

THE DEPARTMENT FOR THE PREVENTION OF TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT IN PLACES OF DETENTION



„ No excuse justifies torture.”
Norman Finkelstein¹

The absolute prohibition of torture and other ill-treatment is regulated by Art. 5 of the Universal Declaration of Human Rights, by Art. 7 of the International Covenant on civil and political rights, as well as Art. 3 of the European Convention on Human Rights, which states that *“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”*.

► NPM comprises: The central structure, which also includes the Bucharest Zonal Center and the Territorial Structure, made up of 3 zonal centers: ● Alba zonal center; ● Bacău zonal center; ● Craiova zonal center, the counties in the area of competence of each zonal center being presented in the graph below.



Within the 4 zonal centers are working specialized personnel - 7 lawyers, 2 physicians, 3 psychologists, 2 social workers - and 4 persons with administrative duties (drivers); At present, is ongoing a competition for filling the vacancies for the positions of physicians at the Bucharest and Bacău zonal centers.

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In order to carry out the activities of the NPM, external collaborators are also co-opted, based on service contracts. External collaborators are selected by the People's Advocate, based on the proposals received from the Romanian College of Physicians, the College of Psychologists in Romania, the Society of Sociologists in Romania, the National College of Social Workers or from other professional associations to which they belong. Thus, in 2019, the People's Advocate institution had 38 external collaborators (10 physicians; 8 social workers; 20 psychologists).

According to Art. 36 paragraph (4) of Law no. 35/1997, republished **at the activity of torture prevention, participate representatives of non-governmental organizations active in the field of human rights protection**, selected on the basis of their activity, by the Ombudsperson. Currently, Collaboration Protocols are concluded with 28 non-governmental organizations.

In 2019, the visiting teams within the NPM made **79 visits to places of detention** (some of the visits carried out had as main objective the verification of the implementation of the recommendations made in the reports prepared following previous visits in the respective places of detention), as follows:

- **Prisons - 10 visits:** Târgu-Jiu Penitentiary; Găești Penitentiary; Craiova Pelendava Penitentiary; Tichilești Detention Center; Târgu-Mureș Penitentiary; Aiud Penitentiary; Tulcea Penitentiary; Giurgiu Penitentiary; Ploiești Penitentiary; Ploiești Women's Penitentiary - Târgșorul Nou (was verified the implementation of recommendations);

- **Preventive Arrest and Detention Centers - 9 visits:** Preventive Arrest and Detention Centers: Argeș, Călărași (was verified the implementation of recommendations), Gorj, Botoșani, Maramureș, Covasna (was verified the implementation of recommendations), Teleorman (was verified the implementation of recommendations), Tulcea and Buzău ;

- **Centers for Migrants - 6 visits:** the Accommodation Center of the Foreigners taken into Public Custody Arad; Timișoara Regional Center for Accommodation and Procedures for Asylum-seekers; Albița Detention and Triage Center, Vaslui County; The Regional Center for Accommodation and Procedures for Asylum-seekers Rădăuți, Suceava County; Center for Asylum-seekers Șomcuta Mare, Maramureș county (was verified the implementation of recommendations); The Regional Center for Accommodation and Procedures for Asylum-seekers Bucharest;

- **Residential centers for children - 18 visits:** the Placement Center for Children with Disabilities Drobeta Turnu-Severin, Mehedinți county; Emergency Reception Center Timișoara, Timiș County; Emergency placement center for abused, neglected, exploited children, Braila; Tecuci Placement Center, Galați County; Beclean Placement Center, Bistrița-Năsăud County; The emergency reception center and the Maternal Center within the Sighetul Marmației service complex, Maramureș county; The placement center for children with severe disabilities Cristuru Secuiesc, Harghita County; Maternal Center "Speranța" Alba-Iulia; "Sfântul Stelian" Ghimbav Placement Center, Brașov County; Center for Children with Disabilities "Domnița Bălașa", Bucharest; Residential Center for the Child with Severe Handicap within the Oltenița Community Services Complex, Călărași county; The Placement Center for Children with Disabilities in Găești; "Antonio" Placement Center Constanta; Center for emergency reception and evaluation of children - Community Services Complex no. 3 Buzau; The emergency reception center - D.G.A.S.P.C. Sector 4, Placement Center „Sf. Marcellin Champagnat” Sector 6 Bucharest; Placement Center within the Foundation "Life and Light" Bucharest; Placement Center within the "Sfânta Maria" Community Services Complex, Valenii de Munte, Prahova County;

