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Date: 23/11/2020

### DH-DD(2020)1059

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Meeting: 1390<sup>th</sup> meeting (December 2020) (DH)

Item reference: Action Plan (20/11/2020)

Communication from Romania concerning the cases of BRAGADIREANU v. Romania (Application No. 22088/04) and Rezmives and Others v. Romania (Application No. 61467/12)

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Réunion : 1390<sup>e</sup> réunion (décembre 2020) (DH)

Référence du point : Plan d'action (20/11/2020)

Communication de la Roumanie concernant les affaires BRAGADIREANU c. Roumanie (requête n° 22088/04) et Rezmives et Autres c. Roumanie (requête n° 61467/12) (**anglais uniquement**)

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SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH

**ACTION PLAN FOR THE PERIOD 2020-2025,**

**PREPARED FOR THE EXECUTION OF THE PILOT-JUDGMENT REZMIVES AND  
OTHERS AGAINST ROMANIA, AS WELL AS THE DECISIONS PROVIDED IN THE  
BRAGADIREANU GROUP OF CASES AGAINST ROMANIA**

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### A. CASE DESCRIPTION

1. By judgment of the European Court of Human Rights (Court) of 6 December 2007 in *Bragadireanu v. Romania* (application no. 22088/04), remained final on 6 March 2008, a violation of Article 3 of the European Convention on Human Rights (Convention) was found, concerning medical care provided in prison and conditions of detention. The *Bragadireanu* group of cases concerns the inhuman and/or degrading treatment to which the applicants were subjected to overcrowding and poor conditions of detention in prisons, police arrest and pre-trial detention centres, and the lack of an effective remedy in this regard at the national level. Some cases also concern several other shortcomings, including healthcare provision (infringements of Article 3; violation of Article 14 in the *Marcu* case).
2. On 24 July 2012, the Court delivered a semi-pilot judgment in the case of *Iacov Stanciu v. Romania*, found that, despite the Romanian authorities' efforts to improve the situation of detention conditions, there was a structural problem in this area. The Court did not allow time to remedy the deficiencies found.
3. The source of the case is represented by four applications (no. 61467/12, 39516/13, 48231/13 and 68191/13) against Romania, by which four Romanian nationals, namely Daniel Arpad Rezmiveş, Laviniu Moşmonea, Marius Mavroian, Iosif Gazsi (in what follows „the applicants”), seized the Court on 14 September 2012, 6 June 2013, 24 July 2013 and 15 October 2013, pursuant on Article 34 of the Convention for the Protection of Human Rights and Fundamental Freedoms (in what follows „the Convention”).
4. The object of the notifications was, above all, the violation of the provisions of art. 3 of the Convention, regarding the conditions of detention in different penitentiary units or detention and pre-trial detention centers of the police - Baia Mare Detention and Pre-trial Detention Center and Gherla, Aiud, Oradea, Craiova, Târgu-Jiu, Pelendava, Rahova, Tulcea, Iaşi, Vaslui (the petitioners complained, among others, about the overcrowding of the cells, the deficiency of the sanitary installations and the lack of hygiene, the poor quality of the food, the age of the received materials, as well as the presence of rats and insects in the cells).
5. In the pilot judgment in the above case, the Court requested the Romanian State, within six months from the date of the final judgment, to provide, in cooperation with the Committee of Ministers of the Council of Europe, a timetable for the implementation of

the appropriate general measures, capable of resolving the problem of overcrowding and inadequate conditions of detention, following the principles of the Convention as set out in the pilot judgment. The Court also decided to postpone similar cases that had not yet been communicated to the Romanian Government until adopting the necessary measures at the national level.

6. The Court considered that, although the authorities' measures up to that date could contribute to improving the living and sanitary conditions in Romanian prisons, coherent and long-term efforts were needed to comply with Articles 3 and 46 of the Convention. The Court also considered that, to comply with the obligations arising from its previous judgments in similar cases, an appropriate and effective system of domestic remedies must be established.
7. The Court noted at the time of the judgment that the applicants' situation could not be dissociated from the general problem, caused by a structural dysfunction characteristic of the Romanian penitentiary system, which affected and may continue to affect many persons in the future. Despite domestic, administrative and budgetary measures taken, the systemic nature of the problem identified in the year 2012 persists, and the situation is, therefore, a practice incompatible with the Convention.
8. To date, the Committee of Ministers in the format of Human Rights (CM-DH) has issued five decisions on the execution of the above cases, in the sessions of 13-15 March 2018, 4-6 December 2018, 4-6 June 2019, December 3-5, 2019, March 3-5, 2020.
9. By its latest decision<sup>1</sup>, the Committee of Ministers of the Council of Europe welcomed the Government's commitment to prepare and present a new action plan to ensure the enforcement process's continuation.

#### B. ASSESSMENT BY THE AUTHORITIES OF THE SOURCE OF THE VIOLATION OF THE PROVISION OF THE CONVENTION FOR THE PROTECTION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, THE SCOPE OF THE VIOLATION, THE NEED FOR GENDER MEASURES

##### B.1. Evaluation by the authorities of the source of the violation of the provisions of the Convention for the Protection of Human Rights and Fundamental Freedoms

10. Following the ruling in the semi-pilot case of Iacov Stanciu against Romania (application no. 35972/05), a series of controls were ordered at the level of the National Administration of Penitentiaries (NAP). Thus, following the controls of the Penitentiary Inspection Directorate within the NAP, in the period 2012-2019 the presence of overcrowding and/or deteriorated detention conditions in the following penitentiary units was found: Bistrița, Botoșani, C.E. Buziaș, Mărgineni, Giurgiu, Rahova Hospital, Timișoara, Vaslui, PMT Craiova/C.D. Craiova, C.R. Târgu Ocna, Gherla, Târgșor, Tulcea, Slobozia, Târgu Ocna Hospital, Târgu Mureș, Jilava Penitentiary, CD Tichilești, Aiud, Giurgiu, Oradea, DT Severin, Codlea, Poarta Albă, Baia Mare, Craiova, Găești, Satu Mare, Tatu , Mioveni, Galați, Ploiești, Constanța-Poarta Albă.

<sup>1</sup> [https://search.coe.int/cm/Pages/result\\_details.aspx?ObjectId=090000168098f92e](https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=090000168098f92e)

11. The Romanian Ombudsman Institution, through the National Mechanism for the Prevention of Torture<sup>2</sup>, carried out, during 2017-2020, working visits<sup>3</sup> in the units subordinated to the National Administration of Penitentiaries for assessing the conditions of detention in places of detention in Romania, preparing and publishing reports as follows:
  - in 2017 - 12 visit reports for the penitentiaries Craiova-Pelendava, Bucharest-Rahova, Mioveni, Slobozia, Focșani, Bacău, Iași, Oradea, Bucharest-Jilava, Craiova, Bucharest-Rahova Hospital, Mărgineni;
  - in 2018 - 8 visit reports for the Drobeta Turnu-Severin, Mărgineni, Gherla, Slobozia, Bucharest-Rahova, Focșani, Craiova, Botoșani penitentiaries;
  - in 2019 - 9 visit reports for the Aiud, Târgu Mureș, Ploiești, Giurgiu, Tulcea, Ploiești-Târgșorul Nou, Craiova-Pelendava, Găești, Târgu Jiu penitentiaries.
  - in 2020 - 7 visit reports for the penitentiaries Bistrița, Craiova, Craiova- Pelendava, Ploiești-Târgșorul Nou, Mărgineni, Bacău, Târgu-Ocna Hospital.
12. In 2015, The Romanian Ombudsman Institution also issued the Special Report on the conditions of detention in penitentiaries and detention and pre-trial detention centers, factors determined in respect of human dignity and the rights of persons deprived of their liberty.

## B.2. The current situation.

13. As a result of the reform of the criminal justice system, it is found, on the one hand, that the deficit in the number of places of detention has decreased from about 14,000 - required in 2012 to 4300 - estimated in 2017 and 2,051 - the minimum necessary calculated on June 30, 2020, while the cases in the supervision of the probation system have increased approximately five times, from 20,000 cases registered in 2012 to 104,000 in 2019. Between January 1 and June 30, 2020, probation counselors worked with 85,386 persons sanctioned with measures and non-custodial sanctions, of which 67,668 were in evidence on June 30, 2020.
14. As a result of the criminal justice system reform measures adopted by the Romanian state, the degree of overcrowding in places of detention was considerably reduced, **from 164% in January 2015 to 111% in June 2020**. The trend in the number of detainees in the custody of the penitentiary system, after 2014 and until now, it was a descending one, which was accentuated by the compensatory mechanism implemented in 2017.

### **Evolution of the number of persons deprived of liberty and the shortage of accommodation:**

<sup>2</sup> The Mechanism for the Prevention of Torture was established within the institution of the People's Advocate, by Government Emergency Ordinance no. 48/2014, in the implementation of the Optional Protocol to the Convention for the Prevention of Torture (OPCAT).

<sup>3</sup> According to the data published on the website of the People's Advocate institution.

Year	Total effective 31.12	Accommodation deficit 4sqm/detainee	Arrested on remand and convicted in the first instance	Sentenced definitively to life imprisonment	Sanctioned with the measure of hospitalization in a Rehabilitation Center	Sanctioned with the measure of hospitalization in a Detention Center	Sanctioned with the measure of hospitalization in an Educational Center
2008	26.212	-	3.112	22.937	163		
2009	26.716	-	4.408	22.145	163		
2010	28.244	-	4.630	23.435	179		
2011	30.694	13.327	3.313	27.213	168		
2012	31.817	13.788	3.179	28.473	165		
2013	33.434	14.373	3.447	29.812	175		
2014	30.156	11.170	2.514	26.895		601	146
2015	28.334	9.556	2.453	25.055		522	304
2016	27.455	8.363	2.281	24.236		549	389
2017	23.450	4.329	1.938	20.781		415	316
2018	20.792	2.665	1.936	18.196		382	278
2019	20.578	2.301	2.102	17.863		343	270
<b>30.06.2020</b>	<b>20.318</b>	<b>2.051</b>	<b>1.984</b>	<b>17.745</b>		<b>329</b>	<b>260</b>

15. **Financial compensatory remedy.** The national legislation enshrines the institution of tortious civil liability, which offers the possibility of obtaining material compensation for inadequate conditions of detention, by way of an action in court, with the object of awarding compensation. In the period 2017-2019, such actions were formulated more frequently in contradiction with the National Administration of Penitentiaries, the penitentiary units, respectively the Romanian state, being admitted 48 complaints, which amounted to compensations of 215,000 lei (approximately 45,000 euros) and 61,500 euros. Therefore, the Civil Code regulations provide for such a financial compensatory mechanism for damages caused to persons deprived of their liberty by non-compliance with the conditions of detention or the rights guaranteed by the law on the execution of sentences.
16. Moreover, during 2020, until 30.06.2020, 644 complaints were made to judges supervising deprivation of liberty or to the courts regarding violations of the material conditions of detention, of which 225 complaints were admitted. There have been

situations in which judges supervising deprivation of liberty or the courts have forced prison administrations to take measures to improve detention conditions. (e.g., it was ordered to identify a technical solution to ensure privacy in the bathing area, respectively the installation of shower curtains in the bathing room within the section, to ensure the privacy of persons deprived of liberty).

17. At the same time, the Romanian authorities, in this case, the Government Agent for the ECHR, with the competent institutions' opinion, continue to resort to amicable settlement or through unilateral declarations of the communicated cases regarding the violation of art. 3 of the Convention as a result of inadequate conditions of detention in situations where the applicants have already been released from custody and have not benefited from the compensatory remedy offered by the former Law no. 169/2017 and their complaints are not inadmissible for other reasons (such as lateness).

### *Issues regarding healthcare provided to persons deprived of their liberty*

18. Maintaining the health of persons deprived of liberty is an important issue, including from the point of view of public health, given that detainees inevitably return to the community. In this context, it is imperative that, regardless of the form of administration and provision of medical services, medical care in prisons be addressed in the light of the provisions of the United Nations Minimum Rules for the Treatment of Detainees and the Recommendations of the Committee of Ministers of the Member States on European Prison Rules REC (2006)<sup>2</sup>, which are based on the principle of equity, as regards access to quality health care.
19. Compared to the period of detention, health risks may be exacerbated by inadequate conditions, such as overcrowding, lack of fresh air and natural light, inadequate hygiene conditions or personal hygiene materials. On the other hand, it can be highlighted the situation in which deprivation of liberty ensures access to health services for persons who, before incarceration, did not have (as free citizens) health insurance, their access to health care in the public health network being very low.
20. The malfunctions identified in the way health care is provided for persons deprived of their liberty, which also results from the adaptation of national regulations on health care provision under the social health insurance system to the specifics of **patients in care** (including the use of allocated funds by the **health insurance**), as well as the significant deficit of employed medical staff (percentage of doctors: 50.99% -2019; 48.72% -2018; 49.43% -2017; 48.28% -2016; 41.14% -2015; 40.46% -2014; 41.31% -2013; 46.05% -2012; 52.26% -2011; 53.26% -2010; 57.22% -2009; 61,05% -2008) against the background of the lack of attractiveness of these positions, requires the need to improve the legislative framework in this field.



### B.3. The necessity of general measures

#### B.3.1 The context:

21. The Memorandum published by the Committee of Ministers in 2015, mentioned in paragraph 47 of the Court Judgment, referred to the general measures taken or to be taken by Romania to remedy the problems related to overcrowding and non-compliant detention conditions recommends four courses of action leading to: i) the addition of the range of alternative measures to imprisonment, ii) the flexibility of the requirements for access to conditional release/parole, iii) the proper functioning of the probation service and iv) the continuation of modernizing prison capacity projects.
22. These directions of action were the groundwork for the elaboration by the Romanian authorities of the **Calendar of measures 2018-2024** for solving the prison overcrowding and the detention conditions (adopted by the Memorandum adopted by the Government of Romania on 17.01.2018, with amendments according to the Memorandum adopted by the Government of Romania on 07.03.2018).
23. The appliance of the 2018-2024 **Calendar of measures** was monitored in an inter-institutional working group that met periodically (half-yearly). Thus, discussions were held on the appliance of the Calendar of Measures at the meeting of the Committee of Ministers' Delegations in the format of Human Rights (CM-DH) of the session 3-5 December 2019, as well as with the **ECHR Enforcement Service** (on the 6<sup>th</sup> and 9<sup>th</sup> of December 2019). As a consequence of the discussions held at the Interinstitutional Working Group meeting on 19 December 2019, it emerged that several actions included in the Schedule of Measures need to be prioritized in a new plan of action to address the problem of prison overcrowding effectively.
24. The promotion and adoption of the new action plan were postponed due to the interim Government and, subsequently, the pandemic situation.

Only two days after the inauguration of the new Government, by Decree no. 195/2020, published in the Official Gazette, Part I no. 212 of March 16, 2020, the state of emergency on the Romanian territory was adopted, and by Decree no. 240/12020, published in the Official Gazette, Part I no. 311 of April 14, 2020, the state of emergency on the Romanian territory was extended for another 30 days.

Given the epidemiological context generated by the SARS-CoV-2 virus and the inherent negative economic effects, it was necessary to review and modify the proposed measures to the current conditions, including from the perspective of the budgets **allocated for their fulfillment.**

Moreover, regarding the specific measures ordered in a pandemic context, the Romanian authorities sent regular information to the European and international institutions - see Annex no. IV on the disposed measures in the epidemiological context generated by the SARS-CoV-2 virus.

### **B.3.2. The general measures to be included in this action plan**

25. Thus, from the analysis of the authorities and the steps mentioned above, it has emerged that the new plan must include, as a matter of priority, the following directions of action:

#### **I. Prison:**

- Improving material conditions in prisons by identifying modernization needs and prioritizing prisons where the CPT has already reported problems in its latest report<sup>4</sup>;
- Implementation of educational programs and reintegration of the penitentiary population;
- Improving the conditions/standards of hygiene and food in penitentiaries;
- Redistribution of detainees within the penitentiary system or in the same penitentiary.
- Legislative measures to improve detention conditions for persons deprived of their liberty.

#### **II. Detention and pre-trial detention centers:**

- Modernization of the infrastructure and reduction period in which the arrested persons are detained in the Detention and Preventive Arrest Centers.

#### **III. Probation:**

- Effective employment of staff in the probation system and creation of guarantees/mechanisms to ensure the system's long-term sustainability (sufficient number of staff, adequate infrastructure in the territory, professional training of new employees).

### **C. MEASURES IMPLEMENTED UNTIL JUNE 2020**

#### **C.1. Measures implemented until the approval of the 2018-2024 Calendar of Measures**

##### *Criminal legislation, criminal procedure legislation and criminal execution legislation*

26. February 1, 2014 marked the entry into force of the criminal, procedural-criminal and executive criminal reform in Romania, which involved the adoption of entirely new, modern framework regulations, namely a new Criminal Code, a new Code of Procedure criminal law, as well as three enforcement laws: Law no. 253/2013 on the execution of sentences, educational measures and other non-custodial measures ordered by judicial bodies during criminal proceedings, Law 254/2013 on the execution of sentences and custodial measures disposed by judicial bodies during criminal proceedings, respectively Law no. 252/2013 on the organization and operation of the probation

<sup>4</sup> CPT (2018) 32 - Report submitted to the Government of Romania on the visit to Romania by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), visit conducted between 7-19 February 2018, adopted on July 6, 2018.

system. To these have been added numerous other normative acts designed, on the one hand, to ensure the proper implementation of the new provisions of substantive law and, on the other hand, to adjust them, in particular the new institutions, to the practical requirements of constitutionality or conventionality requirements found after the entry into force.

