

The Field on the prevention of torture in places of detention

1. The Organization of the Field on preventing torture in places of detention

Through Government Emergency Ordinance no. 48/2014 amending and supplementing Law no. 35/1997 on the organization and functioning of the Ombudsman, and for the amendment and supplementation of certain normative acts, approved by Law no. 181/2015, **the Ombudsman, through the Field on the prevention torture in places of detention, has been designed as the only national structure that meets the specific tasks of the National torture prevention mechanism in places of detention.**

The role of the Field on preventing torture in places of detention is to regularly monitor the conditions of detention and treatment applied by the public authorities who takes care and custody persons deprived of liberty as a result of committing criminal offenses, or are hospitalized in psychiatric hospitals, in health or social assistance centres or receive a form of protection in Romanian State.

► The following activities were conducted in order to organize the Field:

● **The zonal centres of the Field on preventing torture in places of detention of the counties surrounding them: The central structure, which also includes the Bucharest zonal centre and the Territorial structure consisting of 3 Zonal Centres:**

Alba Zonal centre, Bacău Zonal centre, Craiova Zonal centre.

● The Ombudsman issued the **Order on criteria for selection of staff** from the Field on preventing torture in places of detention.

● **Competitions for hiring specialized personnel and specialists were organized** (physicians, psychologists, social workers).

● **Cooperation protocols with professional associations were concluded** (The Romanian College of Physicians, the Romanian College of Psychologists, and College of Social Workers)

● **Cooperation protocols with 22 NGOs were concluded, respectively:**

At the level of Bucharest zonal centre were concluded cooperation protocols with 10 NGOs, and at the level of zonal centres with 12 NGOs.

After a year of collaboration with NGO representatives, given that the participation of representatives of non-governmental organizations is required for visits in places of detention, we stress the amendment of the Law no. 35/1997, republished, with subsequent amendments and supplements, so that their participation is supported by expenses for meals, transport and accommodation.

● The public authorities who coordinate places of detention requested and received information about the **Annual visitation plan, reassessment of the places of detention and realization of evidences.**

The **annual visitation plan** was developed and subsequently approved by the Ombudsman.

● **On March 31, 2015, held at Parliament House the meeting ith public authorities that coordinate detention centres, professional associations and NGOs with which the Ombudsman has concluded cooperation protocols, agreeing on general principles concerning visits detention.**

● **Addresses access information on Ombudsman representatives in places of detention and copies of Law no. 35/1997, republished, with subsequent amendments and supplements were sent to central authorities that coordinate detention, for the transmission and dissemination in the subordinated places of detention.**

2. Powers

On the Field on the prevention of torture in places of detention

The Field on the prevention of torture in places of detention **regularly monitor the treatment of persons in detention** in order *to strengthen their protection against torture and other cruel, inhuman or degrading treatment or punishment and to exercise indiscriminately their fundamental rights and freedoms by: visiting, announced or unannounced, of the places of detention in order to verify the conditions of detention and treatment of persons deprived of liberty; formulating recommendations to the managements of visited places of detention following the visits; formulating proposals for amending and supplementing the relevant legislation or comments on the existing legislative initiatives in the field.*

Visits are conducted: **ex officio**, based on an annual visitation plan, proposed by the Deputy Ombudsman within the Field on preventing torture in places of detention, and approved by the Ombudsman, or **unannounced or based on the referral of any person or acknowledgment by any mean existence of a situation of torture or cruel inhuman or degrading treatment in a place of detention.**

Petitions about torture, cruel, inhuman or degrading treatment in places of detention shall be settled, according to the issues notified, by Field on preventing torture in places of detention in collaboration with other structures of the Ombudsman's Office The visiting teams shall be composed of at least one physician, depending on the specialization required and a representative of the NGOs.

According to art. 17¹ par. (2) of Law no. 35/1997, republished, with subsequent amendments and supplements, in order to fulfill the duties incumbent on the Ombudsman's Office, the administration of detention facilities referred to in art. 29² is required to allow access to the Ombudsman, to the deputy within the Field on the prevention of torture in places of detention, as well as to the representatives of the Office, without restriction, in all places of detention monitored, **for visits, announced or unannounced, and ordered investigations to resolve petitions received.**

In order to conduct visits, **the visited institutions are obliged to provide the representatives of the visiting team, under the law, before, during or after the visit, any documents or information that is available to them or they can acquire, requested by them in order to fulfill their legal duties.** The management of visited detention places is required to provide assistance and to meet with the members of the visiting team in order to achieve the purpose of the visit.

To fulfill their legal duties, **the members of the visiting team may also meet in private with any person deprived of liberty within the institution visited.**

The findings of the visits shall be included in a visiting **report** that, in cases where irregularities are noticed, shall be accompanied by **reasoned recommendations to improve the treatment and conditions of detainees and to prevent torture and inhuman or degrading treatment or punishment.** The visited institution is required to submit a reasoned response to the proposals and recommendations contained in the visiting report, indicating the view to the findings, the reasoned deadline for the measures to be taken to comply with their content or, if applicable, the reasons for which cannot comply, The Ombudsman or, where applicable the Deputy Ombudsman, within the Field on preventing torture in places of detention **shall inform on this matter the higher authority or the local or central public administration authority that issued the operating permit, for private detention facilities, and may act according to this law and the Rules of organization and functioning of the Ombudsman's Office.**

In cases where there is a breach of human rights through torture or cruel, inhuman or degrading treatment producing an imminent risk of harm to the life or health of a person a **preliminary report shall be prepared urgently.**

The Ombudsman has the obligation to immediately notify the judiciary when, in exercising its duties, it becomes aware of indications on offences committed under criminal law.

The Ombudsman's recommendations within the Field on preventing torture in places of detention issued in the event of irregularities are aimed at their removal, improved treatment and conditions of detention of people deprived of freedom, prevention of torture and inhuman or degrading treatment or punishment.

3. The activity of the Field on the prevention of torture in places of detention

• The Ombudsman was notified **ex officio about the conditions of detention from prisons of Romania** and ordered investigations throughout the Romanian prison system and, in addition, it established to obtain information on: conditions on catering; program of supplying water and energy; the quality of water; distribution of hygienic materials; distribution of prisoners according to the degree of hazard; existence of drying rooms; the number of deaths and the number of persons deprived of liberty who resorted to protest against feed from 2014 until the date of the investigations; events involving persons deprived of liberty (eg, possible cases of physical aggression to which prisoners were subjected by penitentiary staff and how to solve them by parquet; other relevant situations).

Subsequently, outside the 44 investigations conducted in prisons, investigations were also extended to 50 detention and provisional detentions centres. **Special report on conditions of detention in prisons and detention and preventive arrest centres, determinant factors in respect for human dignity and the rights of persons deprived of liberty, developed by the Field on preventing torture in places of detention**, has been presented to Houses of Parliament and Prime Minister.

• **461 petitions** were registered; 20 observed **ex officio** on which investigations or visits have been launched; **5 Recommendations** were issued after investigations. They are addressed to the Timișoara Penitentiary, Botoșani Penitentiary, Pelendava Penitentiary, to the National Administration of Penitentiaries for Iași Penitentiary and the National Administration of Penitentiaries for Tichilești Penitentiary. Following the visits to places of detention visiting **reports with recommendations for removing the irregularities, improved treatment and conditions of detention of people deprived of freedom, prevention of torture and inhuman or degrading treatment or punishment.**

• **36 investigations in places of detention** were carried out.

• **54 visits** were carried out, of which:

► **penitentiaries:** Rahova Penitentiary-pilot visit; Rahova Penitentiary; Craiova Penitentiary; Focșani Penitentiary; Jilava Penitentiary; Arad Penitentiary; Târgu Ocna Prison Hospital; Brăila Penitentiary; Dej Penitentiary; Târgu Mureș Penitentiary; Satu Mare Penitentiary; Drobeta Turnu Severin Penitentiary.

► **detention and preventive arrest centres:** Detention and preventive arrest centre no. 1 Bucharest; Detention and preventive arrest centre no. 8-Police Section 9, Bucharest; Detention and preventive arrest centre no. 10-Section 19, Bucharest; Detention and preventive arrest centre Arad; Detention and preventive arrest centre Dolj; Detention and arrest centre Giurgiu.

► **neurological Rehabilitation Centres for adults:** Neurorehabilitation Centre "Bălăceanca"; Psychiatric Hospital "Eftimie Diamandescu"; Psychiatric and Safety Measure Hospital "Grajduri", Iași; Neuro Rehabilitation Centre "Jibou"; Psychiatric Hospital Zam.

► **centres for elderly:** Centre for elderly Bacău; Centre for elderly "Speranța" Bucharest; Centre for elderly "Lacu Sărat", Brăila; Centre for elderly "Sebeș"; Centre for elderly "Hunedoara"; Centre for elderly "Sacu", Caraș Severin ; Home for Elderly Timișoara.