- **Centers for adults with disabilities - 14 visits:** Cezieni Recovery and Rehabilitation Center, Olt county; Neuropsychiatric Recovery and Rehabilitation Center Gouvoj, Timiș County; Războieni Neuropsychiatric Recovery and Rehabilitation Center, Neamț county (was verified the implementation of recommendations); The medical-social unit “Dr. Elena Popovici” Flămânzi, Botoșani county; The Center for Neuropsychiatric Recovery and Rehabilitation Cotești, Vrancea county; Râșești Recovery and Rehabilitation Center, Vaslui County; Răchitoasa Care and Assistance Center, Bacău County; Care and Assistance Center Ciocănești, Călărași county; Pucioasa Care and Assistance Center, Dâmbovița County; Center for Recovery and Rehabilitation of Persons with Handicap Tâncăbești, Ilfov County; The Center for Integration through Occupational Therapy Râmnicu Sărat, Buzau County; Recovery and rehabilitation center for adults with disabilities, Țuicani, Moreni, Dâmbovița county; Tulgheș Neuropsychiatric Recovery and Rehabilitation Center, Harghita County; Neuropsychiatric recovery and rehabilitation center Râu Vadului, Sibiu county;

- **Psychiatric hospitals - 9 visits:** Psychiatric Hospital Voila Câmpina, Prahova county; Chronic Psychiatric Hospital Schitu Greci, Olt County; The Exterior Section of Chronic Psychiatry Melinești, within the Clinical Hospital of Neuropsychiatry Craiova, Dolj County; The Psychiatry Hospital for Safety Measures Grajduri, Iași County (was verified the implementation of recommendations); Psychiatric Hospital Câmpulung Moldovenesc, Suceava county; Zam Psychiatric Hospital, Hunedoara County; Psychiatry Hospital "Eftimie Diamandescu" Bălăceanca, Ilfov county; Addiction Center "Sf. Stelian", Bucharest; Poroschia Psychiatric Hospital, Teleorman County;

- **Homes for Elderly People - 13 visits:** Zădăreni Home for the Elderly, Arad county; Sacu Home for Elderly People, Caraș-Severin County (was verified the implementation of recommendations); Mărășești Home for Elderly People, Vrancea county; Păulești Home for the elderly, Satu Mare County; Târgu Mureș Home for Elderly People, Mureș county; Constanța Home for Elderly People, Constanța county; Stavropolia Home for Elderly People, Dâmbovița county; Domnești Home for Elderly People, Ilfov County; Residential Center for the Elderly Mereni, Coțești commune, Dâmbovița county (was verified the implementation of recommendations); "Vintilă Voda" Home for Elderly People, Buzau county; Țândărei Social Services Complex - Home for the Elderly, Ialomița County; Home for Elderly People - Association "House of Seniors" Zamfira, Prahova county; Home for Seniors House "San Giuseppe", Ilfov County.

In the context of Law no. 9/2018 amending and supplementing Law no. 35/1997 regarding the organization and functioning of the People's Advocate Institution, the NPM made 4 visits to the residential centers for children in **collaboration with representatives of the Ombudsman for Children**, respectively: The Placement Center within the Community Services Complex "Sfânta Maria" Vălenii de Munte, the Placement Center for Children with Disabilities Găești, Tecuci Placement Center, Galați County, “Sf. Stelian” Ghimbav, Brașov county.

► **collaboration of the authorities with the NPM teams during the visits**

The NPM emphasizes the good cooperation of the management and staff with the visiting team members, in most places visited.

- In the case of the *Voila Psychiatry Hospital*, the NPM teams noted the reluctance of some members of the medical staff to allow the access of the NPM representatives to the safety rooms without being accompanied by a representative of the hospital (doctor or nurse).