27. In the context of this substantial legislative effort, which has taken place over a long period of more than ten years, all the steps identified at the national level as necessary for legislative reform have been completed, including to reduce the prison population.
28. An analysis of these provisions and a reference to the recommendations made in paragraph 116 of the Court's judgment, which refers, among other things, to paragraph 57, which recalls the provisions of the White Paper on prison overcrowding, shows the following:
  - i. decriminalization of those crimes that do not represent the social danger necessary for a criminal sanction and at the same time determine penitentiary overcrowding - this was done during the review of all crimes included in Romanian regulations at the time of drafting the new Criminal Code and all special laws that included crimes (in the hundreds);
  - ii. regulation of sufficient tools to individualize the application of punishments - this was taken into account by rethinking the entire general part of the Criminal Code, the system of aggravating and mitigating circumstances, and introducing, in addition to suspending the execution of the sentence, two other institutions: waiving the sentence, respectively postponing the application of the punishment;
  - iii. encouraging the avoidance of the penitentiary system, including through institutions such as the suspension of the application of punishment - it was maintained in the Criminal Code and regulated to make it more efficient, the application of waiving criminal prosecution was encouraged, respectively guilty plea - newly regulated institutions in criminal proceedings;
  - iv. the inclusion of alternatives to the measure of pre-trial detention - home arrest was regulated in the Code of Criminal Procedure and the institutions of judicial control and judicial control on bail were streamlined;
  - v. replacing in some cases the prison sentence with alternative sanctions and including a sufficient number of alternative measures - the entire Criminal Code has been reoriented in this regard, to encourage the application of alternative sanctions to deprivation of liberty, and the Code of Criminal Procedure includes, also substantive changes to the same effect, as will be set out below;
  - vi. in fact, the possibility of obtaining conditional release was indirectly extended - by decreasing the duration taken into account, following the application of the compensatory appeal (Law no. 169/2017);
  - vii. regarding the sanctioning of minors, deprivation of liberty has become exceptional, the criminal regulations comprising four non-custodial educational measures: civic

training, supervision, weekend recording, daily assistance, compared to the 2 custodians - including hospitalization in an educational center, respectively in a detention center. At the same time, the existing alternatives to deprivation of liberty in the Code of Criminal Procedure - judicial control, judicial control on bail and house arrest, as well as the successful application of alternative methods of solving cases - especially the waiver of criminal prosecution, have proved their effectiveness or the conclusion of the plea agreement.

viii. alternative means to imprisonment - the provisions of the Criminal Code on waiving the sentence and postponing the sentence - newly introduced institutions, suspending the execution of the sentence under supervision, criminal fine and parole allow a better individualization of the sentence and offer a viable alternative to imprisonment, whose taxation is not always justified, taking into account the person of the offender or the deed committed and the consequences produced.

29. As a result of the criminal reform carried out in Romania, it is found, on the one hand, that the deficit in the number of places of detention decreased from approximately 14,000 - required in 2012 to 4300 - estimated in 2017, to 2,051 - minimum calculated on 30 June 2020. This value may vary according to the dynamics of the number of new detainees who have been remanded and released while cases under probation have increased by about five times, from 20,000 cases in 2012 to 104,000 for 2019. Between January 1 and June 30, 2020, probation counselors worked with 85,386 people sanctioned with non-custodial measures and sanctions.

From the beginning of the current year until the 6th month, the dynamics regarding the deficit of the number of detention places, related to 4 square meters, was the following:

- 2335 places of detention on 31.01.2020
  - 2351 places of detention on 29.02.2020
  - 2410 places of detention on 31.03.2020
  - 2084 places of detention on 30.04.2020
  - 1843 places of detention on 31.05.2020
  - 2061 places of detention on 30.06.2020
30. Law no. 169/2017 published in the Official Gazette no. 571 of July 18, 2017, by which persons deprived of liberty are considered executed. Besides, six days of the sentence applied for every 30 days executed in inappropriate conditions, even if they are not consecutive, was repealed by Law no. 240/2019, published in the Official Gazette of Romania, Part I, no. 1028 of 20.12.2019.
31. On 17.10.2017, before the entry into force of Law no. 169/2017 (19.10.2017), according to the situation regarding accommodation capacity of the units and their staff, in the units subordinated to the National Administration of Penitentiaries were kept 25,806 persons deprived of liberty. On 12/24/2019, following the abrogation of

the provisions of Law no. 169/2017 (23.12.2019), according to the situation regarding the units' accommodation capacity and their staff, in the units subordinated to the National Administration of Penitentiaries were kept 20,539 persons deprived of liberty.

32. Thus, from the date of entry into force of the provisions of Law no. 169/2017 and until the date of their repeal, the number of persons deprived of liberty decreased by 5267. Compared to the period before the application of the compensatory appeal, it is observed that from the moment it was not applied, thus ceasing the effects of Law no.169/2017 and until 30.06.2020, the prison population registered a constancy regarding the number of persons deprived of liberty in custody, the law still producing effects against the persons serving the custodial sentences, of the preventive measures juveniles who perform educational measures in detention centers, educational centers or penitentiaries and who have been subject to the normative act in question.
33. In conclusion, legislative interventions and improvement of detention infrastructure have led to a decrease in the occupancy rate from 164% in January 2015 to 111% in June 2020.

***Penitentiary infrastructure:***

34. In 2016, 672 new accommodation places were put into use in the penitentiary system by transforming existing spaces. In 2017, by continuing the established measures, a number of 170 new accommodation places were created (achieved by transforming some existing spaces) and another 200 places were modernized through the Norwegian Financial Mechanism (Bacău Penitentiary);
35. In the period 2016-2017: investment works were initiated for the creation of new places of detention, in the penitentiaries: Deva, Codlea, Giurgiu and Găești and rooms were arranged, within detention sections, intended for people with mental illnesses serious at the penitentiaries: Arad, Bistrița, Botoșani, Bucharest-Jilava, Craiova, Focșani, Găești, Giurgiu, Iași, Mioveni, Oradea, Constanța-Poarta Albă, Slobozia, Mioveni Hospital, Dej Hospital, Constanța - Poarta Albă Hospital. It is being developed at the penitentiaries: Aiud, Bacău, Rahova, Deva, Drobeta Turnu Severin, Galați, Gherla and Timișoara.

**C.2. Administrative measures and evaluation by reference to the objectives considered in the Calendar of measures approved in 2018**

***Approaches for the establishment of the new Berceni and Unguriu penitentiaries***

36. Memorandum entitled *"Decision on the opportunity to finance the physical infrastructure of the Romanian penitentiary system, through a project funded from reimbursable external funds, proposing the concept of the national project - Investments in penitentiary infrastructure,"* adopted by the Romanian Government on 5 December 2017: this national project involves the creation of 1,900 new detention places, by building and setting up two new penitentiaries, namely P47 Berceni, with a capacity of 1,000 accommodation places and P 48 Unguriu, with a capacity of 900 accommodation places. So far, the Memorandum on approving the report on the

negotiation of the loan Framework Agreement between Romania and the Council of Europe Development Bank on contracting a loan of 177 million euros has been signed, to support the project on modernizing the judicial infrastructure in Romania.

The President of Romania promulgated the law on the approval of the loan framework agreement by Decree no. 324/2020 becoming Law no. 90/2020 and was published in the Official Gazette.

37. Regarding the Berceni Penitentiary establishment, the feasibility study was analyzed and approved, and opinion no. 29 of 10.08.2020 of the Interministerial Council for Approval of Public Works of National Interest and Housing within the Ministry of Public Works, Development and Administration. Currently, the draft government decision for the approval of technical-economic indicators has been submitted to the Ministry of Justice.
38. Regarding the establishment of the Hungarian Penitentiary, steps were taken related to land administration and the acquisition of the feasibility study, which was analyzed and approved favorably, being issued in this regard the opinion no. 30 of 10.08.2020 of the Interministerial Council for Approval of Public Works of National Interest and Housing within the Ministry of Public Works, Development and Administration. Currently, the draft government decision for the approval of technical-economic indicators has been submitted to the Ministry of Justice.

#### *Putting into use new places of detention and modernization efforts*

39. Since the approval of the Calendar of Measures 2018-2024 (adopted by Memorandum by the Government of Romania on 17.01.2018, with amendments according to the Memorandum of 07.03.2018) 70 new places of detention have been put into use (Giurgiu - 30 places and Deva - 40 places) and 282 modernized detention places (at Deva Penitentiary).

#### *Infrastructure of Detention and Preventive Arrest Centers (DPAC)*

40. In 2018, the investment works provided at DPAC within the *County Police Inspectorate*<sup>5</sup> Galați (34) and IPJ Iași (50) were completed, the activity being resumed within these establishments; the situation is similar concerning DPAC within IPJ Maramureș (30) and in the case of the detention and pre-trial detention center within IPJ Alba (33).

In 2019, the investment works at DPAC within the I.P.J. were completed and received. Alba and I.P.J. Maramures.

In 2020, they were funded from the state budget, title XIII "Non-financial assets," two investment objectives consisting of the modernization of DPAC within the I.P.J. Harghita and I.P.J. Vaslui.

41. Regarding the purchase of means of transport, the Memorandum approved the completion of the endowment of detention and pre-trial detention structures from 2018 to 2023, with 150 means of transportation necessary to transport persons deprived

<sup>5</sup> Abbreviated, in this document as I.P.J.

of their liberty. Thus, during 2018, 40 detained transport trucks - AA were purchased and distributed, whose technical specifications were established, taking into account the special activity carried out by the detention and pre-trial detention structures. They are provided with a separation system of the two compartments (driver and passenger on the right, on the one hand, and those transported, on the other), reinforced, resistant, watertight; the rear seat is made of shock-resistant materials, and the side windows and rear window are covered with foil, which does not allow visibility from the outside in the compartment for persons deprived of liberty. Also, these trucks have a video monitoring system with the possibility of looping and storage for at least 2 hours. Additionally, during 2019, the detention and pre-trial detention structures subordinated to the I.G.P.R. they were assigned 60 detained transport vehicles-AA. Simultaneously, a procedure is currently underway for the acquisition of 20 detained transport trucks.

#### *Professional training of human resources within DPAC*

42. Subsumed to the objective of supplementing the staff assigned to the custody of persons deprived of liberty, starting with 2019, at the School of Police Officers Vasile Lascăr - Câmpina was organized specialization detention and pre-trial detention, thus creating the premises for training centers with trained and specialized staff. Moreover, starting with October 2018, the Multifunctional Schengen Training Center is holding a training course in torture prevention and inhuman treatment for the staff of the detention and pre-trial detention centers. A form of professional training started in December 2019 and at the Institute of Studies for Public Order.

In order to deepen the initial training of the students of the School of Police Officers "Vasile Lascăr" Câmpina, following the current requirements of the beneficiary, students selected to go through, additionally, the differentiated module Detention and preventive arrest, were planned to perform specialized practice detention and pre-trial detention, without affecting the achievement of the general objectives of the internship.

43. The continuous professional training of the centers' staff, to meet the challenges of the practical activity, is a priority and aims at activities including at the vocational education and training centers in Slatina.

Vocational training activities have been proposed for staff in detention and pre-trial detention centers in the next year of training 2020-2021, organized at the Multifunctional Schengen Training Center.

Starting with 2017, the students of the post-secondary schools of agents followed initial training programs, going through issues limited to respect for human rights in exercising the fundamental prerogatives of the law enforcement process and Notions of international humanitarian law.

We also specify that we considered the study of similar topics in the additional training in areas corresponding to the level on "Human rights and their observance in the work of the police", "Crimes against bodily integrity or health" provided for career initiation

courses of the staff employed from an external source, organized at the level of the schools of police officers and of the training centers subordinated to the General Inspectorate of the Romanian Police.

It is essential to point out that at the level of the Romanian Police, there is a constant preoccupation to adapt the training and professional development needs, in the sense of respecting and applying the legislation related to human rights and adopting an ethical behavior, in daily activity, dealing with people belonging to communities at risk of discrimination. The purpose of the training activities is to raise awareness among M.A.I. of the specific problems faced by persons belonging to vulnerable groups and the knowledge by the participating police officers and agents of the legal framework in the field of human rights protection, following the rules of the European Union, and not only.

#### *Optimizing the transfer of pre-trial detainees between DPAC units*

44. The existence of an unpredictable dynamic of the detention situation has created syncope in ensuring the minimum accommodation space recommended by the CPT, which raises the need to establish, as a proactive measure, a flexible and effective mechanism for permanent and real-time control of legal capacity accommodation of detainees.
45. In this regard, the Regulation<sup>6</sup> implementing Law no. 254/2013 distinctly provided for the possibility of redistribution of persons deprived of liberty in other DPACs if the legal accommodation capacity of a center is exceeded, creating a unitary mechanism by involving the structure with the role of coordinating DPAC in the management of this issue, upon notification to the head of the center [art. 234 para. (2)], with the corresponding detail, in 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 Order of the Minister of Internal Affairs no. 14/2018, of the incidental procedure [art. 62 para. (3) - (7)].
46. The practical transposition of the previously indicated normative provisions is reflected, statistically, in 770 persons deprived of liberty transferred between their detention and pre-trial detention centers, arranged during 2019, compared to 616 ordered in 2018, respectively 389 in the first six months of 2020.

#### *Optimizing the distribution of detainees between penitentiaries and within the same penitentiary*

47. To monitor, permanently, the penitentiary population, as well as to ensure separation (depending on the enforcement regimes and categories of persons in custody), at the level of the National Administration of Penitentiaries, was established, based on the Decision of the General Director no. 369/2018, a commission for the analysis of the degree of occupation of the subordinated units, for the judicious management of the spaces. The Commission meets weekly, centralizes and analyzes the (weekly) reporting

<sup>6</sup> approved by Government Decision no. 157/2016, with subsequent amendments and completions.



of subordinated units, the accommodation capacity calculated at 4sqm/detainee and the numbered guards and proposes measures to reduce the overcrowding phenomenon. At the same time, the Commission identifies units with a high/low degree of overcrowding, depending on the implementation regimes, to be treated as a matter of priority, with regard to the transfers needed to balance the workforce, concerning the evolution of the SARS-CoV epidemiological situation. -2 and normative acts issued in the pandemic context.

48. Considering the epidemiological context, corroborated with the provisions of Decree no. 195/2020 on the establishment of the state of emergency on the territory of Romania, Decree no. 240/2020 on the extension of the state of emergency on the territory of Romania, Government Decision no. 394/2020 regarding the declaration of the state of alert, extended successively by the Government Decision no. 476/2020, Government Decision no. 553/2020, Government Decision no. 668/2020 and Government Decision no. 782/2020, the transfers of persons deprived of liberty were suspended or timed, the process of balancing the distribution of staff being interrupted. The transfer activities carried out to optimize the distribution of detainees between penitentiaries and to balance the staff to maintain an appropriate organizational climate were gradually resumed after the end of the state of emergency. According to the measures implemented at the penitentiary system level, in the international epidemiological context, the transfers of detainees between places of detention are made only with the approval of the Medical Surveillance Directorate within the National Administration of Penitentiaries prison police officers.

*Specific measures in the context of the SARS-CoV-2 virus pandemic*

49. Based on the Decree no. 195/2020 on the establishment of the state of emergency on the Romanian territory, as well as the decisions of the National Committee for Emergency Situations, at the level of the National Administration of Penitentiaries was elaborated the Plan of measures for the penitentiary system, approved by the General Director of the National Administration Decision no. 381/2020.
- ✓ Since art. 43 para. (6) of the Decree stipulates that “Listening to persons deprived of their liberty is done by videoconference at the place of detention or inappropriate spaces from a health point of view without the consent of the person deprived of liberty”, as an additional measure to prevent situations epidemiological risk, it was ordered that the transfer activity between the places of detention be suspended. Exceptionally, the transfer was maintained in situations that cannot be postponed, such as the presentation of persons deprived of liberty before the courts, the situation of the change of the execution regime if the unit is not profiled on the custody of the respective execution regime, medical hospitalizations or operative reasons, in such cases, the transfer shall be provided by the means of transport of the penitentiary units, with the aim, as far as possible, of stopping the means of transport in several places of detention.

- ✓ According to art. 70 para. (4) of the Decree of the President of Romania no. 240/14.04.2020 on the extension of the state of emergency: “During the state of emergency, the transfer of persons deprived of liberty between places of detention shall be suspended, except in situations imposed by medical emergencies, express requests made by judicial bodies, change of regime execution, only if the execution of the sentence for the new regime as well as transfers for security reasons is not organized in the place of detention. In all these cases, the transfers shall be made only with the approval of the Medical Surveillance Directorate within the National Administration of Penitentiaries ”;
  - ✓ According to the provisions of art. 61 para. (1) lit. d) of Law no. 55/2020 of 15 May 2020 on some measures to prevent and combat the effects of the COVID-19 pandemic: “By decision of the General Director of the National Administration of Penitentiaries, the following exceptional measures may be ordered: restricting the transfer of large numbers of persons deprived of their liberty between places of detention, except in cases of medical emergencies, express requests made by judicial bodies or changes in the regime of execution, only if the place of detention does not organize the execution of the sentence for the new regime and transfers from safety reasons.” The same law provides in art. 62 that “In criminal cases, if the judicial body considers this does not affect the proper conduct of trial or rights and interests of parties, persons deprived of their liberty are heard by videoconference at the place of detention, without their consent.
50. Another element of relevance that determined the interruption of the process of balancing the distribution of staff, as well as the decrease of accommodation spaces for certain execution regimes was the creation of the Bucharest-Jilava Hospital Penitentiary, Aiud Penitentiary, Constanța-Poarta Albă Hospital Penitentiary, Mioveni Hospital Penitentiary, Drobeta Turnu-Severin Penitentiary and Baia Mare Penitentiary, quarantine/monitoring / respiratory isolation areas for persons deprived of liberty who come from areas with epidemiological risk, or who, following the epidemiological triage, have suspicions or symptoms specific to the new virus. To meet the possible COVID-19 cases, with moderate or severe symptoms, among persons deprived of liberty, the National Administration of Penitentiaries identified, at the level of its health network, Bucharest Rahova Penitentiary-Hospital for functional support from the perspective of Intensive Care Unit, for the Bucharest-Jilava Hospital Penitentiary.
51. Thus, having regard to the epidemiological context generated by the SARS - CoV - 2 virus, according to the situation regarding the accommodation capacity of the units and their numbers on 30.06.2020 - by reference to the accommodation capacity of the unit and the number of detainees - Focșani Penitentiary registered the highest degree of overcrowding, respectively 155.67%. According to the situation regarding the units and their staff's accommodation capacity, the occupancy rate at the level of the penitentiary system on 30.06.2020 is 111.24%. Thus, it can be seen that most penitentiaries are at a significantly lower occupancy rate than Focșani Penitentiary.

*Continuing the implementation of social reintegration programs (educational, psychological assistance and social assistance) of people from the penitentiary system (NAP)*

52. The statistical analysis of the data on the share of recidivist detainees in the general penitentiary population showed a relatively downward trend in the last 10 years, with the percentage of recidivist detainees being as follows: 44.82% (2009), 44.93% (2010), 45.87% (2011), 45.78% (2012), 45.78% (2013), 43.00% (2014), 40.33% (2015), 38.27% (2016) ), 38.37% (2017), 38.44% (2018), 38.43% (2019).
53. Given the particularly complex issue of social reintegration of persons serving custodial sentences, the National Administration of Penitentiaries has initiated, in collaboration with the Ministry of Justice (coordinator), the Ministry of Labor and Social Justice, the Ministry of National Education, the Ministry of Foreign Affairs. Internal Affairs, the Ministry of Health, the National Probation Directorate, the necessary steps for elaborating and promoting the Government Decision no. 389 of May 27, 2015, on the approval of the National Strategy for the social reintegration of persons deprived of liberty, 2015 - 2019. Thus, a national mechanism was created, inter-institutional, articulated, to support the process of social reintegration of persons deprived of liberty.
54. Given the progressive nature of the execution of custodial sentences, and, implicitly, the increase of detainees' interest in being included in social reintegration measures, it has become imperative to diversify, develop the offer of specific programs and activities at the level of the penitentiary system. Thus, if in 2015, at a systemic level, 57 educational and psychosocial assistance programs were available, in 2019, there were 81 programs available to detainees<sup>7</sup>.
55. Implementation of the Government Decision no. 389/2015, in the strategic cycle 2015-2019, facilitated the consolidation of inter-institutional collaboration and the concretization of the following activities:
  - Development of a system for diagnosing the training and professional development needs of specialists at the level of institutions responsible for carrying out social reintegration activities with persons deprived of their liberty (both during detention and post-detention);
  - Elaboration of a standard professional training program "We learn together. We are progressing together. Training program for the staff working with criminally sanctioned persons ", approved by MEN Order no. 3088 / 17.01.2019, and addressed to the specialists from the penitentiary system units, from the probation services, from the educational departments and the county employment agencies;

<sup>7</sup> Depending on the needs identified, following individual assessments, mandatory according to Law no. 254/2013, for each convicted person.

