Educational Centre, with

a focus on the conduct of body searches, respect for the dignity of detainees, and the application of relevant CPT standards.

Regarding paragraph 268 of the CPT Report

Following the recommendations made regarding the missions carried out in 2018 and 2021, the draft legislation put forward by the National Administration of Penitentiaries has facilitated the right to online communication, enabling a large number of prisoners to benefit from this right. Furthermore, such a possibility has also been provided for unused visits from the immediately preceding month.

Thus, in addition to the number of online communications to which prisoners are entitled, they may, upon a request approved by the director of the detention facility, be granted an additional number of online communications equal to the number of visits not taken in the month immediately preceding the request, in accordance with the regime of execution or the category to which they belong.

The legislative amendments presented were adopted by Government Decision No. 850/2023 amending and supplementing the Regulations for the implementation of Law No. 254/2013 *on the enforcement of sentences and measures involving deprivation of liberty ordered by judicial authorities during criminal proceedings*, approved by Government Decision No. 157/2016.

At national level, there are currently 2 educational centres and 2 detention centres, corresponding to the number of persons for whom the courts have imposed custodial educational measures. Establishing such centres in more geographical areas would generate high additional financial costs and require an increase in staff numbers.

In the context of the CHILD Project, funded through the Norwegian Financial Mechanism, we highlight, as a model of good practice regarding inter-institutional cooperation, the development and implementation of the Counselling Methodology for the families of Roma and other vulnerable minors and young people. According to this methodology, minors and young people placed in the Târgu Ocna Care Centre, who are granted leave for a maximum of 24 hours in the locality where the centre is located, benefit from accommodation, support and psychological counselling services, in accordance with the provisions of the Methodology, at a location provided, fitted out and managed by Târgu Ocna Town Council.

Looking ahead, the aim is to identify opportunities to extend this practice to other facilities that care for minors and young people, in order to facilitate their relationship with their families.

III. Publication procedure

We reiterate the Romanian authorities' agreement to publish the CPT report, together with this response.