► **Asylum Seekers Centres:** Regional Centre for Accommodation and Procedures for Asylum Seekers "Galați"; Regional Centre for Asylum Seekers "Bucharest"; Regional Centre for Accommodation and Procedures for Asylum Seekers Timișoara- Emergency Transit Centre Timișoara.

► **centres for minor beneficiaries:** Placement centre "C.A. Rosetti Iași" (2); Residential Rehabilitation Centre for Youth with Neuropsychological Disorders Băbeni, Vâlcea county; "Domnița Bălașa" Bucharest; Social Services Complex "Istru", Bucharest, Placement Modulated Centre-"Romanița" Complex Services, Roman; "Pro-Familia" Residential Centre, Bacău;"Prichindel" Placements for Preschool Children with Disabilities, Craiova; family homes "Sf. Mihail", Caracal; Placement-modulated centre-familial modules "Panciu", Residential center for disabled children in Cluj Napoca; Emergency centre "Cireșarii", Bucharest; Placement Center for Children with Disabilities "Prichindelul", Sibiu; Residential Centre for Children with neuropsychological disabilities "Casa Tereza", Târgu Mureș; Shelter for street children "Dănilă Prepeleac"; Placement Centre for Children with Disabilities "Orhideea", Arad ; Family-type home "Amicii", Dolj (2); Emergency centre "Copii Străzii", Bistrița; Family-type home "Maria" -Satu Mare; Family-type home Piticot- Community Services Complex for Children with Disabilities, Zalău.

4. Results of the approaches within the Field on the prevention of torture in places of detention in 2015

We note the following measures taken by public authorities as a result of visits and field investigations by the Prevention of Torture in detention in 2015:

– at the level of *Timișoara Penitentiary a Commission assessment of the risk that the detainees who were admitted to hospitals in the Ministry of Health present was established.* In this Commission is the physician of the unit, who make claims about the existence / non-existence of medical contraindications **the application of the means of restraint.** Thus, in connection with the admission of the detainee for which the Ombudsman's Office carried out demarches, **the Commission has established that the means of restraint ((straps restraining of leather) will be applied to him only when the agent planned to execute security and surveillance service is going to the toilet to satisfy his physiological needs.**

This security measure was taken by the Timisoara Penitentiary Administration in order to prevent the escape of the prisoner or other incidents, given the fact that while the agent is missing the detainee is unattended. **In the rest of the time, the staff does not apply to the prisoner means of restraint or coercion.**

In addition, **the opinion/recommendation of the physician from hospital on the existence of medical contraindications regarding immobilization will be required** during hospitalization of prisoners in hospitals of the Ministry of Health.

– *at Botoșani Penitentiary:* • to improve detention conditions, **the budget of the unit was supplemented** as follows: Current repairs with the amount of 150,000 lei; linen and bed accessories with the amount of 50.677 lei; other inventory items with the amount of 35.422 lei. **The amounts allocated were used to make current repairs** which consisted of waterproofing works in toilets, repairing flooring (floor tiles, tiles), repairing of sanitary and electrical installations, repairing of wood carpentry, replacement of sanitary objects (toilet bowl, washstand), replacement of the doors of the toilets with aluminium joinery, replacement of the shelves of whitewood at chambers of food, sanitation/ painting walls and ceilings, poured floor screeds. These current repair works were carried out at all four chambers of the Section E7.

● On the occasion of completing the works **the worn bedding components (pillows, mattresses, sheets)** were also replaced. ● in order to remedy the shortcoming of the bathing activity of the prisoners housed in Section E7, till the identification of a suitable space at the department, **it was aimed the increase of the comfort of prisoners before returning to the department after bathing. In this respect, it proceeded to the purchase in December 2015 of hot air gun hitch was to be installed in the current month in the locker bathroom.** There have also been repaired / replaced some components to the sanitary installations of **the bathing room.** ● given the lack of space to be arranged as a dining room and in order to improve the food services conditions, **the unit identified as a solution the manufacturing of folding tables based on the number of existing detainees / accommodated at the budget workshop production.** ● for 2015 a service contract with a dentist who solved cropped dental problems and a contract and a contract with a family doctor for medical advice was concluded. A competition for filling a post of specialist is ongoing. ● Although the unit had received insufficient funds in January 2015, **these funds have been supplemented in August, 18, 2015 with the amount of 20.000 lei and on November, 9, 2015 with 11.000 lei,** so that the medical assistance given to detainees was not affected. For 2016, Botoşani Penitentiary has approved a budget of 108,000 lei for the provision of medicines for detainees, compared to 96.700 lei as it was approved in 2015. Botosani Penitentiary purchased, from their own funds a total number of 94 mattresses. A solution for carrying out disinfection (chloramine) is weekly distributed on the sections of detention. A general pest control was made in the unit in November 19, 2015.

– *Detention and preventive arrest centre no. 1 Bucharest* presented a person deprived of liberty at specialty consultation from a civil health unit, after the visit of representatives of the Field on preventing torture in places of detention. Noted that the competent court has ordered after its visit **the replacement of the preventive arrest with the place under house of the person deprived of liberty.** Therefore, the recommendation of the Ombudsman on the urgent presentation of a person to a medical unit was fully justified. In addition, according to the reply of General Inspectorate of Romanian Police **in the process of developing of the regulation on the organization and operation of detention and preventive arrest centres and the measures necessary for their safety;** which will be approved by order of the Minister of Internal Affairs, **the aspects of establishing a suitable framework carrying out the activity at detention and preventive arrest centres, the respect of he rights of persons deprived of liberty who are in these centres and the remediation of certain issues insufficiently regulated will be taken into account.**

– *at Focşani Penitentiary:* ● Requests for transferring 117 detainees to other prison were forwarded to the National Administration of Penitentiaries due to overcrowding. It also proceeded to the analysis to draft until December 31, 2015 the Substantiation Note **for the modification of a building space to accommodate the detainees with open regime;** ● by the end of 2015, **by around 31 pieces of sponge mattresses fireproof were to be acquired.** Depending on the approved budget for the coming years 2016-2017 par. Bug. May 20, 2003 for linen and bed accessories, the need for mattresses can be purchased to replace those with high wear qualifying for scrapping; ● all necessary measures have been taken, so that **Concrete pavements and additional banks in the 4 walking yard were rebuilt in September.** In F1 two banks of 2 meters and a length of 3 meters were installed in the walking yard; ● the Commission established under Decision No. 105 of June 3, 2015 proceeded **to the reception of disinsectisation operations** at the holding room E 4.38, of disinsectisation operations at the holding room L 1.1.1, of the disinsectisation operations at the holding room L 1.1.2; ● **the damages has been repaired in the next few days.** Reparations were also made in July 21, 2015, July, 31, 2015 and July, 8, 2015. the bathroom in this room are currently functioning normally; ● **A multidisciplinary team was established.** This team comprises specialists from

holding safety and prison regime sectors, social reintegration, medical, prevention of crime and terrorism and a secretary, **who identified and monitored persons deprived of liberty with aggressive** (autoaggressive, hetero-aggressive) **behaviour. They have established the necessary measures to support them and pursued those measures, using developed tools** (registry of records, tables with monitored persons deprived of liberty, Monitoring records of persons deprived of liberty with an aggressive behaviour).

– **at Craiova Penitentiary:** • permanent monitoring of the herd of persons in custody; the uninstal of beds in rooms; • **raising from the room the artificial objects that occupy space;** • carrying out periodic analyses in Commission for the individualization of the serving regime of detention, for the formulation of proposals for the transfer of the detainees residing in other districts assigned to other prisons; • regarding filling vacancies, **a physician was assigned beginning with October 27, 2015. This physician graduated Medico – Military Institute of Bucharest;** • **The framing of a general nurse performs in present. The purchase of services of general nurse was also requested. It is about 3 positions, by Colibași Prison Hospital, with contract. People are paid from money obtained from Health Insurance House of Defence, Public Order, National Safety on monthly service reported;** • in the second half of 2015 **more than 700 blankets were purchased, 260 pieces being already distributed. A number of 200 mattresses were received by the free transfer in order to replace the damaged ones ;** • **There were additionally mounted luminaires where the situation has imposed** (room 18-E3 - fluorescent fixtures, room 111-E7 – 2 fluorescent fixtures); • referring to program on bathing, **this has been modified beginning with November, 15, 2015. They assured 2 hours/day for all the number of detainees;** • **They analyses in present the supplement of the showers and toilets in the rooms with large number of detainees, but this possibility does not exist in most cases from constructional point of view;** • In some spaces are (eg room 18 E3) **shower partitions for cubicles without doors, for which will be mounted protective PVC curtains at the partition panels to ensure the privacy of detainees;** • They performed 10 actions DDD in 2015 (**the last disinsectisation was launched in early December 2015** and covers all the spaces of detention); • for the transport in good conditions of the detainees, **the penitentiary acquired in November 2015 a specialized vehicle for the transport of the detainees** with 16 places, from the revenues made by the institution.