- Elaboration of an Analysis Report and an inventory of proposals to modify or complete the legislative framework focused on facilitating the socio-professional reintegration process;
  - Development of seven interinstitutional procedures, of which five procedures were approved and implemented:
    1. The interinstitutional procedure regarding the enrollment of persons deprived of liberty in school courses and the continuation of studies after release (in implementation);
    2. The inter-institutional procedure regarding the accomplishment of professional training activities with persons deprived of liberty and the taking over of the cases after the release (in implementation);
    3. Interinstitutional procedure regarding the access of persons serving a sentence or a measure of deprivation of liberty and persons released to social assistance services - (in implementation);
    4. Interinstitutional procedure regarding the training of volunteers in penitentiaries to participate in information - education - communication campaigns specific to health promotion in penitentiaries (in implementation);
    5. Interinstitutional procedure for ensuring the continuity of healthcare for persons deprived of their liberty after their release (in implementation);
    6. Interinstitutional procedure for the provision of assistance services for persons with a history of drug use, during detention and after release;
    7. Interinstitutional procedure regarding the suspension of social benefits for disabled persons in detention/arrest.
  - Preparation of a Study Report on identifying the needs for facilitating the social reintegration of persons deprived of their liberty;
  - Regular organization of local meetings, between the representatives of the penitentiary system and community partners, in the form of exchanges of experience, which had as a theme the promotion of good practice models, progress indicators in implementing the Strategy, and facilitating collaboration for developing joint activities;
  - Efforts to identify new partners and expand existing collaborations to improve the quality of assistance provided to detainees; Currently, at the level of the penitentiary system, 46 collaboration protocols concluded with non-governmental institutions, associations and organizations are ongoing.
56. Following the evaluation of the activities carried out by the implementation of Government Decision no. 389/2015, through the Monitoring Report of the National Strategy for the social reintegration of persons deprived of liberty 2015-2019, prepared

in the form of a memorandum, approved at the Government meeting on 24 April 2019, the proposal for continuing the activities was validated through a new draft Government Decision, valid for the strategic cycle 2020-2024. In the presented coordinates, the new strategy approved by the Government Decision no. 430/2020 on the approval of the National Strategy for the social reintegration of persons deprived of liberty 2020-2024.

*Improving standards of hygiene, food and medical supervision*

57. To ensure standards regarding the equipment, personal and collective hygiene of persons deprived of liberty, new regulations were elaborated, respectively the Order of the Minister of Justice no. 3848/2016 for the approval of the Norms regarding the articles of cleaning and individual and collective hygiene provided by the administration of the place of detention and the Order of the Minister of Justice no. 2890/2017 for the approval of the Norms of equipment and duration of use provided by the administration of the place of detention of persons deprived of liberty. Thus, on the one hand, the individual hygiene items were supplemented, providing minimum and maximum quantities for distribution to each detainee, and, on the other hand, new items were introduced. Also, for the children of persons deprived of liberty (up to 1-year-old, who, according to the law, have the opportunity to sit with their mother), specific hygiene and cleaning items have been supplemented, including new products<sup>8</sup>.
58. Regarding the equipment of persons deprived of their liberty, the provisions have been supplemented for some articles of clothing, underwear and footwear. Also, for the personal protective equipment of persons deprived of liberty, who perform various lucrative activities<sup>9</sup>, the provisions have been increased for some articles, and new items were introduced.
59. By promulgating Law no. 61/2018 for the amendment and completion of the Government Ordinance no. 26/1994 on the food rights, in peacetime, of the personnel in the sector of national defense, public order and national security<sup>10</sup>, a series of regulations were introduced for:
  - ✓ equalization of the caloric scales of the food norms for the detained or pre-trial detained persons with those of the convicted persons;
  - ✓ establishing minimum caloric scales for the food norms of persons deprived of liberty, etc.;
  - ✓ setting minimum caloric scales for the food norms of persons deprived of liberty, based on determinations made by nutritionists, regarding the daily caloric intake.

<sup>8</sup> E.g. baby shampoo, bath oil, bottles and teats.

<sup>9</sup> The activities for which items of equipment have been provided relate to activities carried out for the preparation and distribution of food, for the maintenance and operation of installations and equipment, for the maintenance and upkeep of buildings, and for maintaining cleanliness and hygiene inside and outside the place of detention.

<sup>10</sup> Published in the Official Gazette no. 227/14.03.2018.

60. Based on Law no. 61/2018 was elaborated and approved the Order of the Minister of Justice no. 3147/C/2018 on the approval of the Norms for granting food rights for persons deprived of liberty in the penitentiary administration system<sup>11</sup>, through which a series of regulations were introduced meant to ensure the qualitative increase of the food provided to persons deprived of liberty.
61. Because of the structural changes made to the food rules of persons deprived of their liberty, it was also necessary to amend the financial values accordingly to increase them. Thus, by order of the Minister of Justice no. 3146/C/2018, for the approval of the financial costs of the food norms of the persons deprived of liberty<sup>12</sup>, the financial amount of the food norms were increased, registering increases for the main food norms.

In April 2020, the order mentioned above was repealed by OMJ no. 1365/C/2020 for the approval of the updated financial values of the food norms of persons deprived of liberty, establishing the new financial values of the food norms (increase by 7, 8% compared to those approved by OMJ No. 3146/C/08.08.2018), as follows:

- ✓ the norm no. 15 Minors from 7.11 lei/day/person to 7.67 lei/day/person (excluding VAT);
- ✓ the norm no. 17 Convicted from 5.51 lei/day/person to 5.94 lei/day/person (excluding VAT);
- ✓ the norm no. 18 Patients from 6.41 lei/day/person to 6.91 lei/day/person (excluding VAT).

It should be mentioned that according to the Order of the Minister of Justice no. 1485/C/2020 for the approval of the modification of the financial value of the Food Norm no. 12 C1 - Supplement for public holidays during the Easter holidays, the detainees benefited in the first and second day of the Easter Holidays from 2020 from an additional food norm, in the total amount of 8.26 lei/day/person (excluding VAT), which has been added to the basic rule to which each detainee is assigned.

#### *Probation-specific measures*

62. On 28 November 2019, at the proposal of the Minister of Justice, the Romanian Government approved a Memorandum on the organization of competitions for filling vacancies in the organizational structure of the National Probation Directorate and Probation Services (Memorandum), which provides for their gradual filling.

For the application of those measures, the following shall be taken into account:

Stage 1 - the financing in 2019 of 254 positions (150 probation counselors, 84 contract staff, 20 employees in the central structure);

Stage 2 - the financing in 2020 of 118 positions (101 counselor positions and 17 employees in the central structure);

<sup>11</sup> Published in the Official Gazette no. 761 / 09.04.2018.

<sup>12</sup> Published in the Official Gazette no. 761 / 09.04.2018.

Stage 3 - financing in 2020 another 239 positions (155 probation counselors and 84 contract staff);

According to the Memorandum, in the budget of the National Probation Directorate for 2020, the 254 positions related to the first stage were financed to fill them, but in the context of the COVID-19 pandemic, all attempts to fill positions were suspended. Currently, a first transfer procedure has been completed on request for employees from other public institutions to fill 84 contract staff positions (42 secretaries and 42 drivers) in all probation services, with 17 applications being admitted (10 for secretaries and seven drivers ). Simultaneously, for the central structure, there is an ongoing transfer procedure on request for the occupation of 9 positions of civil servants and 2 of assimilated personnel according to the law of judges and prosecutors.

63. For the development of the probation system, both from a methodological point of view and in terms of physical infrastructure and IT, two partnership agreements concluded in September 2019 and November 2019, respectively, for the implementation by DNP of two strategic projects for the system. of probation with non-reimbursable financial assistance from the Kingdom of Norway through the Norwegian Financial Mechanism 2014-2021. "Correctional" - DNP budget 5,511,523 euros and "Improving Correctional Services in Romania by implementing the principle of normality - 4Norm-ality" - DNP budget - 240,175 euros. The projects aim at solving structural issues such as diagnostic tests, research, work procedures, specialized intervention programs for convicted persons under the supervision of probation services, training sessions, equipping the probation system with IT infrastructure, furniture and other necessary equipment. in the current activity, as well as the accomplishment of repair works of the probation services headquarters. The two projects will be implemented between 2020 and 2024. So far, actions have been taken before the start of public procurement procedures within the two projects.
64. In conditions of legislative stability, where the powers of the probation services will not be extended to the current situation, by taking the above measures, it is estimated that they will produce sustainable effects by reducing the number of cases/employees. Thus, at the end of stage 3, it is estimated that 957 probation counselors will be employed throughout the probation system which, if they manage a similar number of cases as at present, approx. 100,000 / year, will reach an average of 104 cases/employee, being registered a significant decrease compared to the current situation in which the average number of cases/employee is 181. Also, improving the regulatory framework of the profession (staff status) will be created the premises for an increase in the stability of employees in the probation system and the attractiveness of the profession for filling vacancies with highly qualified staff. In addition, measures to improve the infrastructure of probation services will aim to create an optimal working environment for both probation staff and those implementing Community measures and sanctions, in line with Council of Europe standards in this area.

## **D. PROPOSED MEASURES TO IMPROVE DETENTION CONDITIONS (2020-2025)**

### **D.1 Investments in the physical infrastructure of penitentiaries**

65. In December 2019, the National Administration of Penitentiaries revised the Calendar of Measures for 2020-2025. The application of the established measures involves the creation of 7,849 new accommodation places and the modernization of 946 accommodation places, the investments being financed from three sources, as follows:

1. The Norwegian Financial Mechanism - 1,400 new accommodation places, in an estimated value of 21,007,300.00 euros and 100 modernized accommodation places, in an estimated cost of 103.115.615,0 euros;
2. The state budget - 4,549 new accommodation places and the modernization of 846 accommodation places in an estimated value of 102,255,576.0 euros;
3. Loan from an International Financial Institution, according to the project approved by the Romanian Government, on 05.12.2017, through the Memorandum on Decision on the opportunity to finance the physical infrastructure of the Romanian penitentiary system, through a project funded from reimbursable external funds, which proposes the concept of the national project - Investments in penitentiary infrastructure - 1,900 new accommodation places through the construction and establishment of two new penitentiaries (Berceni Penitentiary and Unguriu Penitentiary).

66. The investment plan is structured in several stages, as follows:

#### **Stage I (2021): new accommodation places - 210, modernized places - 318**

The continuation and completion of the works started in the previous years is envisaged. The new accommodation places will be put into use in the following penitentiaries: Găești (96), Deva (30), Târgu Jiu (84), and the modernized ones in Deva (218) and the Târgu Ocna Educational Center (100).

The non-completion of the investment objectives foreseen in 2020 and the postponement of the completion deadlines for 2021 are due to:

- suspension of the activity of the executors, designers and project verifiers during the state of emergency, established for the prevention of illness and spread of SARS VOC 2 infection, respectively 16.03-15.05.2020;
- starting 16.03.2020, as a result of the established state of emergency, through the plan of measures ordered by the National Administration of Penitentiaries, the lucrative activities with the detainees were stopped;
- difficult procurement procedures:
  - Design services, in the case of the investment objective “Transformation of production workshops into holding spaces” - Găești Penitentiary, through



which 96 new detention places will be created. The design services contract for the elaboration of the rest to be executed and of the fire safety scenario was concluded on 01.07.2020 (60 calendar days), following that, following the approval in the Technical-Economic Council of ANP, to the procurement procedure for the works execution contract is started;

- “Administrative flag-raising” - Târgu Jiu Penitentiary, through which 40 new detention places will be created, by moving the offices of the administrative sector to the new building, the vacated spaces will have the destination of detention spaces, the execution of the work contract being concluded in May 2020;
- “Transformation of agro-zootechnical household storage into holding spaces” - Târgu Jiu Penitentiary, through which 44 new detention places will be created, in the phase of the feasibility study and fire safety documentation that were not submitted to project verifiers, as they have suspended activity. In the next period, the feasibility study will be analyzed in the Technical-Economic Council of NAP and the procedure for awarding the works execution contract will be started (for the elaboration of the technical execution project + the execution of the works themselves). In the first stage, during 2020, the technical execution project will be elaborated, following that, after its approval in the Technical-Economic Council of ANP and the issuance of the building permit, the actual execution will be started.
- “Detention spaces” - Deva Penitentiary - objective under execution, through which 30 new detention places will be created and 218 places will be modernized - the works execution contract was suspended for a period of 2 months.

**Stage II (2022): new accommodation places - 445, modernized places - 85**

The new accommodation places will be put into use at the Gherla Penitentiary - 300, the Codlea Penitentiary - 80 and the Târgu Ocna Educational Center - 65, and the modernized ones within the Târgu Ocna Penitentiary-Hospital - 85.

**Stage III (2023): new accommodation places 1,275, modernized places - 363**

The new accommodation places will be put into use at the following penitentiaries: Aiud (100), Botoșani (80), Brăila-Tichilești Detention Center (74), Craiova - Ișalnița Outside Section (80), Constanța - Poarta Albă - Valu Outer Section of Traian (80), Deva (250), Focșani (118), Galați (152), Găești (96), Ploiești - Moara Nouă external section (80), Ploiești-Târgșorul Nou (90), Târgu Ocna Hospital (75) and modernized Constanța - Poarta Albă (363).

**Stage IV (2024): new accommodation places - 5,419, modernized - 180**

The new accommodation places will be put into use in the following penitentiaries: Baia-Mare (420), Botoșani (320), Bistrița (600), Galați (34), Mioveni (310), Iași (600),

Pelendava (325) , Ploiești - Movila Vulpilor outer section (150), Constanța - Poarta Albă (300), Timișoara - Buziaș outer section (300), Ploiești Târgșorul Nou (240), Târgu Mureș (210), Vaslui (210), P48 Unguriu Penitentiary ( 900), P47 Berceni Penitentiary (500) and modernized Mioveni (180).

**Stage V (2025): new accommodation places - 500 - P47-Berceni Penitentiary**

67. In the context of the issues raised by the members of the delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), concerning the conditions of detention, in respect of the with the updated plan of measures, these units have set investment objectives with completion deadlines 2022 - 2024, respectively:

- ✓ Gherla - 300 new detention places in maximum safety and open (2022) - the investment objective "New detention pavilion" is in the phase of feasibility study elaborated, it is necessary to analyze it within the Technical-Economic Council of ANP, after approval the 2020-2025 action plan, in updated form;
- ✓ Aiud - 100 new closed detention places (2023) - for the investment objective "Transformation of production spaces into holding spaces," the conceptual notes and design themes require analysis within the Technical-Economic Council of NAP, after the approval of the 2020 action plan - 2025 in updated form;
- ✓ Galați - 186 new detention places in semi-open and open regime (2023 and 2024) - at the investment objectives "Quarantine detention pavilion, infirmary, PPD" and "New detention pavilion" feasibility studies were completed, to be analyzed within the Technical-Economic Council of ANP, after issuing fire safety approvals;
- ✓ Iași - 600 new detention places in closed regime (2024) - at the investment objective "New holding pavilion," the conceptual notes and design topics were approved in the Technical-Economic Council of ANP and the pre-feasibility study was prepared. The pre-feasibility study cannot be analyzed within the Technical-Economic Council of ANP, given the refusal of the Local Council of Iași municipality to issue the agreement for updating the Zonal Urban Plan.

Regarding the Bacău Penitentiary, which was also the subject of the last visit of the CPT delegation, we mention the fact that, at its level, repair works were carried out in sections E4, E5, E6 and at 46 detention rooms (2018, 2019).

68. Analyzing the possibility of promoting solutions for simplifying public procurement procedures to facilitate investment plans in prison infrastructure and the introduction of solutions in the new action plan/revised plan. Possible avenues to be explored for speeding up work would be: possible changes to public procurement legislation to allow for faster procedures; carrying out investment works through C.N.I .; using the national security exception of public procurement procedures (deadline: December 2020).

The detailed investment plan for the NAP, together with the financial impact are presented in **Annex I**.

*Current repairs/small intervention works*

69. In December 2019, more than 4,000 photographs of the detention rooms in the penitentiary system were viewed and analyzed at the National Administration of Penitentiaries' level. Following this approach, in January 2020, a plan of measures for 2020 was developed, updated in August, through which current repair works / small intervention works will be carried out, without building permit, at 3,139 detention rooms, staged as follows:

- ✓ Stage I - 776 detention rooms - carried out current repair works, until 28.02.2020, at 784 detention rooms. The works that were carried out consisted of paintings, plasters, painters;
- ✓ Stage II - 761 detention rooms, having as completion date 30.06.2020. The works consisted of plasters, paints, painters, replaced wood joinery with PVC / Aluminum joinery with double glazing, replaced sanitary ware with stainless steel anti-vandal objects, replaced tiles, tiles, etc. By 01.07.2020, 177 detention rooms have been completed, the difference of 584 rooms will be completed, as follows:
  - ✓ 109 detention rooms until 30.09.2020;
  - ✓ 122 detention rooms until 30.10.2020;
  - ✓ 353 detention rooms until 31.12.2020.

The main reason which led to the postponement of the deadline for the completion of small-scale intervention works at the 761 chambers was the establishment of a state of emergency, which led to delays in delivery of materials by suppliers, cessation of works, cessation of lucrative activities with detainees as a preventive measure in the epidemiological context determined by SARS-CoV-2, the impossibility of relocating detainees, to create the working front for carrying out the planned works.

- ✓ Stage III - 1,594 detention rooms, having as completion date 31.12.2020. These current repair works consist of painters, painters, tile replacement, sanitary ware, etc. To date, recent repair work has been completed on 506 detention rooms.

*Identifying modernization needs*

70. The project "Institutional strengthening of the Romanian penitentiary system" aims, among others, to acquire technical assistance and expert services, respectively to carry out a study on the infrastructure of buildings in the penitentiary system - diagnostic analysis to determine its degree of compliance, with the national and international standards, in the field of ensuring the conditions of detention. Thus, the general objective of the project aims to strengthen the organizational and

administrative capacity of the penitentiary system by developing managerial tools and revising the Development Strategy.

71. To carry out the Study regarding the infrastructure of the buildings in the penitentiary system, the following activities will be carried out in the coordinates of the POCA project:
- ✓ elaboration of technical expertise and energy audits at the buildings within each penitentiary unit;
  - ✓ development of evaluation sheets/reports for each penitentiary, after the elaboration of technical expertise and energy audits, highlighting the degree of compliance with national legislation and international standards on detention conditions and with regulations on safety in operation (seismic assessment, security fire etc.);
  - ✓ elaboration of a register of the risks associated with non-compliance with the standards regarding the detention conditions, as well as of the safety in operation;
  - ✓ establishing the directions of action for minimizing the identified risks, in the form of recommendations, taking into account also the particular situation of the buildings under the administration of the penitentiary units;
  - ✓ preparation of Conceptual Notes and design themes following the directions of action.
72. Deadline for completion of the study: 12 calendar months from the signing of the contract following the award documentation prepared by the National Administration of Penitentiaries and posted on SEAP. We estimate that the deadline for completing the Study regarding the infrastructure of the buildings in the penitentiary system will be within the deadline of 15.04.2022, this being the deadline for the completion of the Project "Institutional consolidation of the Romanian penitentiary system."
73. The specific objectives, which derive from the study on the infrastructure of buildings in the penitentiary system within the POCA project, are:
- ✓ Revision of the Penitentiary System Development Strategy from the perspective of strategic objectives, respectively Modernization and development of the penitentiary system infrastructure;
  - ✓ Promoting investment objectives and interventions in the buildings subject to this study to comply with national legislation and international standards regarding conditions of detention and safety regulations.

To carry out the Study regarding the infrastructure of the buildings in the penitentiary system, we specify that, within the procurement procedure (open tender), a total of 36 offers were submitted for all eight lots, and they are currently in progress bid evaluation activity.

## [D.2. Investments in DPAC's physical infrastructure](#)

74. Within the Romanian Police, 51 detention and pre-trial detention centers are organized and operate, of which 40 serve the administrative-territorial units (except for Ilfov County) and 11 in Bucharest. Of the total number, in the draft Action Plan 2020-2025 in the execution of the Pilot Decision Rezmiveş and others against Romania, as well as of the decisions pronounced in the group of cases Bragadireanu against Romania, investment objectives were foreseen (new/modernization/extension of above-ground detention) for 31 centers, specifying that the 11 custody locations in Bucharest are to be merged into a single center. Thus, it is proposed to create/modernize 1,426 accommodation places (with an estimated global financial impact of 66,000,000 EURO) and it is structured in stages, the proposals for reprioritizing the investment objectives being as follows:

Stage number	Year/period of realization	Number of new accommodation places/modernized	beneficiary DPAC
Stage I	2020 - 2022	225	I.P.J. Covasna (33), I.P.J. Harghita (20), D.G.P.M.B. (150) și I.P.J. Teleorman (22)
Stage II	2022 - 2025	1201	I.P.J. Vaslui (45), I.P.J. Giurgiu (50), I.P.J. Arad (50), I.P.J. Cluj (60), I.P.J. Călărași (46), I.P.J. Argeș (60), I.P.J. Brașov (60), I.P.J. Constanța (60), I.P.J. Dolj (60), I.P.J. Prahova (70), I.P.J. Botoșani (30), I.P.J. Brăila (50), I.P.J. Dâmbovița (50), I.P.J. Hunedoara (50), I.P.J. Neamț (50), I.P.J. Suceava (50), I.P.J. Mehedinți (30), I.P.J. Tulcea (30), I.P.J. Gorj (30), I.P.J. Olt (30), I.P.J. Bistrița-Năsăud (30), I.P.J. Satu Mare (30), I.P.J. Vrancea (40), I.P.J. Buzău (40), I.P.J. Vâlcea (40), I.P.J. Sălaj (30), I.P.J. Sibiu (30)

Regarding the remaining ten centers, following the punctual analysis, applied on the recommendations of the representative of the Service for the execution of ECHR judgments and from the perspective of the standards imposed by the ECHR and international monitoring mechanisms, the situation is as follows:

- ✓ Four detention and pre-trial detention centers operate in new locations, whose construction is the result of the implementation of the Calendar of

measures 2018 - 2024 for solving the prison overcrowding and detention conditions, in the execution of the pilot decision Rezmiveş and others against Romania, pronounced by ECHR on April 25, 2017 (IPJ Galați, IPJ Iași, IPJ Maramureș, IPJ Alba);

- ✓ Two detention and pre-trial detention centers meet the compliance conditions, not being necessary to be included in the project (I.P.J. Ialomița and I.P.J. Bihor);
- ✓ Four detention and preventive arrest centers require only maintenance works and current repairs in the physical infrastructure of the already existing locations, not requiring inclusion in the project (I.P.J. Caraș-Severin, I.P.J. Timiș, I.P.J. Mureș and I.P.J. Bacău).

We specify that the completion and operationalization of the new investment objectives imply the relocation, simultaneously with the cessation of the non-compliant detention and preventive arrest centers.

Regarding the standards applicable to the new investment objectives, from the perspective of their compliance with the ECHR standards, we specify that the provisions of art. 9 paragraph (3) of the Regulation on the organization and operation of detention and pre-trial detention centers, as well as the measures necessary for their safety, approved by Order of the Minister of Internal Affairs no. 14/2018<sup>13</sup>, establishes the obligation to comply with the rules set out in the Annex on security and surveillance measures arrangement and endowment of the spaces in the detention and preventive arrest centers<sup>14</sup> for the elaboration of the documentations for investment objectives, capital repairs, modernization, modification, transformation and extension of the built fund, based on the legal regulations in force.

The standardized norms referred to above regulate the characteristics regarding the arrangement and endowment with furniture elements, anti-vandalism and heating installations, individually for each category of spaces intended for accommodation and exercise of the rights of detained persons.

The detailed investment plan for the MIA (Ministry of Interior) and the financial impact are presented in **Annex II**.

75. In the context of the acquisition and distribution of 100 means of transport so far (out of the estimated 150), during the implementation of the new plan (2020 - 2025) it is necessary to purchase 50 means of transport intended for the transportation of persons deprived of their liberty, the amount allocated is estimated at EUR 2,750,000.
76. As regards the staffing assigned to the specific activities of custody of persons deprived of their liberty, the supplementary organizational structure of the Ministry of Interior with 405 posts (79 police officer positions and 326 police officer positions) by

<sup>13</sup> published in the Official Gazette of Romania no. 212 of March 8, 2018.

<sup>14</sup> Anexa nr. 1 la Regulament.

the corresponding modification of H.G. no. 416/2007<sup>15</sup> and ensuring their financing, with an estimated budgetary impact in the total amount of 5,962,512 EURO/year, for the resizing of the organizational structure of DPAC and their staffing with additional staff compared to the current number.

*Analysis of the opportunity and possibility of transfers of pre-trial detainees from DPAC to penitentiary units*

77. Analyzing the average length of custody in DPAC subordinated to the M.A.I. (strictly related to the subjects under the measure of pre-trial detention), it is usually a maximum of 60 days.

Period	Total persons deprived of liberty in DPAC	Number of persons detained for a period longer than 60 days	Percentage representation
From 01.01.2019 until 01.12.2019	18.299	597	3,26%
2018	16.464	934	5,67%
2017	18.489	1.182	6,3%
2016	18.565	1.311	7%

78. Analysis of the opportunity and possibility of transfers of pre-trial detainees from DPAC to penitentiary units and, as appropriate, the elaboration of a legislative initiative in this regard by institutions with responsibilities in the criminal enforcement field (deadline for analysis: December 2021).

### D.3. Improving hygiene standards and medical supervision

79. Regular monitoring and evaluation of medical activities and hygienic-sanitary norms to identify risk factors and provide relevant, truthful and timely information by planning and carrying out at least 23 verification missions (Deadline: ongoing, during 2020).

Given the epidemiological context generated by the SARS-CoV-2 virus, by information note no. 20189/23.04.2020, the monitoring and evaluation missions of the hygienic-sanitary condition in the penitentiary units were temporarily suspended, as well as the monitoring and evaluation visits of the implementation of the methadone substitution program. The temporary suspension measure was taken to limit the epidemiological risk at the level of penitentiary units and at the level of NAP. The number of control missions will be completed by the end of this year.

80. Finalization of the process of approving the joint order of the Minister of Justice and the Minister of Health regarding the activity of providing medical care, treatment and

<sup>15</sup> on the organizational structure and staff of the MIA and ensuring their funding.

care to persons deprived of liberty in places of detention under the National Administration of Penitentiaries (Deadline: I semester -2021).

81. Continuing to monitor the process of implementing quality standards in health, by the four penitentiaries - hospital (Dej Hospital Penitentiary, Bucharest Rahova Hospital Penitentiary, Mioveni Hospital Penitentiary, Bucharest - Jilava Hospital Penitentiary) in the process of re-accrediting health services in the year 2020, by the National Authority for Quality Management in Health - ANMCS (Deadline: during the year, according to the deadlines, until November 2020 at the latest).

In the COVID-19 epidemiological context, accreditation visits by ANMCS were postponed, as follows:

- ✓ Rahova Hospital: 21-25.09.2020;
- ✓ Mioveni Hospital: 19-23.10.2020;
- ✓ Jilava Hospital: January-February, 2021.

The only hospital accredited before the onset of the pandemic is the Dej Hospital Penitentiary, whose accreditation visit took place at the end of February 2020.

82. Improving the initial health assessment system and increasing clinical monitoring and evaluation capacity by concluding at least two collaboration protocols with external medical partners to ensure access to screening methods for hepatitis, HIV/AIDS, TB, etc. Deadline: during the year, by December 2020 at the latest.

The “Marius Nasta” Institute of Pneumoftiziology will carry out, in the period 2020-2024, an extensive screening project for pulmonary tuberculosis, in which the National Administration of Penitentiaries will participate through the subordinated units. The testing will be provided by mobile caravans that will travel to penitentiary units. The project's details will be established during July 2020, and the collaboration protocol will be signed.

83. Ensuring medical staff's need by filling vacancies in this field or, if necessary, concluding contracts with medical staff in the public health network for the provision of medical services to persons deprived of their liberty. Deadline: during the year, by December 2020 at the latest.

Twelve doctors (five dentists, five family doctors, one internal medicine doctor, and one psychiatrist) were hired for a determined period of 6 months (May - November 2020), as well as 36 medical assistants.

According to the provisions of art. 27 paragraph (3) of Law no. 55/2020 on some measures to prevent and combat the effects of the COVID-19 pandemic, with subsequent amendments and completions, during the alert state, the competitions for filling vacant and temporarily vacant positions or positions in public institutions and authorities are suspended.

Also, the normative act that provides for the organization and conduct of competitions, respectively *the Regulation on the organization and conduct of*



*competitions/examinations to fill vacancies for prison police officers and the Procedure for conducting specific checks and criteria for assessing behavior following the principles governing the profession of a prison police officer* is being approved by the Ministry of Justice.

**84. Measures that have been ordered at the level of the Romanian penitentiary system to protect detainees in the context of the pandemic generated by the new SARS-CoV-2 coronavirus:**

- a) Before establishing the state of emergency on the Romanian territory, regarding places of detention subordinated to the National Administration of Penitentiaries, implemented a plan of measures to prevent illness and spread of COVID-19 infection among staff and persons deprived of liberty. It included general preventive measures, intervention measures specific to detainees extradited from areas at epidemiological risk to COVID-19 and crisis intervention measures.
- b) On March 16, 2020, in the Official Gazette of Romania, Part I, was published the Decree of the President of Romania no. 195 / 16.03.2020 to establish the state of emergency on the territory of Romania, which includes art. 42 para. (1) of Chapter V, Annex no. 1 - First aid measures applicable in the field of justice, which directly impact the sub-domain of the execution of sentences and custodial measures. In this sense, by the General Director's decision, a plan of measures for the penitentiary system was established, at the establishment of the state of emergency on the Romanian territory, which was transmitted to the subordinated units and implemented.

At the level of the penitentiary administration system, respiratory isolation spaces were established, destined for persons deprived of liberty considered suspicious/sick cases of COVID-19, within five penitentiary units (Bucharest - Jilava Hospital Penitentiary, Aiud Penitentiary, Constanța Hospital Penitentiary - Poarta Albă, Drobeta Turnu Severin Penitentiary and Baia Mare Penitentiary). Also, by order of the Minister of Health no. 489/2020 of March 23, 2020 on approving the administration, financing and implementation of priority actions for monitoring, treatment and care of critical patients with emerging and re-emerging infections (AP-IE / RE), Bucharest - Jilava Hospital Penitentiary was nominated as health unit that will carry out AP-IE / RE. At the same time, we mention that at the level of the penitentiary administration system, there are two penitentiaries-hospital with departments/compartments of Anesthesia and Intensive Care.

Given the continuous dynamics of the evolution of SARS-CoV-2 infection and the constant legislative changes, it was considered the possibility of designating other areas of respiratory isolation than those initially provided, gradually, depending on the needs.

The identification of persons deprived of liberty considered infected with SARS-CoV-2 is carried out in compliance with the regulations provided in the publications of the National Institute of Public Health: "Case definitions for Acute Respiratory

Syndrome with the new coronavirus (COVID-19)" and "Testing Algorithm for COVID-19".

To provide the penitentiary units with sanitary materials and protective equipment, necessary for the management of medical activities with persons deprived of liberty considered suspicious/sick cases of COVID-19, the hospital penitentiaries took the steps required to purchase the mentioned resources, both for their unit and for their rounded units. Regarding the provision of specific medicines for the treatment of COVID-19, it will be purchased according to specialists' recommendations for each case or will be insured from existing stocks, at that time, for medicines for general use.

The medical assistance of the persons deprived of liberty considered suspicious/sick cases of COVID-19 is provided by the specialized medical staff, among them, at the level of the penitentiary administration system being employed 2 doctors in the specialty of Anesthesia and Intensive Care and 1 doctor in the specialty of Infectious Diseases, they carry out their medical activity in penitentiaries-hospitals. Also, all cases of persons deprived of liberty suspected / sick of COVID-19 are reported to the county public health directorates, and, depending on the situation, the Single National Emergency Service 112 will be called medical assistance being provided through the public health network.

To make more efficient the provision of medical assistance and cover the medical requirements appeared in the current epidemiological context, two resident doctors from the final year in the specialty of Anesthesia and Intensive Care and one in the medical specialty of Pulmonology were summoned. At the same time, for the support of the penitentiary health network, other resident doctors were summoned, from the following medical specialties: 12 - Family medicine, 1 - Radiology, 1 - Thoracic Surgery, 1 - General Surgery, 1 - Otorhinolaryngology and 1 - Obstetrics-Gynecology, which carried out their activity in the penitentiary units during the state of emergency.

- c) In the context of issuing Decree no. 240/2020 on the extension of the state of emergency on the Romanian territory, in the "Plan of measures for the penitentiary system, on the extension of the state of emergency on the territory of Romania," it was provided that all transfers between penitentiary units be made with the approval of the Medical Supervision Directorate. Also, some penitentiary-hospital structures were operatively subordinated to other penitentiaries-hospital for carrying out the activities of monitoring, treatment, and care of patients and the transfer of material resources. The Bucharest-Jilava Hospital Penitentiary is designated as a health unit to carry out priority actions for the monitoring, treatment and care of critical patients with emerging and re-emerging infections (AP-IER / RE) according to the Order of the Minister of Health no. 489/2020 on the approval of the administration, financing and implementation of priority actions for the monitoring, treatment and care of critical patients with emerging and re-emerging infections (AP-IER/RE).

d) Following the cessation of the state of emergency and the establishment of the state of alert on the territory of Romania, at the level of places of detention, the Plan of measures for the penitentiary system was implemented after the cessation of the state of emergency which includes measures to prevent and combat the COVID-19 pandemic. In this regard, although the measures ordered are less restrictive, we specify that, during the activities, all persons at the level of places of detention have an obligation to wear, at all times, respiratory protective equipment, respectively protective mask/visors.

Depending on the national authorities' provisions, according to the evolutionary dynamics of the international pandemic context, the measures adopted will be following the recommendations of the specialized institutions authorized in this respect. DEADLINE: until the cessation of special measures at the national level.

**85. Measures taken at the level of the Ministry of Internal Affairs to protect detainees in the context of the pandemic caused by the new SARS-CoV-2 coronavirus:**

Initially, they concerned general epidemiological prevention measures (the applicability of which was also established during the alert state), of which, we list, by way of example:

- ✓ intensifying the epidemiological triage;
- ✓ application of prophylactic medical measures;
- ✓ distribution and use of protective equipment by potential third party contacts;
- ✓ appropriate disinfection of common areas (including furniture and specific equipment), to which are added the means of transport used to transport persons deprived of their liberty;
- ✓ ensuring, in all situations, the exercise of the right to visit of persons deprived of liberty, in conditions of limiting their physical contact with third parties;
- ✓ listening to persons deprived of liberty in custody in centers by video conferencing system at the place of detention;
- ✓ individual accommodation of persons posing an epidemiological risk, circuit and separate activities from other persons deprived of liberty (with the mandatory wearing of protective equipment), the exercise of rights in the center provided separately from other persons deprived of liberty (only wearing a mask, followed the proper disinfection of the related spaces;
- ✓ processing informative-educational materials regarding the epidemiological context and adequate protection measures to limit the spread of the virus, both with the staff of the centers and with the persons deprived of liberty in custody.

At the same time, under the conditions of art. 6 paragraph (3) of the O.M.I.A. no. 14/2018<sup>16</sup>, at the level of detention and pre-trial detention centers, detention rooms/detention sections were established for the reception of all persons deprived of liberty/persons deprived of liberty which came/handed over/extradited from areas with epidemiological risk for COVID-19 or who, before admission to the center, came into direct contact with people from areas at epidemiological risk for COVID-19 or confirmed as positive.

In this direction, at the level of the General Police Directorate of Bucharest, where 11 detention and pre-trial detention centers are organized and operate, the detention and pre-trial detention center no. 6, located at the headquarters of the 9th Police Station, for the reception of all the persons referred to above.

Considering that the subsequent evolution of the epidemiological situation at the national level determined by the spread of SARS-CoV-2 virus led to the establishment of the state of emergency on the Romanian territory by Decree no. 195/2020<sup>17</sup>, at the level of detention and pre-trial detention centers General of the Romanian Police, the general epidemiological prevention measures have been supplemented with measures to prevent any risk situations generated by the spread of the virus on the Romanian territory (including the development of psychological assistance activities, with priority). The measures in question were dimensioned, on the one hand, by reference to the restriction of the exercise of some of the legal rights of persons deprived of liberty (ordered by the rules mentioned above) and, on the other hand, by reference to the incidentally criminal provisions.

#### D.4. Redistribution of detainees within or within the penitentiary system (solutions envisaged to balance the staff by redistributing detainees)

86. The distribution of detainees, at the level of penitentiary units, is influenced by the multiple categories of custodians for whom, by law, the separation is ensured and the separation/sectioning of accommodation spaces from units, to ensure compliance with these provisions.