– **at Rahova penitentiary:** • beginning with May 2015, on Fridays, **a psychiatrist from Hospital Penitentiary Bucharest Jilava gives psychiatric consultations; The purchase of a mobile ECG device had been requested** both from the funds of the unit and also from the funds received from from Health Insurance House of Defence, Public Order, National Safety; • in order to improve medical act, **they were concluded a service contract of primary health from funds received from Health Insurance House of Defence, Public Order, National Safety.** • **they equipped the rooms with refrigerators** for preserving food for the prisoners; • every room **has a refrigerator refrigerators for preserving the food of the prisoners,** in the appropriate sanitary conditions; • **the penitentiary envisages a reconfiguration of storage spaces for to ensure their proper storage;** • in order to ensure permanently cold water, particularly at high temperature, **the penitentiary started the construction to establish a new branch water from the public network in order to supplement the amount of water necessary.** This issue will be operational in 2016; • The purchase of a mobile defibrillator will be carried out in 2016 through its inclusion in the list of amenities.

– **at "Eftimie Diamandescu" Psychiatric Hospital Bălăceanca:** • **as been approved organizing competitions for a number of 19 vacancies;** • **were taken measures in order to prevent incidents of patients** (for example, setting their own personal graphic intervention in patients with agitated / aggressive behaviour during the guard– a nurse / caretaker / supervisor with special responsibility in this regard), taking into account their completion; • increasing the

quality and diversity of psychological auxiliary services through the introduction into the organizational structure of Outpatient Psychiatry and **employment of specialized staff**; • **was purchased furniture (beds, bedside tables) and sanitary products, taking into account their individual distribution**; • periodically pest were performed, **but it will require service providers of DDD service / changing substances used.**

– *at Neuro Rehabilitation Centre "Bălăceanca"*: • **reevaluation of beneficiaries of the centre by doctors from the Psychiatric Hospital "Eftimie Diamandescu"**; • **measures for real-time surveillance of the beneficiaries of the Centre by a video monitoring system performance. Smoke detectors and panic buttons were installed on each floor for increasing security and avoid fires**; • **number of security personnel was increased to three agents per shift in order of covering the perimeter of the court service centre**; • **in the structure of the centre is an instructor of occupational therapy post and physiokinetherapists post. For these posts is intended the organization of the recruitment, bearing in mind they had not been occupied before and Kineto Cabinet was fully equipped**; • **It is ongoing spatial isolation**; • **the purchase of new furniture is caught in the investment proposal for the year as it was proposed in previous years, depending on the availability of the approved budget and considering legislative permissiveness; it is intended modification of all or part of the furniture suffering from advanced usage**; • **It was organized a hygiene course for all employees currently implementing the internal control system management**; • **were made both procedures on admission, terminating services, identification, reporting and resolution abuse, assistance of beneficiaries terminal, assistance in case of death and the satisfaction and activities of Procedure of the Centre is in the process of bringing at the knowledge of their employees**; • **set of procedures drawn up include procedures relating to restraint, avoid and report abuse, satisfaction of beneficiaries procedures to prevent unwanted incidents.**

– *at Residential Rehabilitation Centre for Youth with neuropsychiatric disorders "Băbeni"*: • **a training session with the whole centre staff took place in July 2015**; • **psychological evaluation was done and was further to be carried with specialists in other centres**; • **a post for specialist psychiatrist was put up.**

– *at Complex Social Services "Istru"*: • **enforcement of restrictive measures in accordance with procedures laid down in these cases**; • **the preparation of restraint register with numbered pages, with headings that include data on the date and duration of restraints**; • **evaluation of all beneficiaries by specialists of the Complex Rehabilitation Services, with recommendations in each area, depending on the needs of children**; **preparation of a specific intervention plan for education and implementation sheet**; • **neurological and psychological assessment for minor concerned**; • **carry out a speciality control for the restraint minor.**

– *at Placement Centre for Preschool Children with Disabilities "Prichindel", Craiova*: • **Placement Centre for Preschool Children with Disabilities "Prichindel" followed an evaluation in order to carry out the necessary repairs**; • **materials deposited in the toilet corresponding of the hall of educational therapy were moved to other appropriate space, the toilet being used according to its destination**; • **In the case management method applied to children under special protection measure, each child received a detailed assessment carried out by a multidisciplinary team of specialists, and inclusively an assessment of health. Depending on the outcome of the evaluation, they included advices on the types of services that each child would benefit**; • **specialized services were ensured in Centre of Rehabilitation and Recovery of Disabled Children "Vis de copil" that operated at the same address unit concerned**; • **it was foreseen the purchase of an electric sterilizer.**

– *at Family home type house "Sf. Mihail", Caracal*: • **the purchase of training services which were to be held in the month of December 2015**; • **appoint a case manager**

for family homes, performing quarterly monitoring visits and intervention services provided to beneficiaries; • state duplication of functions with the delegation of 20 people from other subordinate centres; • the track of where restrictive measures have been applied are kept at the level of family houses, the head of the centre having the obligation to check it regularly, at least once a month.

5. Deficiencies noted during visits by The Field on the prevention of torture in places of detention and proposals that contribute to addressing them

I. Persons deprived of liberty in detention and preventive arrest centres

The Field on the prevention of torture in places of detention carried out in 2015 investigations at Detention and Preventive arrest centres from County Police Inspectorate Teleorman, Ialomița and Călărași, at detention and preventive arrest centre no. 7 of Section 12 of the Police Bucharest, the results being capitalized in the Special Report on detention conditions and respect of the rights of inmates in penitentiaries or in detention and preventive arrest centres.

Teams of advisers in the Field on preventing torture in places of detention, representatives of NGOs and professionals / freelancers, nominated by professional associations visited the Detention and preventive arrest centre no. 1 Bucharest, Detention and preventive arrest centre no. 8 of the Section 13 Police Bucharest, Detention and preventive arrest centre no. 19 of Section 10 of the Police Bucharest, as well as custody and detention centers Preventive Police Inspectorates County Dolj, Giurgiu Arad.

They verified during their visit to the Detention and preventive arrest centre no. 1 **the conditions of detention, the medical assistance, the treatment of persons in custodial care**, and also the issues raised in the media, on the situation regarding the health of a person detained. These aspects conducted to the notification ex officio of the Ombudsman. As for the visits carried out in detention and preventive arrest centres operating in Sections 13 and 19 Police Bucharest, there were **thematic visits on the feeding and care of persons deprived of liberty**.

In visits to detention and preventive arrest centres above a number of shortcomings resulted, such: • *regarding the accommodation* - improper location of detention rooms so that the ventilation and bleeding air thereof was deficient, and the natural light and the artificial lighting were insufficient; the lack of toilets in some rooms; sanitary facilities which showed a high degree of wear and defect fitting of the toilet; the high degree of wear of the bedding; deficit areas for storing personal goods; the existence of some spaces / walk courts inadequately maintained; the need for sanitization of some detention areas (disinfection, disinsectisation and deratization). • *ensuring medical assistance* – shortages of medical staff, considering the high degree of addressability of persons imprisoned; noncompliance of Procedure regarding medical work in detention and preventive arrest centres on the preparation of medical records. • *food* – the lack of dining areas; poor quality in food; food transportation conducted in improper conditions; noncompliance with rules in force on the retention of organoleptic tests.

Given the deficiencies found during visits, we believe the following **proposals** could help improve treatment and conditions of detention of persons deprived of liberty in detention and preventive arrest centres: • supplement the measures in order to ensure cleanliness and hygiene of the centres; • identification of areas for arranging an adequate number of toilets and repair the defective sanitary facilities and sewerage that did not ensure hygienic conditions;

- identifying opportunities to ensure permanent medical care;
- arranging dining spaces (possibly in series) for persons in custody;
- taking the necessary steps to ensure timely delivery of food, in hygienic conditions to the transfer of food; taking the necessary steps to notify the suppliers of food, about its situations regarding quality and remedy these issues;
- compliance with the rules on the retention of organoleptic tests. ● only the authority can ensure the meal allowance, so that receiving food packages constitute facility / admixture which enable the food completion/ supplementation;
- compliance for medical confidentiality in places of detention;
- equipping rooms with furniture to ensure conditions for serving meals
- replacement of old and worn bedding (mattresses, blankets, sheets);
- walk yard planning requirements in order to be used in adverse weather conditions;
- equipping walk yards with benches;
- identifying solutions for adapting the sanitary facilities in all rooms where they are lacking so that the detainees should not depend on the surveillance staff to meet physiological needs;
- a register to record the announced menu and food / dishes provided by Penitentiary Bucharest-Rahova, under the agreement concluded with The Bucharest General Directorate of Police;
- enter in the register of the applications only the verbal applications including healthcare, as well as how to address all requests for medical assistance brought by imprisoned;
- information for those imprisoned on the provisions of the Internal Rules on the right of detainees to consult their medical records and to request and receive copies thereof;
- make approaches to the authorities who are responsible for providing medical assistance for people in custody, so that the staff of the centre to be informed of administrative finality of a medical consultation or of an appointment for investigation / further check-ups, with respect to the privacy of medical act;
- prepare the staff on the provisions of article 4 and article. 29⁸ par. (1) of Law no. 35/1997 on the organization and functioning of the Ombudsman, republished, with subsequent amendments and supplements, according to which: „, Public authorities are required to communicate or, where appropriate, to provide the Ombudsman, under the law, with the information, documents or papers they hold relating to petitions that were submitted to the Ombudsman, as well as those relating to ex officio complaints and announced or unannounced visits which it performs for the fulfillment of tasks specific to the National torture prevention mechanism in places of detention, granting it support for the exercise of its powers. The visited institutions are obliged to provide the representatives of the visiting team, under the law, before, during or after the visit, any documents or information that is available to them or they can acquire, requested by them in order to fulfill their legal duties”.



The treatment of detainees in detention and prevent arrest centres had been the object of the **Special report on detention conditions and respect of the rights of persons deprived of liberty in detention and arrest preventive centres**, in which we present a selection of findings and proposals in this respect:

Conclusions

– *From the point of view of national legal framework*, a lack of important secondary regulations expressly provided by Law no. 254/2013 on enforcement of Custodial Sentences ordered by the judiciary in criminal proceedings, such as: government decisions, and orders of the Minister of Justice and Minister of Internal Affairs on the organization and functioning prison system and preventive arrest centre was found.

– *regarding housing conditions* – in detention and preventive arrest centres was observed: improper location detention rooms in the basement buildings county police inspectorates so that the ventilation and venting was deficient, and natural and artificial lighting was insufficient; lack of toilets in some rooms; insufficiency of toilets; sanitary facilities which showed a high degree of wear and defective fitting of the toilet; the use of Turkish WC as

support for laundering body; the higher degree of wear of bedding; uneven distribution of hygienic materials; deficit areas for storing personal goods; the existence of some spaces/undersized walking yards, the need for sanitization of some detention areas (disinfection, disinsection and deratization). To remember that there have been complaints of inmates at the lack of confidentiality of discussions during visit.

– *on the quality of water and food*, – in detention and arrest preventive the absence of dinning areas and the appropriate supplies in some rooms to ensure serving food were noticed.

– *on medical assistance*: In detention and arrest preventive centres, as in the penitentiaries the shortages of health personnel especially physicians was noticed, reason for which a medical examination was conducted on deposit in all cases; healthcare is provided by medical staff from the county medical centres of the Ministry of Internal Affairs. A proper medical body does not exist. There were also alleged difficulties in providing medical treatment following the introduction of health cards.

– *regarding the prices of products sold by economic operators* inside penitentiaries and telephone prices: Trade points did not exist in detention and preventive arrest centres, purchases could be made based on requests from the people in custody, the purchase realizing in the commercial network of cities. The shopping frequency ranged, it being able to perform in some centres once a week and others twice weekly or as needed.

Regarding *telephone conversations in penitentiaries*, it was found that telephone conversations in penitentiaries and detention and preventive arrest centres vary, depending on the rules of procedure

Proposals:

Legislative measures

Adopting a normative act on the subordination of detention and preventive arrest centre to the Ministry of Justice

► passing of detention and preventive arrest centres under the government of the Ministry of Justice, measure designed to exclude any possibility of arbitrary interventions by the investigative authorities;

► identification of new locations for the placement of these centers currently located in the basement of the county police inspectorates. By adopting and implementing legislative solution will enforce its subsequent to Law no. 254/2013.

Adoption of legislation subsequent Law no. 254/2013 on enforcement of Custodial Sentences ordered by the judiciary in criminal proceedings, on detention and preventive arrest centre¹. In this respect, we mention that Order no. 988/2005 of the Minister of Administration and Interior has fallen into disuse.

Examples of prosecution, judicial and administrative measures:

► reducing the duration of preventive arrest in detention and preventive arrest centres by:

► implementation of the Recommendation (99) 22 of the Committee of Ministers, on using the utmost possible alternatives to detention, such as: condition that the suspected offender to reside at a specified address, restriction to leave a place, or enter in a certain place

¹ Proposals and solutions in this section to be promoted should be considered subject to the adoption or enactment of the crossing of detention centers and remand the Ministry of Justice. Thus, insofar as it is agreed that the proposed solution, it should reconsider the situation subsequent legislation, in terms of its issuance and the competent authorities in specific tasks.

without authorization, provision of bond or supervision and assistance by an agency specified by the judicial authority. In this connection should be given opportunities to meet the conditions to remain in a specified place through electronic surveillance devices;

- ▶ wider application of judicial control measures, judicial control on bail, house arrest;
- ▶ increasing the role of psychological counselling of persons in custody;
- ▶ reassess the necessary administrative and operational staff, by reference to the number of detainee in each centre and specific duties;
- ▶ examination of the solution of creation of a medical body for preventive arrest centres (similar to those of penitentiaries).
- ▶ mandatory medical examination at the receipt in detention and preventive arrest centres and also periodically, throughout the detention in centre not only on request or in emergencies.
- ▶ measures that simplify distribution of medicines by health card for people incarcerated;
- ▶ making purchases at least twice a week, taking into account where incarceration would be done on Saturdays and Sundays;
- ▶ establishment of reasonable time-frames for exercising the right to phone calls, appertaining to the person detained or remanded in custody and no convicted person. At the same time, it is necessary for exercising the right to telephone conversations take place in conditions of complete confidentiality;
- ▶ respect for the right to correspondence by exercising it personally, filing correspondence by detainees in mailboxes located inside centres;
- ▶ increasing the number of rooms with their own toilets, common toilets and showers common for ensuring an adequate number of persons in custody;
- ▶ provision of accommodation for the storage of persons deprived of liberty's personal goods;
- ▶ measures to ensure decent conditions of dining in detention rooms, in dining rooms in the situation of lack of dinning areas;
- ▶ ensure the decent transportation of food at detention and preventive arrest centres from penitentiaries, given that the transport of the food is currently made in stainless steel cans, vans or isothermal;
- ▶ ensuring proper food and dietary specific for the diseases suffered by detainees.

Financial measures

The allocation of budgetary funds to enable:

- ▶ identifying locations that could be taken in the management of centres of detention and arrest, and, not least, the construction of new centres to replace the current "cellars" so that they correspond to European standards in terms of area, volume, ventilation meet physiological needs in terms of privacy;
- ▶ allocating appropriate funding to equip medical practices and emergency kits with drugs;
- ▶ purchase of bedding; replacing bedding that shows a high degree of wear; the permanent provision of water, electricity and heat; washing and drying of the clothes of persons remanded; and courtyard walk; equipping rooms with furniture for storage of detainees; repairs toilets; installation of showers; ensuring the provision of hot water, heat and electricity; distribution of sanitary materials required inmates;
- ▶ completion of schedule of medical staff, especially doctors in detention and preventive arrest centres;
- ▶ appropriate salaries and allowances of staff providing detention centres and remand, given the inadequate conditions of their work and the high level of risks and dangers.

II. Asylum seekers / immigrants

Teams composed of advisers within the Field on the prevention of torture in places of detention, representatives of NGOs with which they were signed cooperation protocols and professional associations **have carried out in 2015 visits in three regional centres for accommodation and Procedures for Asylum Seekers - Bucharest, Galați and Timisoara.**

Visits to regional centres for accommodation and procedures for asylum seekers Galati and Timisoara focused on checking the accommodation and treatment of persons kept in custody. The visit which took place at the Regional Centre for accommodation and procedures for asylum seekers Bucharest had as objective the treatment of asylum seekers, particularly medical assistance and referral ex officio Ombudsman about the situation presented in the media on an asylum seeker accommodated in the centre mentioned above which it was presented immediately to a hospital after an alleged suicide attempt.

Following the visits, a number of positive aspects related to legal and social assistance to persons accommodated in such centres were detained: informing them about the asylum procedure, rights and obligations during the course of the procedure rules to be followed during their stay in accommodation centres and procedures, dissemination of information material written in both languages and rare languages.

The deficiencies are the following: ● *regarding the accommodation* lack of proper hygiene in some units and office / kitchen, poor hygiene in some broken toilets and sanitary facilities (Regional Centre for Accommodation and Procedures for Asylum Seekers Timișoara). ● *regarding medical assistance* - lack of specialized personnel respectively physician (Regional Centres for Accommodation and Procedures for Asylum Seekers Timișoara and București) and thus the impossibility to provide medical assistance that be provided continuously and properly.