87. **Measures:**

The balancing of the number of detainees, at the level of the penitentiary system, can be achieved in two ways: 1. administrative, by making transfers between penitentiary units with the same profile, from the perspective of the regimes of execution of the custodial sentence; 2. through legislative interventions.

In this regard, concerning administrative measures, we specify:

a. On 27.03.2020, the Decision of the general director of NAP no. 360/2020, regarding the profiling of holding places through which:

<sup>16</sup> for the approval of the Regulation on the organization and operation of detention and pre-trial detention centers, as well as the measures necessary for their safety.

<sup>17</sup> Measure extended by Decree no. 240/2020.

- Focșani, Miercurea Ciuc and Tulcea penitentiaries were profiled on the detention of persons deprived of liberty classified in semi-open regime;
  - Within the Iași, Craiova, Gherla and Bucharest-Jilava Penitentiaries, accommodation spaces have been created specially arranged for people suffering from severe mental illnesses, depending on the execution regime;
  - Within the Poarta Albă, Mărgineni, Mioveni and Bucharest-Rahova Penitentiaries, spaces were created for the accommodation of medically and socially vulnerable persons deprived of their liberty, depending on the execution regime;
- b. After the adoption of the relaxation measures at the national level, on 09.06.2020, the Plan of measures regarding the implementation of Decision no. 360/2020 on the profiling of places of detention subordinated to the National Administration of Penitentiaries, which established measures on the relocation and population of the 3 penitentiaries profiled on the detention of persons classified in the semi-open regime, as well as activities to be performed. Also, within the Plan of Measures, measures and activities were established regarding the relocation of persons with serious mental disorders within the four penitentiary units.
- c. Since in some of the units included in the Plan of Measures, suspicious or confirmed cases of COVID-19 occurred among the staff, which determined preventive measures on the epidemiological line, carrying out the planned activities was difficult. On 30.06.2020, the situation is as follows:
1. The profiling of the Miercurea Ciuc Penitentiary was made, in this sense:
    - ✓ A number of 116 persons deprived of liberty classified in the closed regime were relocated to other profile units;
    - ✓ A number of 116 persons deprived of liberty classified in the semi-open regime were transferred from other profile units.
  2. The profiling of the Tulcea Penitentiary was partially carried out, in this sense:
    - ✓ A number of 74 persons deprived of liberty classified in maximum security regime were relocated to other profile units;
    - ✓ A number of 51 persons deprived of liberty classified in the closed regime were relocated to other profile units;
    - ✓ A number of 57 persons deprived of liberty classified in the semi-open regime were transferred from other profile units.
  3. The profiling of the Focșani Penitentiary was partially carried out, in this sense:
    - ✓ A number of 113 persons deprived of liberty classified in the closed regime were relocated to other profile units;
    - ✓ A number of 45 persons deprived of liberty classified in the semi-open regime were transferred from other profile units.

4. Regarding the persons deprived of liberty with severe mental disorders, we specify the fact that, until 03.07.2020, three persons deprived of liberty classified in the open regime were transferred to the Iași Penitentiary, to the Bucharest Jilava Penitentiary 11 persons deprived of liberty classified in semi-open regime, at Craiova Penitentiary 36 persons deprived of liberty classified in closed regime, and at Gherla Penitentiary 44 persons deprived of liberty classified in maximum security regime.
5. The medically vulnerable persons deprived of their liberty were transferred to the units established according to Decision no. 360/2020 to profile places of detention subordinated to the National Administration of Penitentiaries.

*Note: It should be noted that the process of transferring persons deprived of their liberty, following the reshaping of places of detention, is ongoing.*

#### E. MEASURES OF A LEGISLATIVE NATURE TO DETERMINE THE IMPROVEMENT OF DETENTION CONDITIONS FOR PERSONS DEPRIVED TO FREEDOM

88. Given the fact that in recent years, both the practical realities and the relevant international and European standards and requirements have underlined the need to update the criminal enforcement legislation in Romania, a specific approach has been initiated within the NAP and, subsequently, at the level of Ministry of Justice to analyze and identify the legislative solutions necessary both to eliminate the deficiencies and dysfunctions encountered in practice and to comply with primary legislation with the standards imposed by the jurisprudence of the European Court of Human Rights, the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (especially those formulated following the visit during February 2018<sup>18</sup>), the recommendations of the Subcommittee on the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (those formulated following the visit during May 2016<sup>19</sup>), the reports and recommendations of the Romanian Ombudsman, the reports of the Control Corps of the Minister of Justice in recent years, as well as the reports of NGOs with relevant activity in the field. In this context, to identify the application of legal provisions, deficiencies and dysfunctions encountered in practice, as well as to outline possible unitary legislative solutions, starting with November 2019, working visits were organized in several places of detention subordinated to the National Administration of Penitentiaries, in which participated, together with the adviser of the Minister of

<sup>18</sup> Report to the Romanian Government on the visit to Romania carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 7 to 19 February 2018 The Romanian Government has requested the publication of this report and of its response. The Government's response is set out in document CPT/Inf (2019)8. Strasbourg, 19 March 2019, <https://rm.coe.int/16809390a6>.

<sup>19</sup> Report of the Subcommittee. Visit to Romania undertaken from 3 to 12 May 2016: observations and recommendations addressed to the State party, 8 March 2018, [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fOP%2fROU%2f1&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fOP%2fROU%2f1&Lang=en).

Justice for the criminal enforcement field and experts in drafting normative acts within the Directorate for Elaboration of Normative Acts within the Ministry of Justice.

89. In this context, the elaboration of a draft Law for the amendment and completion of Law no. 254/2013 on the execution of sentences and custodial measures ordered by the judicial bodies during the criminal process, which would lead to the improvement of detention conditions for persons deprived of liberty - Deadline - first semester, 2021.

#### F. EFFICIENT OPERATION OF THE PROBATION SYSTEM TO FACILITATE THE APPLICATION OF COMMUNITY SANCTIONS AND MEASURES LEADING TO REDUCE THE PRISON POPULATION

90. Legislative measures - To ensure the sustainability of the process of strengthening the probation system, it was considered essential to adopt the Law on the Status of Probation Personnel, along with other proposed measures on the implementation of the instruments provided by the general regulatory framework for new non-custodial sanctions, as well as the establishment of guarantees for the exercise of specific duties in terms of the balance of responsibilities/benefits and safety of the activity carried out - Deadline: fourth quarter, 2020.
91. Measures at a strategic level - To achieve a coherent and coordinated framework for the development of the probation system, including the planning of the necessary resources for the probation system, it is necessary to adopt two strategic documents: Strategy for the development of the national probation system in Romania for 2020-2024 and the National Strategy for the rehabilitation of persons against whom community sanctions and measures have been ordered. Deadline: Fourth quarter, 2020.
92. Measures on human resources - Currently, at the National Probation Directorate (NPD) level - the central department occupies 41 positions out of the 90. At the level of territorial structures are occupied 550 positions out of a total of 945. Filling vacancies in the central department is necessary because the central department operates with a small staff (between 1 and a maximum of five persons/department, except for the Economic Directorate) situation, which significantly complicates the current activity on all levels of competence of the central structure. The occupation of positions at the local level registers consistent delays (years) in the conditions in which, according to the initial planning, in 2018, more than 800 positions of probation counselors had to be filled to manage the increased volume of activity accelerated in 2014 - present. Deadline: First quarter, 2022.
93. Physical and IT infrastructure measures - in direct proportion to human resources measures, the development of physical and IT infrastructure is also needed to enable probation staff to manage data on registered persons and ensure an optimal working environment. Deadline: First quarter, 2024.

Further details on the probation-specific actions and the expected budgetary impact can be found in **Annex III**.

### G. CONTINUING THE IMPLEMENTATION OF SOCIAL REINTEGRATION (educational, psychological assistance and social assistance) AND RECREATIONAL PROGRAMS FOR PEOPLE FROM THE PENITENTIARY SYSTEM

94. The national strategy for the social reintegration of persons deprived of liberty, for the strategic cycle 2020-2024, approved by Government Decision no. 430/2020, published in the Official Gazette of Romania no. 494 of June 11, 2020, aims at the functional reintegration of persons deprived of liberty in the family environment, in the community and on the labor market, by consolidating, optimizing and developing the necessary legal and procedural mechanisms. In line with the strategy<sup>20</sup>, the following objectives are considered:
- ✓ developing the institutional and inter-institutional capacity in the field of social reintegration of persons deprived of liberty;
  - ✓ increasing the efficiency and effectiveness of the specialized intervention carried out during the execution of the custodial sanctions;
  - ✓ facilitating post-detention assistance at a systemic level.
95. Under Objective II of the Strategy, to optimize the recovery intervention for persons in custody, a qualitative and quantitative evaluation of the educational and psychosocial assistance programs, necessary, on the one hand, to review and optimize the content of existing ones, and, on the other, will be carried out. On the other hand, the substantiation and development of new programs. This approach also aims to adapt the contents of these programs to the needs and interests of detainees, but also a more applied intervention to the requirements of society so that the process of reintegration into the community is as easy and fast as possible after release.
96. These steps are among the institutional priorities. They will be carried out to ensure an objective nature of this evaluation, with national/international specialists' expertise, in the coordinates of the Correctional project, funded by the Norwegian Financial Mechanism (Deadline - February 2021 ).
97. The following institutions will be involved in implementing the strategy: Ministry of Justice, Ministry of Administration and Interior, Ministry of Labor and Social Protection, Ministry of Education, Ministry of Health, National Administration of Penitentiaries, National Probation Directorate. Deadline: for the entire reference period 2020-2024.

#### ***Recreational activities***

98. Taking into account the importance of occupying the time constructively spent in detention, NAP sought to make the specialized approaches accessible and their adequacy to the increasing diversification of the guarded staff. The standardized offer of educational activities and programs, psychological assistance, and social assistance

<sup>20</sup> The draft Government Decision on the approval of the National Strategy for social reintegration of persons deprived of liberty 2020-2024 has gone through the stage of public consultation, by posting on the website of the Ministry of Justice during 12.12.2019-30.01.2020.



available at the penitentiary system level is customized, annually, by each penitentiary unit, taking into account the needs of the beneficiaries. The standardized offer also includes semi-structured, short-term activities, which allow the running of as many people deprived of liberty as possible to increase the time spent outside the detention rooms. The intervention levels aim to stimulate knowledge, creativity, developing and practicing practical, artistic, literary, musical, plastic, technical skills, and maintaining the appropriate physical and mental tone.

99. Each penitentiary unit has adequate spaces for sports and recreational activities (gym and/or sports field). The individual or collective practice of games and sports activities is performed concerning the sex, age and physical abilities to ensure access for all persons deprived of liberty. Physical education activities aimed at developing motor performance and structured learning of a sport (Sports education program, promoted at the national level, includes modules for table tennis, football, volleyball, basketball and bodybuilding) are carried out under the guidance of the monitor sportsman - officer (employed staff of the unit, graduate of the National Academy of Physical Education and Sports). In contrast, recreational activities, organized in physical exercises, competitions and sports games, are coordinated by the sports monitoring agent (with secondary education). However, there is at least one sports monitor in each penitentiary unit, which ensures the organization and development of all sports and recreational activities, free time, for persons deprived of liberty.
100. The detainees also have the opportunity to take into account existing local capacities and carry out occupational activities, such as hobbies, in specially designed outdoor or indoor spaces (e.g. handicrafts, drawing, origami, plant cultivation and landscaping). Increasing the time spent by detainees outside the rooms and participating in activities appropriate to personal needs and resources are priority directions for improving the quality of life in detention.

#### H. THE MONITORING AND IMPLEMENTATION OF THE CALENDAR OF MEASURES 2020 - 2025

1. The estimated amounts of money, necessary for the implementation of the 2020-2025 Action Plan elaborated in order to execute the pilot decision Rezmives and others against Romania, as well as the decisions pronounced in the group of cases Bragadireanu against Romania will be provided within the annual budgets approved according to the law of the institutions with responsibilities in the field.
2. The new 2020-2025 Action Plan in the execution of the pilot judgment Rezmives and others against Romania, as well as the judgments handed down in the Bragadireanu case group against Romania is the joint result of the Interinstitutional Working Group convened shortly after the meeting of the Committee of Ministers in Human Rights (CM-DH) from 3-5 December 2019. The working group includes representatives of the Ministry of Justice, the Ministry of Foreign Affairs - Government Agent for the ECHR, the Ministry of Internal Affairs, the Ministry of Public Finance, the National Administration of Penitentiaries, and the National Directorate of Probation.

3. The working mentioned above group will monitor and evaluate the 2020-2025 Action Plan by organizing half-yearly formal meetings, in which the stage of implementation of the measures included in the plan will be taken into account. The working group will also assess more general issues related to the evolution of the prison population in the coming years, in relation to the Action Plan could be helped. The secretariat of the Working Group will be provided by the Ministry of Justice.

## ANNEX I - Calendar of measures for investments in infrastructure of the National Administration of Penitentiaries

### 1. New investments and transformation of existing spaces into new places of detention:

- Transformation of existing spaces into new places of detention through intervention works
- Creating new holding positions through new investments
- Changing the destination of existing spaces in new places of detention through current repair works

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#### 1.1. Year 2021

Measure	NUMBER OF PLACES	Responsible	Estimated required resources in Euro	Indication of the source of financing (e.g. state budget, FEN external loans, own revenues)	Existence/not of the necessary funds in the budget of the current year, respectively the projection for the following years	Term	Execution regime
<b>Transformation of existing spaces into new places of detention through intervention works</b>	<b>170</b>						
1.1.1. Detention spaces - P. Deva	30	NAP, P. Deva	The new places are the result of the modernization of the 218. The sums are found in the modernizations	State budget	Existing partial funds in the 2020 budget	Dec. 2021	Semi-open and open regime
1.1.2. Transformation Production workshops in detention facilities - P. Găești	96	NAP, P. Găești	452.000,0 euro	State budget	Existing partial funds in the 2020 budget	Dec. 2021	Open regime
1.1.3. Transformation of agro-zootechnical management warehouse into holding spaces - P. Târgu Jiu	44	NAP, P. Târgu Jiu	252.500,0 euro	State budget	Existing partial funds in the 2020 budget	Dec. 2021	Semi-open and open regime
<b>Changing the destination of existing spaces for the creation of new holding places through current repair works</b>	<b>40</b>						
1.1.4. Administrative offices in detention facilities - P. Târgu Jiu	40	NAP, P. Târgu Jiu	8.000,0 euro	State budget	Funds will be requested through the 2021 budget	Dec. 2021	Semi-open and open regime
<b>TOTAL</b>	<b>210</b>						

**1.2. Year 2022**

Measure	NUMBER OF PLACES	Responsible	Estimated required resources in Euro	Indication of the source of financing (e.g. state budget, FEN, external loans, own revenues)	Existence/not of the necessary funds in the budget of the current year, respectively the projection for the following years	Term	Execution regime
<b>Transformation of existing spaces into new places of detention through intervention works</b>	<b>145</b>						
1.2.1. Transformation of production workshop and D5 bedroom into detention facilities - CE Târgu Ocna	65	NAP, CE Târgu Ocna	547.720,0 euro	State budget	Funds will be requested through the 2021 budget	Dec. 2022	The measure of hospitalization in the educational center
1.2.2. Pavilion 05 – P. Codlea	80	NAP, P. Codlea	557.656,0 euro	State budget	Funds will be requested through the 2021 budget	Dec. 2022	Semi-open and open regime
<b>Creating new detention places through investments</b>	<b>300</b>						
1.2.3. New detention pavilion - P. Gherla	300	NAP, P. Gherla	6.406.510,0 euro	State budget	Funds will be requested through the 2021 budget	Dec. 2022	Maximum safety and closed regime
<b>TOTAL</b>	<b>445</b>						

**1.3. Year 2023**

Measure	NUMBER OF PLACES	Responsible	Estimated required resources in Euro	Indication of the source of financing (e.g. state budget, FEN, external loans, own revenues)	Existence/not of the necessary funds in the budget of the current year, respectively the projection for the following years	Term	Execution regime
<b>Transformation of existing spaces into new places of detention through intervention works</b>	<b>803</b>						
1.3.1 Open regime detention pavilion - P. Focșani	50	NAP, P. Focșani	737.200,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2023	Open regime
1.3.2. Transformation of the budget production workshop into holding spaces - P. Focșani	68	NAP, P. Focșani	877.100,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2023	Closed regime
1.3.3. Transformation of production workshop into holding spaces - CD Brăila Tichilești	74	NAP, CD. Brăila Tichilești	1.553.350,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2023	Closed regime
1.3.4. Transformation of production spaces into holding spaces - P. Aiud	100	NAP, P. Aiud	932.889,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2023	Closed regime
1.3.5. Transformation of agro-zootechnical household in external section - P. Deva	250	NAP, P. Deva	2.800.000,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2023	Open regime
1.3.6. Administrative transformation into holding spaces - P. Găești	48	NAP, P. Găești	260.000,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2023	Open regime
1.3.7. Transformation of production workshop into holding spaces - P. Găești	48	NAP, P. Găești	220.000,0 euro	State budget	Funds will be requested through the	Dec. 2023	Open regime

					draft budget		
1.3.8. Transformation of equipment warehouse into holding spaces - P. Târgșor	90	NAP, P. Târgșor	687.990,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2023	Maximum safety regime
1.3.9. Transformation of Pavilion B into detention rooms - P. Târgu Ocna Hospital	75	NAP, P. Spital Târgu Ocna	1.315.407,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2023	Closed regime
<b>Creating new holding positions through investments</b>	<b>472</b>						
1.3.10. New detention pavilion - Ișalnița Section - P. Craiova	80	NAP, P. Craiova	1.045.000,0 euro MFN 2014 – 2021 Proiect 4 Normality	Norwegian Financial Mechanism	Financing contract signed	July 2023	Women – all regimes
1.3.11. New detention pavilion - New Mill Section - P. Ploiești	80	NAP, P. Ploiești	1.045.000,0 euro MFN 2014 – 2021 Proiect 4 Normality	Norwegian Financial Mechanism	Financing contract signed	July 2023	Open regime
1.3.12. New detention pavilion + multifunctional pavilion - P. Poarta Albă	80	NAP, P. Poarta Albă	1.225.000,0 euro MFN 2014 – 2021 Proiect 4 Normality	Norwegian Financial Mechanism	Financing contract signed	July 2023	Semi-open and open regime
1.3.13. New detention pavilion - P. Botoșani	80	NAP, P. Botoșani	2.411.233,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2023	Semi-open and open regime
1.3.14. New detention pavilion - P. Galați	152	NAP, P. Galați	3.715.512,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2023	Maximum safe and closed regime
<b>TOTAL</b>	<b>1275</b>						