Given the deficiencies found during visits, we consider that the following **proposals** could help provide quality services to persons accommodated in these centres: ● taking the necessary steps of employment of vacant posts at the level of Regional Centres for Accommodation and Procedures for Asylum Seekers; ● providing appropriate accommodation conditions by cleaning and sanitation operations and repairs of sanitary equipment.

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III. Persons deprived of liberty in penitentiaries

Teams composed of advisers within the Field on the prevention of torture in places of detention have carried out in 2015 visits and investigations in penitentiary for monitoring the treatment of persons deprived of liberty. They found among deficiencies:

Regarding the accommodation: ● overcrowding of some detention rooms; ● inadequate accommodation in terms of ensuring minimum area required by law; ● lack of dining areas and serving of food in poor conditions in detention rooms; ● natural light and ventilation inadequate; ● providing artificial lighting in a schedule prepared by the management of the place of detention and non-ensuring of vigil lighting in detention rooms; ● detention rooms uncleaned properly (dirty and unpainted walls that showed condensation, ceilings with damp and water seepage); ● unpainted toilets with broken installations; ● obstruction of shades from detention rooms; ● mattresses are highly degraded; ● cold water is supplied with interruptions; insufficient facilities shower and toilet to the number of detainees; ● insufficient time incumbent detainees to the shower; ● lack of intimacy of detainees in toilets; ● detention rooms without equipment or insufficiently equipped with furniture and spaces for the luggages and goods belonging to persons deprived of liberty; ● inadequate electrical installation and plugs;

- improper air temperature in summer in detention rooms;
- lack of space for storage and preservation of the food;
- storage of the food in improper conditions in detention rooms;
- poor quality and insufficient sanitary products.

Regarding the provision of medical assistance: • unfilled posts of personal staff (physicians, nurses); • non-carrying out psychiatric assessments by specialist physicians for diagnosis and treatment; • lack of HIV tests and non-carrying out testing of persons deprived of liberty for detection of hepatitis B and C; • difficulties encountered in hospitals when transferring the persons deprived of liberty in terminal-stage to prisons; • lack of necessary funds for providing prescription drugs to detainees.

Regarding the feeding: • improper food allocated for food norm 18; • lack of refrigerators to store additional food of the detainees.

Other aspects: • lack of toilets in the walking yard, tables and benches set in cement for recreation of the detainees; • lack of screens dividers to showers in the shared bathrooms; • performing low-frequency operations of disinsectisation and inefficient use of materials; • means of transport with worn out; • shared accommodation of detainees with different religious faith; • insufficient time allocated to telephone conversations and meetings with loved ones, family, professional environment, business; • lack of educational programs and specific group activities tailored to the needs of detainees with higher education or high intellectual needs; • misuse of the means of coercion.

Following visits and investigations, the Ombudsman made the following recommendations: • managing overcrowding in some detention rooms; • providing vigil light in rooms; • review the use of artificial lighting program, having regard to measures to discontinue it within a certain time and providing artificial lighting during the day where natural light was poor; • operations to repair the ceilings which showed infiltration, dampness and painting of the detention rooms that have dirty and musty walls and also of sanitary facilities; • replacing mattresses which showed high wear; • ensuring decent serving food to inmates by arranging dining rooms and arranging suitable premises; • ensuring consistency of food prepared in the kitchen of the penitentiary; • reassessment of measures for setting up appropriate facilities for storing and preserving food (Especially in periods of high temperature) and ensuring hygiene; • purchase of refrigerators for storing extra food belonging to detainees and food sealed in order to avoid their deterioration; • repair or replacement of defective furniture in some rooms; • verification of electrical installation and plugs in room accommodation; • ensuring conditions for cold storage of perishable goods purchased by inmates at the prison store inside or periodic packet received from family or others; • equipping rooms with furniture and creating and arranging several storage areas for luggage, goods and personal belongings of detainees; • disinsectisation operations with greater frequency, check the efficiency of materials and sanitization in detention rooms that had dirty walls, and also review of disinsectisation activity planning in order to avoid the occurrence of insect pests; • installation of fences dividers to showers in the shared bathrooms; • explore the possibility of establishing a program to supply hot water to sinks detention rooms, and extension / expansion of the program to supply hot water for showers, with insufficient time which was for prisoners to take a shower, especially in rooms that have several detainees reported the number of existing showers; • shower facilities supplementation, especially in rooms where are accommodated a large number of detainees; • The showers to be located so as to avoid the movement of detainees by performing outdoor for the shower. need to hire medical staff (physicians, nurses, etc.), according to the grid normal people, given the high addressability prisoners to the infirmary; • analysing whether an psychiatric evaluation by a specialist doctor for diagnosis and treatment for prisoners who had suspicious behaviours in terms of possible psychiatric disorders; • purchase quantities required / appropriate medication

and perform testing of to detect prisoners of hepatitis B and C; • measures for better supervision of inmates to reduce incidents and clashes between them; • expedite steps to replace the van by Roman (DJ-48-DG) which shows a high degree of wear; • the notification of the National Administration of Penitentiaries in the case of the transfer in penitentiary hospitals of detainees in the terminal phase; • the endowment of the walking yard, with tables and benches set in cement for recreation of the persons deprived of liberty; • reassessment measures to ensure an appropriate temperature in detention rooms (for instance in summer in detention rooms that were not positioned to shady areas of the prison unit and are accommodated in rooms where more inmates); • clear of visas to allow the surveillance of the detainees in the detention room; • identifying the necessary funds for the provision of medicines prescribed for detainees; • appropriate supervision of detainees in order to avoid subjecting them to physical assaults by other inmates; • verification the appropriateness of using coercive means if inmates diagnosed with leukemia; • supervision and protection of children, psychological counseling them to lower the level of violence in the detention unit, as well as assessing the vulnerability in the division to hold people in custody.

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In the treatment of detainees in penitentiaries, has been made **Special report on detention conditions and respect of the rights of detainees in detention or preventive arrest centres**, in which we present the following:

Conclusions:

a) referring to national legal framework, was found to lack important secondary regulations expressly provided by Law no. 254/2013 on the execution of sentences and custodial measures ordered by the court in criminal proceedings, such as government decisions and orders of the Minister of Justice and Minister of Internal Affairs on the organization and functioning penitentiary system and detention centers preventive.

b) regarding occupancy rate: there is a high or very high occupancy in some detention facilities (eg prisons Iasi, Focsani and Mărgineni), which did not provide the minimum area required by domestic and international legal norms. In addition, reporting of legal accommodation capacity of prisons the number of detainees not reflect the reality in the detention rooms.

Meanwhile, it was also noted that some sections of penitentiaries face overcrowding problem because transit or detainees in custody.

c) on accommodation conditions In prison were found the following: the existence of inadequate housing conditions caused by the age of the buildings; the existence of seepage, moisture, mold in walls of the room; poor ventilation; bedding with a high degree of wear; sanitary facilities damaged; insufficient quantity and poor quality of personal care products distributed to detainees; Limited number of showers and toilets of the number of people staying in the room, and in some cases, lack of privacy for physiological needs; the existence of insects and pests; reduction in some penitentiaries, the program of supply of electricity and water, motivated by budgetary restrictions; sizes, arrangements, and sometimes inappropriate location Courts walk; personal effects in washing and drying rooms; lack of furniture for keeping goods and personal goods.

Proposals

Legislative measures

Adopt legislation subsequent to Law no. 254/2013 on the execution of sentences and custodial measures ordered by the court in criminal proceedings (expressly provided by this bill).

Adoption of laws to ensure compliance with art. 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms and respectively the execution of judgments of the European Court of Human Rights and national courts.

► Adoption of Government decision on the establishment of an interministerial commission composed of representatives of the Ministry of Foreign Affairs, Ministry of Finance and Ministry of Justice, to ensure real monitoring and enforcement of judgments of the European Court of Human Rights on violation of Art. 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms or the creation of a national body to have such powers.

Similarly, the proposed legislation should provide that the members of the ministerial committee, including representatives of the Ministry of Finance and the Ministry of Justice, to work for the enforcement of judgments of national courts concerning failure to comply same art. 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms.

Adoption of legislation to help reduce the prison population (excluding offenses and penalties for offenses of corruption and violence).

a) preventive measures

► reducing as far as possible the cases of application of the measure of preventive arrest and reducing the duration of the maintenance in custody by applying the preventive measure of house arrest, judicial review and judicial control on bail, thus respecting and the principle that preventive detention should be an exceptional measure and not the rule;

b) measures to amend the criminal law

► policy measures aimed criminal sanctions noncustodial / alternative (fine, community service, suspended sentence under supervision) instead of imprisonment as a reference sanction for certain offenses, particularly where acts perpetrated by mayor offenders.

► reassessment of punitive assignment, depending on the picture gradually with alternative measures to prison;

► regulation, at least temporarily of a form of granting conditional release, in the purpose of the liberty of persons held under last 3 years of imprisonment and / or halving the sentence imposed, to two thirds if prison not exceeding 10 years, as required by current legislation and two thirds to three quarters, when the prison is more than 10 years as required by current legislation, on payment conditions by persons convicted of debts to the state and the civil party;

► reassessment of legal provisions on which the part of the penalty is considered by law as enforced on the basis of work performed and / or professional education and training.

► reconsidering the law on granting conditional release, so that it ensure fair treatment for detainees who cannot provide jobs for reasons beyond their on the one hand, and detainees who, thanks to a good management of the prison, are provided

arrangements for exercising the right to work, on the other hand. In this regard, we consider it necessary to regulate the management plan of the place of detention of the obligation of each director to identify jobs for detainees,

▶ **reconsidering the legal provisions relating to the conditional release commission.**

In this context, we consider that it is necessary to bring more transparency and impartiality in the proceeding of conditional release and it would be important the participation of a representative of an NGO, given that there are protocols of cooperation between them and penitentiaries;

▶ Thee judge of supervision of conditional release could consider in the first instance the complaint against the rejection of the conditional release and appeal against the judgment delivered by this solution by the court in whose jurisdiction is the penitentiary. Of course, in this situation in which the judge of supervision of conditional release would not be in the conditional release commission, judging at first instance the complaints against the decisions of the commission and the court would become Court Settlement Appeal;

▶ **pardon of convicted persons with incurable medical disorders, with end-stage (cancer, HIV etc.) and possibly those who cannot heal the prison system and who present outbreaks of contagious diseases for the other detainees (TB, Hepatitis C);**

▶ **implementation of the Recommendation (99) 22 of the Committee of Ministers concerning overcrowding prison and prison population inflation, according to which, in order to avoid the excessive overcrowding it should be established the maximum capacity of penal institutions. Thus, we consider as appropriate to adopt a law that sets a limit on the number of detainees who can be accommodated in each prison;**

▶ **increasing the number of open and semi-open regime prisons;**

▶ **establishing the legal framework aimed, on the one hand, to ensure a fair balance between the need to measure and transfer the discretion of the authorities involved, and, secondly, to determine the halt of "penitentiary tourism" and also the regulation to appeal against this measure by making a complaint to judge of supervision of deprivation of liberty,** recalling in this respect that one of the reasons relied on by persons detained for refusal to feed was precisely that of making transfer to other penitentiaries;

▶ **the establishment of a critical threshold according to which the detained person is subject to a medical psychiatric, of a certain provisions relating to the verification of discernment of prisoners for prolonged refusal of food and of measures to be taken by the responsible public authorities, given that this refusal may result in death of the prisoner, of person in state custody;**

▶ **creating an appropriate legislative framework by establishing criteria to ensure the development of public-private partnership in the management of the prison system;**

▶ **reestablishment of the National Institute of Criminology, which have as attributions the realization of regular statistics on the crime rate, the nature of the crimes, the number of repeat offenders, proposals to reduce the risk of recidivism through social and criminal policy after committing the crime a nd involving deprivation of liberty in order to control and prevent crime; tracking the impact on the crime rate by criminal policy proposals.**

Judicial and administrative measures

Pre detention measures

▶ **increased measures to prevent crime / crime through programs of social cohesion;**

▶ **the increasing role of direct intervention programs to improve the violent behavior, drug addicts and alcoholics.**

Measures during detention

▶ in their activities, the committees of the prison and respectively courts use in a number of cases the conditional release, when legal conditions are met;

▶ valorisation of the potential of the detainees by using them at work;

▶ separation of categories of prisoners with mental disorders in psychiatric penitentiary hospital. They must be subject to a distinctly penitentiary treatment focused on providing appropriate medical treatment;

▶ ensuring appropriate quality health services;

▶ increasing the role of social services and psychological counselling;

▶ respect the prosecution referral by all physicians in the prison system, whether the death occurred in a prison facility or in a prison hospital and deaths from any cause;

▶ strengthening cooperation between civilian hospitals and penitentiaries, by concluding cooperation agreements at local level, based on a joint decision of Health Minister and of Ministry of Justice calculated to ensure adequate medical assistance to any patient, even if it is part of sentenced persons;

▶ reevaluating the conditions of issue of certificate of admission to degree of disability of detainees, by indicating establishing committees by indicating the degree of disability competent;

▶ follow the development of refusing food, so as to ensure compliance with existing records at places of detention;

▶ continuous training of medical staff in order to support the health of detainees, including ex consumers of drugs / opiates;

▶ weekly verification by special committees set up at the penitentiaries of the prices of products marketed in commercial offices located in places of detention and the establishment of the uniform maximum prices across all penitentiaries for telephony services offered by phone operators;

▶ the inclusion in composition of commissions for checking prices of products inside the penitentiaries of economic operators and civil society representatives (NGOs) to ensure transparency;

▶ collaboration between the National Administration of Penitentiaries / penitentiaries and the National Authority for Consumer Protection, in order to ensure appropriate prices, both for products sold through sales outlets inside penitentiaries, as well as for telephone conversations charges;

▶ attracting media, a civil society, state institutions, organizing visits and events in penitentiaries.

Post detention measures

▶ reducing the risk of recidivism through through social and criminal policy after committing the offense and the punishment of imprisonment. It is therefore necessary the speed to implement the Government Decision no. 389/2015 approving the National Strategy for social reintegration of detainees 2015-2019, look likely to provide conditions for social reintegration for those freed and therefore reduce the risk of recurrence;

▶ promoting a policy of investment required and rational spaces to hold, so the insufficient funds available would be supplied by an orientation towards of their imperative needs, related to ensure decent living conditions in penitentiaries;

▶ cooperation with the competent local authorities in respect of former prisoners infected with HIV / AIDS, which after release are not interested in continuing treatment can become a public health hazard;

Financial measures

► increase the budget of the prison system and review the provisions of the Government Decision no. 1849/2004. Financing from their own revenues, in the current context of economic difficulties caused by the lack of places where the detainees may perform this work under legal conditions, it cannot be the main source of income;

► **budgetary resources allow to:**

- seizure of buildings in good condition from the public State and management, to allow renunciation of the buildings in the penitentiaries at an advanced stage of wear, of those who do not ensure decent conditions for physiological needs in rooms and air rooms;
- construction of new detention facilities through utilization of appropriations from the state budget and European funds;
- construction of new walking yards appropriately size in penitentiaries;
- replace worn out mattresses; provision of furniture in detention room; provision with washing machines;
- allocation of sanitary products according to the needs of detainees, not maximum amounts cannot be exceeded. By default, amending the provisions of the Order of Ministry of Justice no. 2056/2007 approving the Norms concerning the rights of unit equipment and sanitary materials related detainees;
- periodical sanitization detention rooms, repair of sanitary facilities; ensuring the provision of permanent water and energy. In this context, the ban on budget savings through a reduction in supply and drinking water in penitentiaries;
- ensuring proper food diet and religion;
- assure the diversity feed, the equipment of blocks supply necessary equipment and ensuring decent conditions for catering, given that there were 22 units in dining halls.
- providing adequate car parks;
- ensuring Necessary equipment for washing prisoners' personal effects and ensure proper drying their premises;
- appointment of personnel in penitentiaries (medical staff to ensure safety, social reintegration).

► reevaluate the necessary administrative and operational staff, by reference to the number detainees in each prison uniform and specific duties;

► allocation of sufficient budget resources: purchase of medicines and prevent delays in their acquisition; staff training, maintaining health for former drug / opiates, inclusion of prisoners diagnosed with HIV in national HIV program.

► review the budget allocated to the penitentiary system, meant to ensure the teaching of penitentiaries working conditions and adequate remuneration.

IV. People with mental disorders

During 2015, the People's Advocate visited the Psychiatric Hospital "Eftimie Diamandescu" Bălăceanca "Psychiatric Hospital and Safety Measures Pădureni-Stables at Recovery Center Neuro" Bălăceanca "Center of neuropsychiatric recovery and rehabilitation Jibou, and the visits were aimed at verification the accommodation and treatment of persons in custody.