**1.4. Year 2024**

Measure	NUMBER OF PLACES	Responsible	Estimated required resources in Euro	Indication of the source of financing (e.g. state budget, FEN, external loans, own revenues)	Existence/ndt of the necessary funds in the budget of the current year, respectively the projection for the following years	Term	Execution regime
<b>Creating new holding positions through investments</b>	<b>3189</b>						
1.4.1. New detention pavilion + multifunctional pavilion - P. Botoșani	320	NAP, P. Botoșani	4.863.000,0 euro MFN 2014 – 2021 Proiect Correctional	Norwegian Financial Mechanism	Financing contract signed	April 2024	Semi-open and open regime
1.4.2. New detention pavilion + multifunctional pavilion - P. Târgu Mureș	210	NAP, P. Târgu Mureș	3.600.000,0 euro MFN 2014 – 2021 Proiect Correctional	Norwegian Financial Mechanism	Financing contract signed	April 2024	Semi-open and open regime
1.4.3. New detention pavilion + multifunctional pavilion - P. Vaslui	210	NAP, P. Vaslui	2.862.000,0 euro MFN 2014 – 2021 Proiect Correctional	Norwegian Financial Mechanism	Financing contract signed	April 2024	Semi-open and open regime
1.4.4. New detention pavilion + multifunctional pavilion – P. Baia Mare	420	NAP, P. Baia Mare	6.367.300,0 euro MFN 2014 – 2021 Proiect Correctional	Norwegian Financial Mechanism	Financing contract signed	April 2024	Semi-open and open regime
1.4.5. Detention pavilion – P. Craiova Pelendava	325	NAP, P. Craiova Pelendava	8.205.400,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2024	Semi-open and open regime
1.4.6. Quarantine detention pavilion, infirmary, PPD - P. Galați	34	NAP, P. Galați	2.297.498,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2024	Maximum safe and closed regime
1.4.7. New Pavilion Movila Vulpilor - P. Ploiești	150	NAP, P. Ploiești	2.400.000,0 euro	State budget	Funds will be requested through the	Dec. 2024	Semi-open regime

					draft budget		
1.4.8. New holding pavilion - P. Iași	600	NAP, P. Iași	17.441.400,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2024	Closed regime
1.4.9. New holding pavilion - P. Bistrița	500	NAP, P. Bistrița	13.641.600,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2024	Semi-open and open regime
1.4.10. New holding pavilion - P. White Gate	300	NAP, P. Poarta Albă	6.943.015,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2024	Semi-open regime and preventive arrests
1.4.11. New detention section - P. Mioveni	120	NAP, P. Mioveni	2.221.982,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2024	Closed regime
<b>Transformation of existing spaces into new places of detention through intervention works</b>	<b>830</b>			State budget			
1.4.12. Agro-zootechnical household detention pavilion ensemble - P. Bistrița	100	NAP, P. Bistrița	1.612.400,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2024	Open regime
1.4.13. Set of bedrooms owned by the agro-zootechnical household - P. Mioveni	190	NAP, P. Mioveni	3.231.199,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2024	Open regime
1.4.14. Transformation of existing spaces into holding spaces - Buziaș - P. Timișoara exterior section	300	NAP, P. Timișoara	5.049.466,0 euro	State budget	Funds will be requested through the	Dec. 2024	Semi-open and open regime



					draft budget		
1.4.15. Transformation of garment factory into holding spaces - P. Târgșor	240	NAP, P. Târgșor	2.524.733,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2024	Maximum safety regime
<b>TOTAL</b>	<b>4019</b>						

## 2. Modernization of existing accommodation spaces

Measure	NUMBER OF PLACES	Responsible	Estimated required resources in Euro	Indication of the source of financing (e.g. state budget, FEN, external loans, own revenues)	Existence/absence of the necessary funds in the budget of the current year, respectively the projection for the following years	Term	Execution regime
2.1. Detention spaces - P. Deva	218	NAP, P. Deva	939.000,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2021	Semi-open and open regime
2.2. Modernization of the Târgu Ocna Educational Center	100	NAP, CE Târgu Ocna	1.040.193,0 euro MFN 2014 – 2021 Proiect Child	Norwegian Financial Mechanism	Funds will be requested through the draft budget	Dec. 2021	The measure of hospitalization in a the educational center
2.3. Modernization of Pavilion A - P. Târgu Ocna Hospital	85	ANP, P. Spital Târgu Ocna	2.142.740,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2022	Closed regime
2.4. Modernization of detention sections 3 and 4 - P. Mioveni	180	NAP, P. Mioveni	1.893.550,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2024	Semi-open regime

2.5. Sections IV-V - P. Constanța-Poarta Albă	363	NAP, P. Constanța-Poarta Albă	8.836.565,0 euro	State budget	Funds will be requested through the draft budget	Dec. 2023	Semi-open regime and preventive arrests
<b>Total</b>	<b>946</b>						

### 3. Construction of 2 new penitentiaries

Measure	Responsible	Estimated resources required in Euro	Indication of the source of financing (e.g. state budget, FEN, external loans own revenues)	Existence/not of the necessary funds in the budget of the current year, respectively the projection for the following years	Term
<b>3.1. P47 - Penitentiary 1000 places with maximum security and closed regime - Berceni</b>					<b>December 2025</b>
3.1.1. Elaboration of the feasibility study	NAP, P. Ploiești	<b>133,403.322,50 euros - 80% BDCE loan + 20% State budget</b>	Loan to the Council of Europe Development Bank	Funds provided by the Council of Europe Development Bank and the state budget for co-financing	Dec. 2019
3.1.2. Approval of the feasibility study in the Interministerial Council (CIM)					Sem. II 2020
3.1.3. Promulgation of the Government Decision approving the technical-economic indicators related to the investment objective					Sem. II 2020
3.1.4. Elaboration of the technical project and of the execution details					Dec. 2021
3.1.5. Contracting and starting the execution works					Dec. 2022
3.1.6. Performing the execution works					Dec. 2023
3.1.7. Achieving stage I of the investment objective, respectively 500 places					Dec. 2024
3.1.8. Achieving the second stage of the investment objective, respectively 500 places					Dec. 2025

Measure	Responsible	Estimated resources required in Euro	Indication of the source of financing (e.g. state budget, FEN, external loans own revenues)	Existence/not of the necessary funds in the budget of the current year, respectively the projection for the following years	Term
<b>3.2. P48 - Penitentiary 900 places with semi-open and open regime - Hungary</b>					<b>December 2024</b>
3.2.1. Elaboration of the feasibility study	NAP, P. Focșani	<b>49,090,000.0 euro - 80% BDCE loan + 20% State budget</b>	Loan to the Council of Europe Development Bank	Funds provided by the Council of Europe Development Bank and the state budget for co-financing	Sem. I 2020
3.2.2. Approval of the feasibility study in the Interministerial Council (CIM)					Sem. II 2020
3.2.3. Promulgation of the Government Decision approving the technical-economic indicators related to the investment objective					Sem. II 2020
3.2.4. Elaboration of the technical project and of the execution details					Dec. 2021
3.2.5. Contracting and starting the execution works					Dec. 2022
3.2.6. Performing the execution works					Dec. 2024

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MINISTRY OF INTERIOR

GENERAL INSPECTORARE OF THE ROMANIAN POLICE

**Annex II - Calendar of investment measures in the infrastructure of the General Inspectorate of the Romanian Police**

Crt. No.	Unit/Responsible	Measure	Resources required under the Memorandum" Euro "	Estimated present value of the investment objective	Arrest details of accommodation		Estimated completion time
					Total number of detention places	S total building (existing/proposed) mp	
0	1	2	3	4	5	6	7
<b>1. Objectives proposed and forecast to be achieved between 2020 and 2022</b>							
1	I.P.J. COVASNA	Construction of new above-ground arrest center		12,000.00	33	1,410	2022
2	I.P.J. HARGHITA	Existing arrest modernization		2,107.98	20	425.58	2022
3	D.G.P.M.B.	modernization / extension of the existing central detention center in George Georgescu Street, sector 4, Bucharest	3,500,000		150	2.500 ÷ 4.000	2022
4	I.P.J. TELEORMAN	Existing arrest modernization	1,000,000		22	938	2022
<b>2. Objectives proposed and forecast to be achieved in the period 2023 - 2025</b>							
1	I.P.J. VASLUI	Construction of new above-ground arrest center		29,900.00	45	1,000	2024
2	I.P.J. GIURGIU	Construction of new above-ground arrest center		12,537.57	50	628.65	2025
3	I.P.J. ARAD	Construction of new above-ground arrest center		22,475.41	50	789.41	2025
4	I.P.J. CLUJ	Modernization/extension of the above-ground arrest center		22,231.79	60	1,071.40	2025
5	I.P.J. CALARASI	Construction of new above-ground arrest center		16,230.37	46	1,011	2025
6	I.P.J. ARGES	Modernization/extension of the above-ground arrest center	1,500,000		60	1.500 ÷ 2.000	2025
7	I.P.J. BRASOV	Construction of new above-ground arrest center	3,500,000		60	2.500 ÷ 3.000	2025
8	I.P.J. CONSTANTA	Construction of new above-ground arrest center	3,500,000		60	2.500 ÷ 3.000	2025

9	I.P.J.DOLJ	Construction of new above-ground arrest center	3,500,000		60	2.500 ÷ 3.000	2025
10	I.P.J.PRAHOVA	Construction of new above-ground arrest center	4,000,000		70	2.500 ÷ 3.000	2025
11	I.P.J. BOTOSANI	Construction of new above-ground arrest center	2,000,000		30	1000 ÷ 1.500	2025
12	I.P.J.BRAILA	Construction of new above-ground arrest center	3,000,000		50	1000 ÷ 1.500	2025
13	I.P.J. DÂMBOVITA	Construction of new above-ground arrest center	3,000,000		50	1000 ÷ 1.500	2025
14	I.P.J. HUNEDOARA	Construction of new above-ground arrest center	3,000,000		50	1000 ÷ 1.500	2025
15	I.P.J. NEAMT	Construction of new above-ground arrest center	3,000,000		50	1000 ÷ 1.500	2025
16	I.P.J. SUCEAVA	Construction of new above-ground arrest center	3,000,000		50	1000 ÷ 1.500	2025
17	I.P.J. MEHEDINTI	Construction of new above-ground arrest center	2,000,000		30	1000 ÷ 1.500	2025
18	I.P.J.TULCEA	Construction of new above-ground arrest center	2,000,000		30	1000 ÷ 1.500	2025
19	I.P.J.GORJ	Construction of new above-ground arrest center	2,000,000		30	1000 ÷ 1.500	2025
20	I.P.J.OLT	Construction of new above-ground arrest center	2,000,000		30	1000 ÷ 1.500	2025
21	I.P.J. BISTRITA-NASAUD	Construction of new above-ground arrest center	2,000,000		30	1000 ÷ 1.500	2025
22	I.P.J.SATU MARE	Construction of new above-ground arrest center	2,000,000		30	1000 ÷ 1.500	2025
23	I.P.J. VRANCEA	Modernization/extension of the above-ground arrest center	3,000,000		40	1000 ÷ 1.500	2025
24	I.P.J. BUZĂU	Construction of new above-ground arrest center	3,500,000		40	1000 ÷ 1.500	2025
25	I.P.J. VÂLCEA	Construction of new above-ground arrest center	4,000,000		40	1000 ÷ 1.500	2025

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26	I.P.J. SĂLAJ	Construction of new above-ground arrest center	3,000,000		30	1000÷ 1.500	2025
27	I.P.J. SIBIU	Construction of new above-ground arrest center	3,000,000		30	1000÷ 1.500	2025

<b>TOTAL TITLE XIII (EURO / thousand LEI)</b>			<b>66,000,000</b>	<b>117,483</b>	<b>1,426</b>		
					<b>272</b>	<b>modernized accommodation</b>	
					<b>1,154</b>	<b>accommodation places in new DPACs</b>	

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## **ACTION PLAN FOR THE PERIOD 2020-2025,**

# **PREPARED FOR THE EXECUTION OF THE JUDGMENT-PILOT REZMIVES AND OTHERS AGAINST ROMANIA, AS WELL AS THE DECISIONS PROVIDED IN THE BRAGADIREANU GROUP OF CASES AGAINST ROMANIA**

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SERVICE DE L'EXECUTION  
DES ARRETS DE LA CEDH**Annex III ACTION PLAN 2020-2025 - NATIONAL PROBATION DIRECTORATE:**

<b>Measures</b>	<b>Specific activity</b>	<b>Estimated resources in euro</b>	<b>Indication of the source of financing (eg state budget, FEN, external loans, own revenues)</b>	<b>Existence / not existence of the necessary funds in the current year's budget, respectively the projection for the following years</b>	<b>Deadlines and justification</b>
<b>Legislative measures</b>	Promoting the Probation Staff Statute	Year 2021-6.951.198 Year 2022-7.059.276 Year 2023-7.084.864 Year 2024-7.084.864	State budget	Not included in the state budget, the draft law is not approved until now.	Quarter IV 2020
	Elaboration of the Regulation of organization and functioning for the national probation system			This activity is not requiring funds from the state budget	Fourth quarter 2020
<b>Strategic measures</b>	Adoption of the Strategy for the development of the national probation system in Romania for the period 2020-2024			This activity is not requiring funds from the state budget	Fourth quarter 2020



	Elaboration of the National Strategy for the rehabilitation of persons against whom community sanctions and measures have been ordered			0This activity is not requiring funds from the state budget	<b>Second quarter 2021</b>
<b>Human resources measures</b>	Financing and gradual occupation of 254 positions (150 probation advisers, 84 contract staff, 20 employees in the central structure: 10 probation inspectors and 10 civil servants)	215.770:  152.981  62.789	<b>State budget</b>	During 2020 have been financed 254 vacancies (from 858 - total financed positions) in comparison with 2019 (604 positions financed)	<b>Fourth quarter 2020</b> Breakdown as follows: -3 months of payment for 42 positions of contract staff in relation to the average salary -3 months of payment for 10 personal positions in the central structure of DNP in relation to the average salary (civil servants)
	Financing and gradual filling of existing vacancies in the establishment plan - 118 posts (101 adviser posts and 17 employees in the central structure);	4.895.040  2.252.906: 2.075.004  177.902	<b>State budget</b>	The necessary funds have been predicted in the Justification of the draft law for approving the state budget for 2021	<b>Year 2021-</b> Expenditures with salary rights for the 254 positions occupied in 2020  <b>Quarter III 2021-</b> Expenditures with salary rights for the 118 positions occupied in the current year, broken down as follows:  -12 months of payment for 101 counsellors positions by reference to the average salary  -5 months of payment for 17 personal positions in the central NPD structure in relation to the average salary

	Financing of another 239 posts (155 probation counselors and 84 contract staff)	3.397.009  1.357.032:  796.103  509.935	<b>State budget</b>	It is estimated that until the end of 2022 will allocated the necessary funds for filling in 239 vacancies, as a consequence of lifting the restrictions for organising the competition for vacancies in the probation system, due to COVID 19 pandemic.	<b>Year 2022</b> -Expenditures with salary rights for the 254 positions occupied in 2020 and 118 positions occupied in 2021  <b>Quarter III 2022</b> - Expenditures with salary rights for the 197 positions occupied in the current year, broken down as follows:  -3 months of payment for 155 counselor positions by reference to the average salary  -5 months of payment for 84 positions of contract staff in relation to the average salary
	Expenditure on salary rights for:  -254 positions filled in 2020  -118 positions occupied in 2021  -239 positions occupied in 2022	7.805.265:  895.040  2.501.969  4.408.256	<b>State budget</b>	Based on analysis performed at the end of each year will be establish the necessary funds from the state budget for salaries of the occupied positions in 2020, 2021 and 2022	<b>Year 2023</b>

	Expenditure on salary rights for: -254 positions filled in 2020 -118 positions occupied in 2021 -239 positions occupied in 2022	7.805.265:  895.040 2.501.969  4.408.256	<b>State budget</b>	Based on the analysis performed at the end of each year will be establish the necessary funds from the state budget for salaries of the occupied positions in 2020, 2021 and 2022	<b>Year 2024</b>
<b>Physical and IT infrastructure measures</b>	Providing the IT equipment necessary for the activity to be carried out by the national probation system	Total 360.601: Year 2021-133.053 Year 2022-227.548	The budget of the Correctional project financed by Norwegian Financial Mechanism includes the funds for purchasing of the following IT equipment:  Computers  Printers  routers	The state budget for 2020 is 60.000 lei, in 2021 have been predicted 200.000 lei.  For this line will ensured the necessary funds from the Project Correctional already approved, and the co-financing from the state budget.	<b>Quarter II 2022</b>  Purchase of IT equipment (computers) for newly hired staff  2021: (101+ 17) - 118 people  2022: (155 + 42) - 197 people
	Supplementing the spaces for probation services, including with the involvement of local authorities, approximately the relocation of 15 spaces, of which: 9 on loan with	Utility and rent expenses for 15 offices:  Total 1.543.481: Year 2020-90.793 Year 2021- 363.172 Year 2022- 363.172	TState budget  Utility expenses and rent for 15 offices		Based on the analysis performed at the end of each year will be establish the necessary funds from the state budget according to the

	local authorities and 6 rented spaces.	Year 2023- 363.172 Year 2024- 363.172		objectives achieved (rented offices).	
	Renovation and redevelopment of the spaces in the use of probation services	Year 2021- 498.400	The budget of the Correctional project financed by Norwegian Financial Mechanism - 28 spaces	Predicted funds from state budget for 2021 - 350.000 lei  For this line will be ensured the necessary funds from the Project Correctional already approved, and the co-financing from the state budget.	2024

DGI

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## **ANNEX IV**

### **Measures ordered in the generated epidemiological context by the SARS-CoV2 virus**

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The Ministry of Justice received, through the Permanent Representative of Romania to the Council of Europe, the request of the President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) concerning the concrete measures taken by the relevant authorities in the context of the coronavirus disease (COVID-19) pandemic with respect to the treatment of persons deprived of their liberty in prisons as well as in other types of establishment , in particular, health and social welfare institutions and immigration detention centers.

This interim reply includes contributions from the National Administration of Penitentiaries and the Ministry of Interior regarding the treatment of persons deprived of their liberty in prisons, detention and pre-trial detention centers and immigration detention centers.

The Romanian Government, through the Ministry of Justice, will complete the response with information related to the treatment of persons in health and social welfare institutions as soon as possible.

## I. The National Administration of Penitentiaries

Prior to the establishment of the state of emergency on the Romanian territory, at the level of places of detention subordinated to the National Administration of Penitentiaries, a Plan of measures was implemented to prevent illness and spread of COVID-19 infection among staff and persons deprived of liberty. This plan contained general preventive measures, intervention measures specific to detainees extradited from areas at epidemiological risk for COVID-19, as well as intervention measures in crisis situations.

For the accommodation and medical monitoring of persons deprived of liberty extradited to Romania by other states, at the level of the penitentiary system, penitentiary units have been designated with the special purpose of implementing the quarantine measure in these situations.