From visits have emerged a number of shortcomings, including mind:

– **accommodation conditions:** lounges with a large number of seats (Psychiatric Hospital "Eftimie Diamandescu" Bălăceanca); overcrowding salons (Psychiatric Hospital and Safety Measures Pădureni-Grajduri, which has a capacity of 240 beds. 354 patients were accommodated here, there is some headroom between beds, the access to some patients being hindered); inadequate natural light (Psychiatric Hospital "Eftimie Diamandescu" Bălăceanca); the furniture (bedside tables and cabinets) is insufficient and outdated; the lack of a positive therapeutic environment; Limited number of toilets based on the number of people staying in the room; the lack of drinking water (Psychiatric Hospital and Safety Measures Pădureni-Grajduri);

– **sanitary conditions:** insufficient quantity of personal care products distributed to persons hospitalized (Psychiatric Hospital "Eftimie Diamandescu"); non-operation of cleaning regularly and / or effective (Psychiatric Hospital "Eftimie Diamandescu" Bălăceanca, in which harmful insects were found in the dining room) and whenever it was necessary (Neuro Rehabilitation Centre "Bălăceanca", where was a poignant smell of urine on the ground floor and on the upper level of the building);

– **servicing food and feed conditions:** ensuring proper nutritional quantitative (Neuro Rehabilitation Centre "Bălăceanca"); Dining improper conditions (Psychiatric Hospital and Safety Measures Pădureni-Grajduri, Neuro Rehabilitation Centre "Bălăceanca");

– **medical assistance:** shortage of medical personnel, ie doctors and nurses (Psychiatric Hospital "Eftimie Diamandescu" Bălăceanca; Neuro Rehabilitation Centre "Bălăceanca" where were 3 specialized physicians, who worked in shifts. There were not guards, the permanence after their departure being provided by nurses); the existence of gaps confirmation payments drugs (Psychiatric Hospital "Eftimie Diamandescu" Bălăceanca);

– **restrictive measures:** restraints cases were registered in a school notebook with past entries by hand; register complaints as there is a school notebook in which there were records (Neuro Rehabilitation Centre "Bălăceanca"); performance measure insulation in inappropriate conditions, ie isolation room was not padded properly in order to prevent possible injury or violence, and door metal had no window, only bars and bed present a metal that may be a means injury (Neuro Rehabilitation Centre "Bălăceanca"); lack atraumatic rooms (Psychiatric Hospital and Safety Measures Pădureni Grajduri),

– shortage of personnel in the case of professionals other than physicians, such as: **psychologists, occupational therapists, physiotherapists and services provided** by them;

– deficiencies at all three establishments visited on the involvement of people with psychiatric disorders in **leisure activities**;

– insufficient number of staff to **ensuring security and surveillance activity** for persons with mental disorders;

– **lack of standards for incident management**, likely to regulate the procedures applicable in such cases, in order to protect persons with mental disorders and staff and to prevent aggression between people with mental disorders (Neuro Rehabilitation Centre "Bălăceanca").

Given the deficiencies found during the visits, we believe that the following **could help ensure quality services people with mental disorders hospitalized in psychiatric centers and those admitted to rehabilitation centers neuropsychiatric**: ● accommodation patients in wards with a reduced number of beds; ● reassessment of staffing needs (mainly doctors and nurses) for the care and treatment of people with mental illness (possibly a normalization of staff according to the number of patients); ● identification of new locations or building new pavilions to avoid overcrowding; ● allocation of sufficient budgetary resources to renovate pavilions units, ensuring an adequate number of toilets, drinking water supply; ● rethinking the treatment of persons with mental disorders, meaning recovery of psycho-social rehabilitation activities.

V. Residential centres for children

During 2015, the Ombudsman visited residential centres for children with the objective of verifying the treatment of beneficiaries and accommodation conditions: Placement Centre "C.A. Rosetti", Centre "Domnița Bălașa" "Social Services Complex" Istru "Residential Centre of Rehabilitation of Youth with neuropsychiatric disorders Băbeni, Placement centre modulated - Services Complex" Roman, Placement Centre for Children Preschoolers with Disabilities "Prichindel" Craiova, Residential Centre "Pro-Familia Bacău family homes "Sf. Mihail" Caracal, Placement Centre Modulated-Module Family, Panciu, Child Protection Services Complex no. 1 – Residential Centre for disabled children Cluj Napoca, Placement centre for children with disabilities - Complex service "Prichindel" Sibiu, House of family type - residential centre for children suffering from neuropsychiatric "Casa Teresa" Targu Mureș center Placement for Children with Disabilities "Orhideea" Arad; Reception centre urgently "Cireșarii" Bucharest; Shelter for street children "Danila Prepeleaac" Bucharest; Reception centre urgently Bistrita; Family type house "Maria" Satu Mare; Family type house "Piticot" complex service Community children with disabilities Zalău family house "Friends" Craiova (last four reports being working visit).

From visits have emerged a number of shortcomings, among which:

a) referring to accommodation conditions: ● carrying out sanitation activities whenever necessary, especially in toilets (Residential Rehabilitation Youth Centre in Neuropsychiatric Băbeni); ● high wear sanitary facilities (Placement Centre for Children with Disabilities "Orchid" Arad); ● presence of mold in some bedrooms (Placement Centre - Module Family "Panciu"); ● lack of lighting vigil (Placement Centre for Children with Disabilities "Orhideea" Arad); ● distribution of beneficiaries in bed without taking into account the shortcomings motor (Service complex for Child Protection Services Complex no. 1-residential centre for disabled children Cluj Napoca); ● used furniture (Reception Centre Children in Emergency "Cireșarii"); ● inadequate bedding for children (foster care for children with disabilities-Service Complex "Prichindel" Sibiu); ● lack of ramps for moving children with low mobility (House of family type - residential centre for children suffering from neuropsychiatric Casa Teresa Targu Mures); ● lack proper endowment with washing machine, cooker (Shelter for Street Children "Boborul" in Bucharest).

b) medical assistance: ● lack of a doctor employed (Placement Centre for Children with Disabilities "Orchid" Arad); ● lack of doctors specializing in child psychiatry (Residential Rehabilitation Youth Centre in Neuropsychiatric Babeni, family homes "St. Michael" Caracal); ● implementation of long-term drug treatment, in the absence of regular psychiatric evaluations (Residential Rehabilitation Youth Centre in Neuropsychiatric Băbeni); ● lack of standardized and disinfectants approved by the Department of Public Health and waste collection containers drug (Placement Center module - Module Family "Panciu"); ● non-inclusion on the list of beneficiaries GP -Adăpostul for Street Children Boborul.

c) psychological counselling: ● lack of psychologists (Placement Center "C.A.Rosetti", Child Protection Services Complex no. 1-residential centre for disabled children Cluj Napoca); ● lack of regular psychological assessments (Residential Rehabilitation Youth Centre in Neuropsychiatric Băbeni); ● lack Cabinet psychological reports completed counselling and psychological records for 2015 (Placement Centre - Modulated Family "Panciu"); ● lack of treatment programs needed for abandoned, abused, neglected or exploited (Reception Centre Emergency "Cireșarii" Bucharest); ● achieving psychological counselling by a clinical psychologist practicing in supervision (Shelter for Street Children "Boborul" Bucharest).

d) enforcement of restrictive measures: ● restraints complying with legal provisions (Residential Rehabilitation Youth Centre in Neuropsychiatric Băbeni, family homes

"Sf. Mihail" Caracal) and repeated in the absence of regular psychiatric evaluation (Social Complex Services - Family Homes, Istru); • lack of restraint register (family homes "Sf. Mihail" Caracal), the registry for immobilization prepared and filled with the legal provisions (Social Complex Services- Family Homes, Istru); • inadequate means of restraint (Social Complex Services – Family Homes, Istru, family homes "Sf. Mihail" Caracal); • lack of recommendation or approval by the physician of the application of the measure of restraint (family homes "St. Michael" Caracal) **shortage of physiotherapists** (Social Complex Services – Family Homes, Istru, Placement Centre for Preschool Children with Disabilities "Prichindel" Craiova, Child Protection Services Complex for no. 1-residential centre for disabled children Cluj Napoca); • **failure to provide physical therapy services** (Social Complex Services – Family homes, Istru); • **shortage of speech therapists** (Placement Centre for Preschool Children with Disabilities "Prichindel" Craiova, Child Protection Services Complex for no. 1-residential centre for disabled children Cluj Napoca)

f) understaffed for childcare (Placement Centre for Preschool Children with Disabilities "Prichindel" Craiova, family house "St. Michael" Caracal Center C. A. Rosetti Placement"); • lack of qualified personnel in preparing food (family house "St. Michael" Caracal Center C.A.Rosetti Placement "); • **lack of continuing vocational training and periodic evaluations of staff** (Social Services Complex "Hister" family house "St. Michael" Caracal Placement Centre "Rosetti C.A." Residential Rehabilitation Youth Centre in Neuropsychiatric Băbeni)

g) lack landscaped outdoor space for recreation (Services Complex Sociale- family houses "Istru")

h) lack of ambulance (Placement Centre - Complex Services "Roman" Roman).

i) shallow situations in the method of case management work by social worker;
• **lack of team meetings;** • **lack of field visits and lack the necessary steps to reintegrate children in the extended family;** • similar evaluations in content, although related to different people (**Reception Centre emergency "Cireşarii" Bucharest**).

Given the deficiencies found during the visits, we believe that the following **proposals** could help provide quality services to beneficiaries in residential centres for children:

- supplement budgetary resources as appropriate, in order to ensure conditions of accommodation adequate infrastructure for: the replacement of worn furniture and adapting it to the needs of beneficiaries; purchase of washing machines; environmental accessibility; creating a pleasant ambience in the room and outdoor spaces; acquisition of own ambulances; plumbing repairs;
- ensuring lighting in the hallways waking residential centres;
- the records of restrictive measures, according to law;
- providing rehabilitation services (physical therapy);
- ensure a sufficient number of caregivers to effectively cover the needs of beneficiaries;
- effective monitoring of medical care and psychological counselling to beneficiaries;
- amending Law no. 292/2011 on social assistance within the meaning repeal Art. 40 para. (4) that, "In case of objective causes, **social workers can not engage or purchase their services, social service providers can employ social workers to carry out activities to identify and, where appropriate, needs assessment of people applying for social security benefits and social services** ";
- collaboration with professional associations (College of Psychologists of Romania, the College of Social Workers) to select specialists to fill vacancies in residential centers and professional supervision. The proposal argue that were noted during visits situations where the social worker's work (case manager) presented a number of shortcomings, such as reception centers where emergency "Cireşarii" Bucharest.

VI. Homes for the elderly

During 2015, the Ombudsman visited the Home for the Elderly Bacau Residential Centre for the Elderly "Hope" Bucharest, Home for the Elderly "Salt Lake" Braila, Home for the Elderly Hunedoara, Home for the Elderly Timisoara home for the elderly "Sacu" Caras Severin, home for the elderly Sebes, and the visits were aimed at verification the accommodation and treatment of beneficiaries.

From the visits we retained the following deficiencies:

– **accomodation conditions:** ● damaged plaster walls (Home for the Elderly Timisoara in rooms on the first floor, for beneficiaries with special needs, the laundry, ironing laundry room and the kitchen); ● infiltration of water (Home for the Elderly Hunedoara); ● furniture damaged and / or insufficient (Home for the Elderly "Sacu" Caras Severin, Timisoara Home for the Elderly, Home for the Elderly "Salt Lake" Braila, Bacau club Home for the Elderly); ● lack of adequate natural light (Home for the Elderly "Sacu" Caras Severin, in room no. 2 and no. 3 of the old flag, because the trees in front of the windows which blocked the natural light in the rooms); ● Improper ventilation (Home for the Elderly "Salt Lake" Braila); ● Improper temperature in rooms (Home for the Elderly "Sacu" Caras Severin); ● functional electrical problems (Home for the Elderly Hunedoara); ● Improper cleaning (Home for the Elderly "Sacu" Caras Severin, room no. 3 of the new flag, into the club located in the yard of the home; Home for the Elderly Timisoara body on the first floor of choice for beneficiaries, Home for the Elderly Sebes, in the room where was staying a person who refuses any activity sanitation); ● insufficient number of toilets (Home for the elderly Timișoara, in which were 9 beneficiaries in one bathroom) or worn (Home for the Elderly "Salt Lake" Braila, Home for the Elderly Hunedoara); ● lack of protective showers to ensure the privacy of beneficiaries (Home for the Elderly Timisoara); ● lack of a crane mobilization (Home for the Elderly Timisoara, bath located on the first floor); ● lack of support bars (Home for the Elderly Sebes); ● insufficient quantity of sanitary products (Home for the Elderly "Sacu" Caras Severin); ● lack of a family atmosphere (Home for the Elderly "Salt Lake" Braila); broken appliances (Home for the Elderly Timisoara - washing machine, dryer); ● lack of subsidy in each room TV sets (Home for the Elderly Timisoara); ● insufficient refrigerators for food storage belong to the beneficiaries (Home for the Elderly "Sacu" Caras Severin); ● distribution of Storey beneficiaries without taking into account the difficulties driving (Home for the Elderly Bacau);

– **feed:** non ensuring diet for people with diabetes (Home for the Elderly "Sacu" Caras Severin);

– **medical assistance:** ● insufficient medical staff (Home for the Elderly Sebes, Home for the Elderly "Salt Lake" Braila, Home for the Elderly Timisoara); ● insufficient drugs (Home for the Elderly "Salt Lake" Braila); ● lack of palliative care and permanent care (Home for the Elderly "Sacu" Caras Severin, Home for the Elderly Timisoara); ● poor filling of medical records of beneficiaries (Home for the Elderly "Sacu" Caras Severin); ● self-administration of medication to beneficiaries and lack of supervision by medical staff (Home for the Elderly "Sacu" Caras Severin); ● reduced schedule of doctor's medical assistance (Residential Centre for the Elderly "Hope" Bucharest); ● missing mobile screens to ensure semiizolarea during the consultation (Residential Centre for the Elderly "Hope" Bucharest); ● neamenajarea appropriate medical service (Home for the Elderly Hunedoara); ● failure to doctor-patient confidentiality (Home for the Elderly Hunedoara);

– **psychological counselling:** ● absence of a specific conduct psychological activities of all psychologists to allow employees to operate according to standards of quality of psychological services (Home for the Elderly "Salt Lake" Braila, Home for the Elderly Hunedoara); ● failure beneficiary's right to privacy (Home for the Elderly "Salt Lake" Braila);

- psychologist was not registered with the College of Psychologists of Romania (Hunedoara Home for the Elderly);

- **social assistance:** ● breaching the law in hiring social workers (Home for the Elderly "Salt Lake" Braila Residential Centre for the Elderly "Hope" Bucharest, Hunedoara Home for the Elderly); ● lack of a space exclusively for social welfare office (Home for the Elderly "Salt Lake" Braila); ● complement deficiencies individual plan (Home for the Elderly "Salt Lake" Braila); ● mismatch in terms of assistance and care plan objectives with the activities in the home (Home for the Elderly Hunedoara);

- **rehabilitation activities:** ● lack of a physical therapist employed (Home for the Elderly Sebeș); ● lack physical therapy (Home for the Elderly Timișoara);

- **social activities and leisure, religious:** ● lack of spaces for such activities (Home for the Elderly "Salt Lake" Braila); ● lack of a schedule of daily activities and / or user involvement by staff (Home for the Elderly "Salt Lake" Braila); ● use recreation areas for other purposes (Home for the Elderly "Sacu" Caras Severin); ● lack of space for the exercise of religious freedom by persons other than the Orthodox Christian religion (Home for the Elderly "Salt Lake" Braila);

- **lack of staff** such as caretakers, cooks, laundry staff, etc. (Home for the Elderly "Salt Lake" Home for the Elderly Braila Bacau); ● understaffed during night shift (Home for the Elderly Hunedoara);

- **the presence of persons requiring hospitalization in a specialized unit pathology person** (Home for the Elderly Sebeș);

- **lack of means of transport appropriate to the specific needs of the home for the elderly** (Home for the Elderly "Salt Lake" Braila, Bacau Home for the Elderly);

- **absence of provisions in the Internal Rules of the fireplace in the home admission procedure** (Home for elderly Hunedoara).

Given the deficiencies found during the visits, we believe that the following **proposals** could help provide quality services to beneficiaries in homes for the elderly: ● supplement budgetary resources as appropriate to ensure conditions of accommodation suitable for Rehabilitation of homes; ● replacement of worn furniture and adapting it to the needs of beneficiaries, mobilization ● purchase of cranes, shelterbelts showers; ● sanitary products in sufficient quantity; ● plumbing and electrical repairs; ● acquisition of suitable means of transport specific needs of the home, creating a pleasant environment ● room and outdoor spaces, ● purchase of household appliances and electronics; ● ensure a sufficient number of caregivers to effectively cover the needs of beneficiaries; ● collaboration with professional associations (College of Psychologists of Romania, the College of Social Workers) to select specialists to fill vacancies in homes for the elderly; ● position of social worker by a person studies, entered in the National Register of Social Workers; ● providing palliative care and permanent medical assistance; ● taking drugs and under close supervision by medical staff; ● providing spaces for cabinets psychological, social work, physical therapy and arranging them accordingly; ● arranging social activities and spaces for leisure and for freedom of religious belief by all beneficiaries; ● homes for the elderly to develop and implement a Charter of rights of beneficiaries as provided in the minimum quality standards for social services with accommodation organized as residential centers for the elderly approved by Order no. 2126/2014; ● absence of rules implementing Law No. Social assistance 292/2011 and Law no. 17/2000 on social assistance for the elderly constitute an impediment to the smooth running of all activities in the home.