At the level of the National Administration of Penitentiaries, a Technical-Medical Support Group was set up, with attributions in monitoring the situation in the subordinated places of detention and formulating proposals with measures depending on the evolution of the epidemiological context.

In order to protect the health of persons deprived of liberty and, implicitly, of citizens, measures were taken at the level of subordinated units in order to limit the contact of persons deprived of their liberty with possible sources of infection by suspending activities outside the place of detention.

At the same time, in order to reduce the movement of persons deprived of their liberty, following the transfer to other places of detention for presentation to the judiciary, the High Court of Cassation and Justice, Courts of Appeal, Courts and Tribunals were asked to analyze the possibility of hearing the persons deprived of liberty by videoconference or the change of hearing dates in courts, in cases for which the court considers it possible, an aspect provided by art. 42 of the Decree of the President of Romania no. 195 / 16.03.2020 regarding the establishment of the state of emergency on the Romanian territory.

Also, in order to protect the life, bodily integrity and health of persons deprived of their liberty, staff and any other persons, at the level of places of detention subordinated to the National Administration of Penitentiaries, **general measures and measures regarding the security of the place of detention** have been taken according to the Plan of Measures for the Prevention of Disease and the Spread of COVID-19 Infection among Staff and Persons Deprived of their Liberty.

Moreover, in order to have a close monitoring of the persons who are in medical isolation, technical solutions have been established for highlighting the detention rooms used for this

purpose in the PMSWeb computer application for recording the data of persons deprived of liberty.

At the same time, at the level of places of detention, measures were taken to closely monitor the health of all persons deprived of liberty who, within 14 days, returned from the permission to leave the penitentiary.

Also, new areas for quarantine, monitoring and respiratory isolation were identified for persons deprived of their liberty, who, following an epidemiological triage, would show specific symptoms of infection with the new virus.

As an additional measure, in order to achieve the continuity of activities and to prevent the spread of the new virus, it was decided that 30% of the staff working in normal working hours (8h / day), except those who are part of the operative, medical and psychosocial intervention, shall stay at home, based on a planning approved by the director of each penitentiary unit, performing professional tasks that can be performed from home. Moreover, at the level of penitentiary units, the 5th subunit was set up in the operational sector to ensure the supply of staff and to allocate 14 days off for each shift, in order to reduce the risk of infestation in this epidemiological context.

For the implementation of the plan of measures, the National Administration of Penitentiaries constantly sent guidance / instructions to the subordinated units.

On March 16, 2020, the Decree of the President of Romania no. 195 / 16.03.2020 on the establishment of the state of emergency on the territory of Romania, was published in the Official Gazette of Romania, Part I, which includes art. 42 para. (1) of Chapter V, Annex no. 1 - First aid measures applicable in the field of justice, which have a direct impact on the sub-domain of the execution of sentences and custodial measures.

In this respect, at the establishment of the state of emergency on the Romanian territory, by the decision of the general director, a Plan of measures for the penitentiary system was established, which was sent to the subordinated units for implementation.

Moreover, instructions for the implementation of measures of social distancing and limitation of contact between prison police and persons in custody were sent, instructions regarding the granting of online communications were sent, correspondence with the National Union of Romanian Bars was conducted on the granting of the right to legal aid.

All activities with detainees/inmates (including sports) were re-analyzed, so that they were carried out in series with a small number of detainees/inmates, limiting, as far as possible, the grouping of detention rooms to the same activity.

Interaction with detainees/inmates was limited, with only staff planned in the ward supervision service, those responsible with management or those planned for continuity and



intervention structures having access to the detention sections, and for each administrative maintenance / servicing need, additional safety measures are in place.

**From an educational point of view**, increased attention was paid to informing detainees about the need to prevent SARS-CoV-2 disease and to understanding the measures required by the current situation. Thus, at the level of the penitentiary units, information campaigns were carried out for persons deprived of their liberty, during which information materials were distributed (flyers and information posters) and information on SARS-CoV-2 was carried out and transmitted, periodically, through their own radio circuits and television. Also, individual counseling activities (educational, social, psychological) were carried out in order to raise awareness and accept strict hygiene measures and other measures to limit the spread of the virus, and sanitation activities were carried out both in accommodation spaces and spaces destined for social reintegration activities.

The information of the detained persons was supplemented by the transmission of informative and preventive messages, through the radio-TV studio.

Prison units were also requested to pay more attention during this period to persons deprived of liberty who are known as former drug users or those undergoing substitution treatment, as well as to provide individual psychological and social assistance, in order to prevent situations of risk.

In order to carry out the social reintegration procedures, indications were sent as follows:

- suspension of schooling, vocational training, volunteering, interpenitentiary activities;
- suspension of the necessary activities carried out in groups and their development in individual regime;
- providing psychological assistance only in risk situations;
- compliance with the separation criteria imposed by the Medical Supervision Directorate;
- intensive use of radio and TV studios for the transmission of information of interest for persons deprived of their liberty.

The persons deprived of liberty were informed about the measures disposed as a result of the establishment of the state of emergency on the Romanian territory and the penitentiary units were requested to conduct individual discussions with certain categories of detainees, in order to monitor their state of mind. In order to ensure the right to information of the detained persons, the penitentiary units have taken measures for the reception in good conditions, of the public television programs and the realization / transmission, through the radio-tv studio, of their own programs, with informative, educational and moral-religious character, to compensate for the lack of social reintegration efforts.

The chaplains were asked to officiate the religious services without the actual participation of the detainees, to be recorded and broadcast through the radio-TV studio from the place of detention.

In accordance with the provisions contained in art. 47 of the Decree of the President of Romania no. 195 / 16.03.2020 on the establishment of the state of emergency on the territory of Romania, in the execution of punishments and custodial measures, the exercise of the right to receive visits, the exercise of the right to intimate visit, the exercise of the right to receive goods through the visit sector and rewards consisting in the permission to leave the penitentiary is suspended.

In order to maintain the connection with the support environment, the duration and number of calls are increased for convicted persons in the maximum security regime, to a maximum of 45 minutes per day, and for convicted persons in closed, semi-open, open, provisional regime or for those who do not have the established regime, at a maximum of 75 minutes a day. The right of detainees to online conversations, regardless of the disciplinary situation and the periodicity of the connection with the family is supplemented according to the number of visits to which they are entitled according to the enforcement regime.

Therefore, the maintenance of contact with family members, relatives or other persons is ensured to the detainees, during this period, through telephone conversations and online communications. In this regard, the duration and number of telephone calls have been increased, and the number of online communications to which custodians are entitled has been supplemented, regardless of the disciplinary situation and the frequency of contact with the family, corresponding to the number of visits to which they are entitled according to the execution regime or the category to which they belong.

For detainees classified in the maximum security regime, the number of telephone calls was increased from 3 calls per day to 5 calls per day, with a maximum cumulative duration of 45 minutes / day.

Requests were submitted and the reduction in the amount of phone charges paid by the persons deprived of their liberty was obtained from both suppliers with whom the national administration of penitentiaries has contracts.

Also, during detention, persons deprived of their liberty have the possibility to communicate daily with the administration of the penitentiary and to inform about any aspect regarding a possible violation of rights or the exercise of abuses or to address, in writing or orally, the judge supervising deprivation of liberty, the director of the penitentiary or the persons designated by the latter.

**In the field of emergency management**, a plan of measures, adapted to the current epidemiological situation, was required from subordinate units in order to carry out safe actions in the event of emergency situations, actions related both to the rescue of human lives and to the provision of safe intervention actions in case of concrete situations. Specific measures have been laid down to this effect, as follows:

- the maintenance of first fire intervention facilities, personal protective equipment, extinguishing installations and detection and alarm installations in optimum operating conditions;
- retraining unit staff on emergency response modes, in the current situation, supplementing intervention instructions / procedures with specific intervention measures in areas with limited access and carrying out practical applications;
- re-checking the endowments with first aid means for fire, personal protective equipment, fire-fighting installations and fire detection and alarm installations in order to operate at nominal parameters and to take the necessary steps to remove the existing deficiencies;
- maintaining a permanent connection with the local Inspectorates for Emergency Situations in order to ensure optimal communication in case of exceptional situations;
- ensuring safe fire response for first responder groups, their members complying with SARS-CoV-2 infection protection measures in the intervention area, when required;
- the maintenance of existing escape and intervention routes under normal operating conditions, under the conditions of delimitation of restricted access areas;
- ensuring, in the event of an emergency (fire, earthquake, etc.), the normal evacuation of persons and property from buildings, taking into account the physical separation of unconfirmed / confirmed persons regarding SARS-CoV-2 infection;
- ensuring water stocks in the unit's own reserves, as well as the fuel necessary for the operation of the generators for a period of at least 24 hours;
- reviewing the Risk Analysis and Coverage Plan of the penitentiary unit and drawing up a Plan of Measures in case of "failure of public utilities";
- communication to the responsible staff (head of shift, responsible for MSU) regarding their obligation to inform the professional services within the County Emergency Situations Inspectorates, in case of interventions in the penitentiary unit, regarding the existence of areas at risk of infection with SARS- CoV-2.

**As economic measures**, the National Administration of Penitentiaries, as a secondary credit authorizing officer, has ensured, by making two series of transfers of credits, which targeted all penitentiary units, the need for additional funds for the acquisition and realization of optimal stocks of sanitary materials and disinfectants.

It also requested and obtained the support of competent institutions and economic operators providing sanitary materials (Ministry of Health, Ministry of Internal Affairs - Department for Emergency Situations, Unifarm National Company and other suppliers) to ensure minimum stocks of masks, gloves, disposable protective equipment, sanitary materials and disinfectants. Periodically (with a frequency of three times a week), the situation of the stocks considered critical for limiting the infection with the new type of coronavirus,

respectively sanitary materials (respiratory protection masks, medical gloves, waterproof overalls, boots, gowns, facial shields for medical use), disinfectants (for specific use: for hands, floor, other surfaces, for nebulization, etc.) are monitored and analyzed. The penitentiary units were informed about the rules for equipping the penitentiary police officers, applicable depending on the job and the activity carried out.

Steps have been taken toward all economic operators serving points of sale of consumer goods for the person being placed in custody in order to ensure that supplies are properly secured and that prices are realistic or even lower in the prices of the products marketed, and checks have shown a reduction in frequently marketed products (sausages, fruits, vegetables, hygiene products).

The penitentiary units were sent the proposal for daily payment of the invoices issued by the economic operators within the commercial points, so that based on the increase of liquidity, they maintain and even decrease the prices, under the provisions of the general director decision approving the calculation and observance of the average prices within the commercial points inside the penitentiary and of the procedure regarding the renting of the spaces from the penitentiary administration system.

**From a medical point of view**, at the level of the penitentiary administration system were established respiratory isolation spaces, intended for persons deprived of liberty considered suspected/sick cases of COVID-19, within 5 penitentiary units (Bucharest - Jilava Hospital Penitentiary, Aiud Penitentiary, Constanța Hospital Penitentiary - Poarta Albă, Drobeta Turnu Severin Penitentiary and Baia Mare Penitentiary). Also, by Order of the Minister of Health no. 489/2020 of March 23, 2020 on approving the administration, financing and implementation of priority actions for monitoring, treatment and care of critical patients with emerging and re-emerging infections (AP-IE / RE), Bucharest - Jilava Hospital Penitentiary is nominated as a unit AP-IE/RE. At the same time, we mention that at the level of the penitentiary administration system there are 2 penitentiaries-hospital with departments/compartments of Anesthesia and Intensive Care.

Given the continuous dynamics of the evolution of SARS-CoV-2 infection, as well as the legislative changes occurred constantly, it will be considered the possibility of designating other respiratory isolation spaces, than those provided so far, gradually, depending on the occurred needs.

The identification of persons deprived of liberty considered infected with SARS-CoV-2, is carried out in compliance with the regulations provided in the publications of the National Institute of Public Health: "Case definitions for Acute Respiratory Syndrome with the new coronavirus (COVID-19)" and "Test Algorithm for COVID-19".

In order to provide the penitentiary units with sanitary materials and protective equipment, necessary for the management of medical activities with persons deprived of liberty considered suspicious/sick cases of COVID-19, the penitentiary-hospitals took the necessary steps to purchase the mentioned resources, both for their own unit and for their rounded units. Regarding the provision of specific medicines for the treatment of COVID-19, it will be

purchased according to the recommendations of specialists for each case or will be insured from the existing stocks, at that date, for medicines destined for general use.

The disposal of contaminated medical waste is performed according to the Order of the Minister of Health no. 1226/2012 for the approval of the Technical Norms regarding the management of waste resulting from medical activities and of the Data Collection Methodology for the national database regarding the waste resulting from medical activities.

The medical assistance of the persons deprived of liberty considered suspicious/sick cases of COVID-19 is provided by the specialized medical staff, among them, at the level of the penitentiary administration system being employed 2 doctors in the specialty of Anesthesia and Intensive Care and 1 doctor in the specialty of Infectious Diseases, carrying out their medical activity in penitentiaries-hospitals. Also, all cases of persons deprived of liberty suspected/sick of COVID-19 are reported to the county public health directorates and, depending on the situation, the Single National Emergency Service 112 will be called, medical assistance being provided through the public health network.

In order to make more efficient the provision of medical assistance and to cover the medical requirements appeared in the current epidemiological context, 2 resident doctors from the final year in the specialty of Anesthesia and Intensive Care were summoned, as well as one in the specialty of Pneumology. At the same time, for the support of the penitentiary health network, other resident doctors were summoned, from the following specialties: 12 - Family medicine, 1 - Radiology, 1 - Thoracic Surgery, 1 - General Surgery, 1 - Otorhinolaryngology and 1 - Obstetrics-Gynecology.

Regarding the specific training of nurses, it is to mention the fact that the health education process of the average medical staff includes general basic notions about: the principles of universal precautions, hygienic-sanitary norms, prevention regarding the equipment/de-equipment of protective equipment, and understanding the need to use this equipment and the application of these notions.

Also, their own written instructions were developed and submitted in addition to the orders/instructions of the Minister of Health and the National Committee for Special Emergency Situations regarding the use of protective equipment and the rationalization/efficiency of use of such equipment, which may include training for personnel who is not part of the medical staff. At the same time, informative video materials were promoted regarding the hygienic-sanitary measures and the instructions for use regarding the equipment/de-equipment of the protective equipment.

In the context of issuing the Decree of the President of Romania no. 240 of 14 April 2020 on the extension of the state of emergency on the Romanian territory, in the **“Plan of measures for the penitentiary system, on the extension of the state of emergency on the Romanian territory”**, it was provided that all transfers between penitentiary units could be made with the approval of the Medical Supervision Directorate. Also, some structures in the penitentiary-hospital will be operatively subordinated to other penitentiaries-hospital for carrying out the activities of monitoring, treatment and care of patients, as well as the

transfer of material resources. The Bucharest-Jilava Hospital Penitentiary is designated as a health unit in order to carry out priority actions for the monitoring, treatment and care of critical patients with emerging and re-emerging infections (AP-IER/RE) according to the Order of the Minister of Health no. 489 of March 23, 2020 on approving the administration, financing and implementation of priority actions for monitoring, treatment and care of critical patients with emerging and re-emerging infections (AP-IER/RE).

Regarding the right of detainees to buy goods and food, at art. 70 of Annex 1 of the Decree of the President of Romania no. 240 of April 14, 2020 for the extension of the state of emergency on the territory of Romania, provides, as a novelty compared to the previous decree, the following: By derogation from the legal provisions, during the state of emergency persons without money have the right to use, for the purchase of goods and food products, as well as for making telephone calls, including the amount of money representing the share of 10% of the income, recorded in their name, at the State Treasury, except for the amount necessary to pay for the transport to their home, upon release date. According to the "Plan of measures for the penitentiary system, when extending the state of emergency on the Romanian territory", in application of the previously presented provisions, the person deprived of liberty is considered without funds who, at the time of the request, has a lower balance of three quarters(3/4) from the value of the minimum gross wage per economy.

Regarding the social reintegration activities, emphasis will be placed on the intensive use of the closed-circuit radio-TV studio for the transmission of programs and materials of a preventive, informative nature or of educational topics of interest, which should compensate for the limitation to direct participation of persons deprived of freedom to social reintegration, as well as the transmission/retransmission of religious services and moral-religious programs.

In order to ensure continuity in the supply of goods necessary for the feeding and individual hygiene of the detainees, the National Administration of Penitentiaries took steps, which were included in the provisions of Decree no. 240/2020, through which the penitentiary units were authorized to purchase directly (with the prior authorization of the Director General of the National Administration of Penitentiaries) food, cleaning items and individual hygiene for persons deprived of liberty during the emergency situation.

Also, by Decree no. 240/2020, during the emergency period, the penitentiaries-hospital were authorized to purchase directly, for the rounded penitentiaries, materials and equipment necessary to prevent and combat COVID-19, from the funds collected based on the contracts for medical services.

**The measures adopted and implemented by the National Penitentiary Administration correspond to the principles contained in the document prepared by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), regarding the management of the situation of persons deprived of their liberty in the current epidemiological context. Also, the 10 principles presented were brought to the attention of the management of the subordinated units.**

## II. Romanian Police:

Detention and pre-trial detention centers, as part of the judiciary, must ensure respect for the fundamental rights of persons deprived of their liberty by executing preventive measures of deprivation of liberty or punishment and increase security in the community by ensuring a healthy custodial environment, taking into account the need to reduce the risk of deteriorating the condition of the individual during incarceration.

At the level of the Romanian Police, 51 detention and pre-trial detention centers are organized and operated; of these, 40 are managed by the county police inspectorates (except I.P.J. Ilfov), and 11 are managed by the General Police Department of Bucharest, with a total accommodation capacity of 1569 places (by reference to the number of beds) and 1388 places respectively (by reference to the provision of a living space of at least 4 m<sup>2</sup> for each individual private freedom).

According to the criminal executive set<sup>1</sup>, the center administration has a legal obligation to ensure, on the one hand, the exercise of the legal rights of persons deprived of liberty, with limitations imposed by 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, body integrity and health, the personnel of the detention place and any other person.

Police officers in detention and pre-trial detention centers are constantly engaged in direct activities with persons deprived of their liberty diagnosed with contagious medical conditions, thus posing a professional risk which may lead to premature reduction of working capacity, occupational illness and risky conduct in the activity, with serious consequences for the safety and health of personnel and/or other persons.

Given the international epidemiological context caused by the spread of SAR-CoV-2 virus (new coronavirus responsible for COVID-19), gradual proactive and preventive measures to prevent and protect its personnel have been adopted since 24.02.2020 at the Romanian police level in the context of the spread of the infection with the new virus responsible for COVID- 19, in relation to the national epidemiological evolution.

<sup>1</sup> Law No 254/2013 on the enforcement of sentences and custodial measures ordered by judicial authorities during the criminal trial, with subsequent amendments and completions

Regulation for the application of Law no. 254/2013 on the enforcement of sentences and custodial measures ordered by judicial authorities during the criminal trial, approved by H.G. no. 157/2016, with subsequent amendments and completions

Regulation on the organization and operation of detention and pre-trial detention centers, as well as the measures necessary for their safety, approved by O.m.a.i. no. 14/2018

Initially, these concerned general epidemiological prevention measures, of which we list, by way of example: intensifying the performance of epidemiological triage; application of medical prophylactic measures; distribution and use of protective equipment by potential third party contacts; proper disinfection of common areas (including furniture and specific equipment), with the addition of means of transport used to transport persons deprived of their liberty; ensuring, in all cases, the exercise of the right of access of persons deprived of their liberty, in conditions of limiting their physical contact with third parties; hearing the persons deprived of their liberty taken into custody in centers by videoconference system at the place of detention; individual accommodation of persons at epidemiological risk, circuit and separate activities from other persons deprived of their liberty (with compulsory wearing of protective equipment), exercise of rights in the center provided separately from other persons deprived of liberty (only wearing a mask, followed by proper disinfection of the related spaces; processing of informative-educational materials on the epidemiological context and adequate protection measures to limit the spread of the virus, both with the staff of the centers and with the detainees.

Moreover, under the conditions of art. 6 para. (3) of Order of the minister of interior 14/2018 at the level of detention and pre-trial detention centers, detention rooms / detention sections were established for the reception of all persons deprived of liberty / persons deprived of liberty who came /were handed over /were extradited from areas with epidemiological risk for COVID-19 or who, prior to admission to the center, came into direct contact with people from areas at epidemiological risk for COVID-19 / confirmed. In this sense, at the level of the General Police Directorate of Bucharest, where a number of 11 detention and pre-trial detention centers are organized and operate, the detention and pre-trial detention center no. 6 - Section 9 Police was established to receive all the persons referred to above.

Considering that the subsequent evolution of the epidemiological situation at national level determined by the spread of the SARS-CoV-2 virus led to the establishment of the state of emergency on the Romanian territory by Decree no. 195 of 16.03.2020 (measure extended by Decree no. 240 of 14.04.2020), at the level of detention and pre-trial detention centers subordinated to the General Inspectorate of the Romanian Police (GIRP), the general epidemiological prevention measures were supplemented with measures to prevent any situations of risk generated by the spread of the virus in Romania (including the development of psychological assistance activities, with priority) dimensioned, on the one hand by reference to the restriction of the exercise of some of the legal rights of persons deprived of liberty provided by the aforementioned rules and, on the other hand, by reference to the incidentally criminal provisions.

In this context, the measures aimed at two distinct levels, namely ensuring effective cooperation between the structures / institutions with responsibilities in the field concerned, on the one hand and, on the other hand, the efficient and urgent management of specific epidemiological events, with minimal implications with regard to the epidemiological risk, which also affects persons deprived of their liberty and the staff of detention and pre-trial detention centers.



Thus, in addition to the above measures, in order to strictly comply with preventive and epidemiological safety measures to prevent disease and spread of COVID-19 infection among staff and persons deprived of liberty in detention and pre-trial detention centers under the Ministry of Interior / detention units, at the level of the Romanian Police a prompt, fast, two-way communication was established, both between the activity sectors, especially between the medical staff and the staff of the centers, at the level of each unit, and between the local level and GIRP.

Also, considering that the criminal prosecution and the custody of persons deprived of liberty aim at the competences of the operative structures of the Romanian Police, with the correlative contribution of the support structures from the perspective of logistic insurance and the field of communications and informatics, at the level of the Romanian Police unitary management rules for all situations that may present a potential risk have been established.

In this regard, at the level of G.I.R.P. a permanent informational flow was established with the other institutions with responsibilities in carrying out criminal prosecution and custody of persons deprived of liberty, such as prosecutor's offices / courts, the Medical Directorate, the National Administration of Penitentiaries, the National Union of Romanian Bars so that they shall be informed of the measures taken in the current epidemiological context with a view to their proper application.

At the same time, considering the fact that the epidemiological risk in the prison environment is significantly increased due to the restrictions imposed by the detention regime, the Technical-Scientific Support Group on the management of highly contagious diseases in Romania was notified.

In the same context, the G.I.R.P. notified the Prosecutor's Office attached to the High Court of Cassation and Justice with the proposal to analyze the opportunity to carry out with due urgency criminal proceedings and examinations of the proposals to take a preventive measure carried out by the courts, as appropriate, so that introduction of persons who would require quarantine or are confirmed with COVID-19 in detention and pre-trial detention centers is not necessary, until it is established whether the criminal investigation is carried out with persons in freedom, or under the effect of a preventive measure.

The approach was generated by the fact that detention and pre-trial detention centers do not have the capacity and structure necessary to manage such a medical situation, and detention cannot be carried out in penitentiary-hospital units under the National Administration of Penitentiaries.

The individual approach of the epidemiological risk situations implied the dynamic disposition of the prevention measures, related to the epidemiological evolution, in the detention and pre-trial detention centers where suspicions were registered regarding the potential infection with the COVID- 19 virus (both in terms of own staff as well as persons deprived of liberty) - respectively the centers within the county police inspectorates Vrancea, Suceava, Braşov, Bacău and 3 centers within the General Police Directorate of Bucharest (DPAC no. 2 - SRPT,

DPAC no. 5 - Section 6 and DPAC No. 10 - Section 19) - a series of measures are adopted to ensure, on the one hand, the ongoing judicial activities in the territorial-administrative area of the centers concerned and, on the other hand, the prevention of the spread of infection with COVID-19 among staff and persons deprived of their liberty are guarded, in order to avoid their direct contact with potential contacts.

Thus, in addition to the strict application of institutional measures to limit possible risk situations caused by the spread of the virus by reference to the epidemiological situation and the specific features and activities of the system of enforcement of custodial measures and monitoring of detainees, administrative measures aimed at suspending the transfers of persons deprived of liberty from/to other centers, restricting the transfers of persons deprived of liberty to penitentiary units until the medical situation is clarified, according to medical recommendations, custody of persons deprived of liberty against whom custodial detention measures have been/are to be ordered within the area of competence of the centers concerned, separately from the other persons already detained in the center, in strict compliance with prophylactic and epidemiological safety measures, ensuring, as appropriate, the continuity of service at the level of the centers concerned, according to the relevant legal norms regarding the regime of execution of preventive measures of deprivation of liberty, respectively urgent information of the territorial public health directorate and the county medical service from the targeted center, as well as for speedy testing of contacts.

Between 24.02.2020 and 23.04.2020, from a statistical point of view, the situation of persons deprived of their liberty in detention and pre-trial detention centers held separately as a result of the application of epidemiological prevention measures is as follows:

- Persons deprived of liberty accommodated separately epidemiological prevention - 137;
- Persons deprived of liberty released from separate accommodation epidemiological prevention - 101, no confirmations of COVID 19 infection were registered among the detained persons.

In the same context, in the situation of establishing the quarantine measure on the municipality of Suceava, some communes in the neighboring area, as well as a protection zone on some administrative-territorial units in Suceava County, the previously detailed measures were followed by redirection of persons deprived of liberty targeted by judicial activities whose jurisdiction is not limited to the quarantined area to adjacent detention and pre-trial detention centers, separately from the other persons in custody, in strict compliance with measures to prevent the spread of COVID-19 infection.

On March 16, 2020, in the Official Gazette of Romania, Part I, Decree no. 195 of 16.03.2020 regarding the establishment of the state of emergency on the Romanian territory which includes, in Annex no. 1 - First aid measures with direct applicability, provisions applicable to the field of justice with a direct impact on the sub-domain of the execution of sentences and custodial measures.

Thus, the provisions of art. 47 of the aforementioned norm aims at restricting the exercise of some of the legal rights of persons deprived of liberty becoming, de jure, opposable to persons deprived of liberty detained in detention and pre-trial detention centers that are organized and operate under the Ministry of Internal Affairs, in the context of the applicability of enforceable criminal provisions for all these categories of persons, regardless of the legal regime of custody.

Thus, according to par. (1) of the aforementioned rule, in the execution of sentences and custodial measures, the exercise of the right to receive visits, the exercise of the right to intimate visit, the exercise of the right to receive goods through the visiting sector, as well as the rewards of permission to leave penitentiary is suspended; similar measures were ordered by Decree no. 240 of 14.04.2020 regarding the extension of the state of emergency on the Romanian territory.

In the context in which the normative provisions circumscribed to the establishment and prolongation of the state of emergency on the Romanian territory aimed at restricting the exercise of some of the legal rights of persons deprived of liberty, in order to maintain the link with the support environment, the legislator supplemented the exercise of legal rights do not involve contact with potential third party contacts, in detention and pre-trial detention centers the right to telephone calls being increased, both in terms of the duration of the telephone conversation (maximum 45 minutes from maximum 30 minutes) and the number of telephone calls [which, according to the provisions of art. 246 para. (3) lit. c) of the Regulation for the application of Law no. 254/2013, approved by H.G. no. 157/2016 can be ordered daily].

Also, at the level of the Romanian Police, respectively of the coordinating central structure, it was established that the administration of the center has the competent measures to apply and facilitate the information of the persons concerned on the exercise of restricted rights during the establishment of the state of emergency.

Regarding the number of telephone calls made by persons deprived of their liberty in March 2020, before and after the establishment of the state of emergency, the available statistical data, centralized at national level, reveal a number of 900 calls falling within the supplementation of the exercise of the right in question in the period 24 - 31.03.2020.

In the mentioned normative context, the right to visit of the persons deprived of liberty was suspended, without restricting the free access to justice which implies including the assurance of the right to defense. Under these conditions, the exercise of the right to legal aid through the visits of the lawyer (elected or ex officio) is carried out only in compliance with the necessary preventive and epidemiological safety measures, in rooms provided with separation systems to avoid direct contact of persons deprived of liberty with third parties.

Measures have also been implemented to ensure the possibility of connection by technical means between the person deprived of liberty and his defender (mainly by telephone as a preventive measure, intended to eliminate any risk, both for persons deprived of liberty and staff of the center and for possible contacts), prior to the hearing by videoconference by the

judicial body, the administrations of the centers having, as the case may be, measures including in the sense of bearing the expenses related to telephone conversations.

As regards the right to receive goods, its legal restriction concerned only the exercise through the visiting sector (respectively concurrently with the granting of the visit), the enforceable criminal provisions on the execution of preventive measures of deprivation of liberty (distinct from those applicable to persons taken into custody in penitentiary units) establishing the possibility of exercising it both simultaneously and separately from the granting of the visit. In this legislative context, it was established the possibility for persons deprived of their liberty to receive the package with personal effects and personal hygiene items, as well as the packages, by depositing them by their relatives at the police station where the detention and pre-trial detention center operates.

Subsequently, in the context of the disposition, by successive military ordinances, of the first emergency measures with gradual applicability, those aiming at movement restrictions of all persons outside the dwelling / household having a direct impact in terms of maintaining the connection of persons deprived of liberty with the external support environment, a legal and viable mechanism for ensuring the exercise of this right was identified, consisting in the delivery of goods through economic operators, activity falling within specific anti-terrorist and specialized control, respectively preventive measures and measures for epidemiological safety.

## **General Inspectorate for Immigration**

Measures taken in the context of the COVID-19 pandemic regarding the treatment of persons deprived of their liberty in accommodation centers for foreigners taken into public custody:

- a number of internal provisions were issued on measures to prevent any risk situations in the context of the spread of SARS-CoV-2 virus infection, and their contents were processed with the staff of the accommodation centers for aliens taken into public custody;
- the Plan of measures for the prevention and control of possible cases of infection with SARS-CoV-2 virus at the level of the Accommodation Center for aliens taken into public custody no. 483441 / 25.02.2020 and the Plan of measures regarding the way of concrete intervention no. 483987 / 24.03.2020, were carried out, in the context of the COVID-19 pandemic, starting with March a.c. These Plans were prepared in accordance with the relevant national legal provisions, as well as in accordance with WHO directives;
- providing medical and psychological assistance to all persons accommodated in centers, in accordance with the provisions of the Regulation of accommodation centers for aliens taken into public custody approved by OMIA no. 121 / 07.20.2014;
- at the level of the Accommodation Center for Aliens Taken in Public Custody - Otopeni the project entitled "Assistance to foreigners for whom public custody and introduction in

accommodation centers was ordered " is implemented, in which specific materials necessary for assistance medical centers were purchased, as well as certain medical investigation services. In addition, in order to prevent the spread of COVID-19, foreigners staying in public custody centers are subjected to a daily examination by medical staff, an activity recorded in their own records;

- except for visits, which were limited both in the context of the spread of COVID-19 and in accordance with the regulations relating to the establishment of the state of emergency in Romania, all the rights of aliens accommodated in centers are granted in accordance with the Regulation of the accommodation centers for aliens taken into public custody;

- the restriction of visits was compensated by ensuring the access of aliens to personal mobile phones and facilitating communication with members of their families, in compliance with the provisions of the Regulation of accommodation centers for aliens taken into public custody, regarding direct communication or correspondence with outsiders ;

- foreigners taken into public custody and accommodated in custody centers were facilitated access to the amounts of money sent by families through the money transfer systems existing in the banking units;

- weekly shopping for foreigners was not limited, although there are traffic restrictions in Romania and certain access rules were introduced in stores selling food products, which result in a considerable increase in the time required to make them;

- in order to reduce the risk of contamination, aliens entering Romania illegally to be accommodated in custody centers are placed, in the first stage, in specially arranged spaces / rooms, to be monitored by medical staff for 14 days, in accordance with the provisions of art. 5 of the Military Ordinance no. 3 / 24.03.2020.

In addition to the presented measures, we specify the following measures applicable to persons accommodated in custody centers:

- the existence of the obligation to wear protective materials in contact with visitors, relatives or legal representatives, as well as the avoidance of long-term exposure;

- maintaining the social distance in the relations with the other foreigners, relatives, legal defenders or policemen within the custody centers;

- frequent hand washing after contact with other people and frequent ventilation of rooms;

- constant information and processing, among the staff of the centers, regarding the content of the MIA provisions and their implementation in daily activities.

Measures taken in the context of the COVID-19 pandemic regarding the treatment of persons deprived of their liberty in regional centers for procedures and accommodation of asylum seekers

An Action Plan has been adopted by the Asylum and Integration Directorate on how to intervene in the context of the Coronavirus pandemic, which also includes measures taken within the regional centers for procedures and accommodation of asylum seekers, as follows:

- conducting information sessions for staff and people on risk situations in the context of the spread of SARS-CoV-2 virus infection;
- organization of regular activities for disinfection of the spaces in the regional centers of procedures and accommodation of asylum seekers;
- carrying out intensified activities of medical evaluation of the staff and of the foreigners accommodated in the centers;
- if there are cases of people suspected of being infected with the new coronavirus, they will be isolated and the asylum procedure will be suspended for a certain period;
- the cessation of the granting of leave to the persons accommodated in the centers, for a determined period;
- cessation of the activity of taking over applications and issuing travel documents for beneficiaries of international protection in order to limit travel and the spread of infections;
- on the line of over-the-counter activities, the receipt of applications for long-term residence rights is suspended;
- visitors' access to the centers will be prohibited for a certain period of time;
- identification and distribution to the staff of the regional centers and to the accommodated target group of the necessary protection and disinfection materials;
- ensuring funds for supplementing the food allowance, in accordance with the provisions of GD 1251/2006 for the approval of the Methodological Norms for the application of Law no. 122/2006 on asylum in Romania;
- the provision of cleaning and disinfection materials and the organization of daily cleaning and disinfection activities under the direct supervision of the staff of the centers;
- the management of the centers and the local authorities working together to provide support for the provision of food to asylum seekers in solitary confinement;
- distribution to the people in isolation of materials for cleaning and sanitation of the common and individual spaces, having the obligation of the daily maintenance of the spaces;
- the daily cleaning and disinfection activities in the isolation spaces will be considered activities for the benefit of the center, and the adult asylum seekers will be remunerated according to the legal provisions;
- the medical staff will monitor, twice a day and whenever the situation requires it, the state of health of the asylum seekers in isolation;

- transfers between regional centers for procedures and accommodation of asylum seekers will be made only in the case of aliens for whom the isolation period has ended and who do not show specific symptoms of COVID-19;
- application of the measures established by the Public Health Directorate (PHD) in the case of possible cases of persons infected with COVID-19 detected in centers;
- supporting the PHD in carrying out the epidemiological inquiry, and in order to limit the spread of SARS-CoV-2 virus contamination, urgent measures will be taken at the center to identify contacts and temporarily isolate them.

## **Romanian Border Police**

- in case illegal migrants are detected during the specific activities, they are taken to the existing quarantine centers in the respective area, centers that are in the competence and responsibility of the local authorities;
- given the limitations imposed (regarding the entry / movement on the territory of Romania of foreign nationals) by the military ordinances in force, there are no cases of persons (foreign nationals) to be introduced in the existing sorting rooms at the level of Romanian Border Police structures. When a person is detained in these areas, the actual introduction will be carried out only after the epidemiological control by the competent authorities, subsequently applying the necessary measures to prevent the spread of COVID-19 virus, provided by the existing rules in field.

## **Medical Directorate**

- At the MIA level, the Plan of Measures for the prevention of illness and spread of COVID 19 infection was approved among the staff and persons deprived of liberty in the detention and pre-trial detention centers subordinated to the MIA, which includes the measures adopted to ensure medical care of detainees in custody at the level of Detention and Preventive Arrest Centers (DPAC).
- A series of instructions were sent to the structures subordinated to the MIA concerned, aimed at preventing the occurrence of diseases and the spread of SARS-CoV-2 infection by sorting people at the entrance to DPAC, wearing appropriate protective equipment, and constantly informing medically supervised persons (police officers with duties in centers and the prison population in DPAC) on updating the recommendations issued by the authorities with responsibility in the field.
- At the staff level, the System Procedure on epidemiological triage and isolation of staff with suspected SARS-CoV-2 infection was implemented.

- The necessary approvals were obtained for the hiring of doctors, contract staff, for a determined period of 6 months, in order to complete the necessary medical staff with responsibilities in DPAC, and the procedures for employment will be started as soon as possible.
- Disinfectants for hands and surfaces, surgical masks, FFP2 masks, disposable raincoats, protective coveralls, adjustable plastic visors, and an infrared radiation thermometer (for non-contact determinations) were distributed.
- Special accommodation was provided for persons suspected of being infected with SARS-CoV-2 (DPAC 6 was intended for the custody of male detainees and two rooms in DPAC 1 were intended for women deprived of liberty).
- Personal protective equipment and products for the individual hygiene of persons deprived of their liberty are provided.
- Disinfection actions were carried out periodically, including at the level of medical facilities.

So far, only one case of SARS-CoV-2 infection at DPAC Vrancea has been confirmed among prisoners. The person in question was transferred to the Infectious Diseases Department of the Focșani County Hospital.