In this context, the visiting team reminded the hospital management that in accordance with the Convention for the Prevention of Torture, the NPM has the possibility to have meetings with persons deprived of liberty, without witnesses, and recommended that these aspects be made known to all staff, in order to avoid possible obstruction of the visit in the future.

- During the visit to the *Home for the Elderly in Constanța city*, the leadership of the General Directorate of Social Assistance (DGAS) within the Constanța City Hall allowed the visit to be carried out but argued that the home for the elderly is not included in the category of places subject to NPM monitoring.

In the visit report, the NPM recommended informing the staff of the center and DGAS about the provisions of the Optional Protocol and of Law no. 35/1997, republished, as well as their cooperation with the visiting teams of the NPM.

- During the visit to *the Placement Center for Children with Disabilities Drobeta Turnu Severin, Mehedinți county*, a series of documents that were requested (the center's registers, the daily program of the beneficiaries, the monthly program of activities, etc.) were not made available to the NPM team.) neither during the visit (the documents were closed in the office of the chief of center, who was on vacation) nor afterwards.

► **examples of good practices found during monitoring visits:**

At the level of the *Câmpulung Moldovenesc Psychiatric Hospital, Suceava county*, in order to reduce the cases of hospitalization and to maintain a monitoring of the patients after they are discharged from the hospital, a mobile team consisting of a priest, a social worker and a psychologist, employees of the hospital, who visited the patients at their homes, worked within the framework of a project in community psychiatry. Patients were included in such programs, especially according to social needs, those that were rarely visited by the family or those that were geographically isolated. The nurse who was traveling within the mobile team could distribute drugs, and the psychologist could carry out a new psychological evaluation, following which he prepared a report. As a result of these home visits, the social worker could contact the social services within the local authorities. The project of the mobile team has been running efficiently for several years since its implementation, the purpose being to evaluate and monitor the health of the outpatients, as well as to reduce the number of hospitalizations.

Also, throughout the visit, the participation of patients in the occupational activities was observed. They had recommendations for involvement in the activities of the 3 ergotherapy workshops: artistic, tailoring, painting and handicraft. For each workshop there was an occupational therapist instructor responsible. At the same time, in the basement of the building there was a gastronomic workshop, and another room was intended for sports or relaxation on a musical background, being equipped with a mattress and specific equipment.

- At *the Brăila - Tichilești Detention Center, Brăila county* was set up a self-administration pavilion, designed for a maximum of ten people, following a model taken from the Nordic countries (being made with funds received from the Norwegian government), where four young people were accommodated, who had three more months until release. The pavilion consisted of three bedrooms, a kitchen and an activity room. The purpose of establishing this self-management pavilion was to reduce the rate of recidivism and better reintegration into society. The young people in this pavilion had the opportunity to manage their time by themselves, to prepare their own food, practically to be free to make their own decisions regarding daily activities.

- In the *“Sf. Marcellin Champagnat”, Placement Center, Sector 6 Bucharest*, before the beneficiary received the protection measure, two matching visits were made in the center. During

the visits, the child was informed of the Beneficiary's Guide, the Regulations of Organization and Operation and the related procedures. They were also presented the house and the room where they will live and all the people they will live with. If the child agreed, the management of the center made the request for acceptance to D.G.A.S.P.C. Sector 6, and the Commission for Child Protection or the court established the placement if the services offered by the center were considered adequate for the child's growth and development.

According to the information communicated by the representatives of the center, in most cases the children were included in the unit's program, with special attention being given to reuniting the brothers (there were several groups of brothers in the center). The visiting team noted the openness of the management and of the entire staff to accept all the children, decisive being the integration of the children in the center, a positive relationship with the staff and the other beneficiaries and the willingness of the children to live in the center.

- At the *Târgu-Jiu Penitentiary*, for the resolution of the incidents, an operative team consisting of 20 staff members was formed, 5 on each shift. They carried out their activity in different positions during the shift and in the event of an operational incident, under the coordination of the officer on duty or the shift chief, they went to the place of the incident to solve it.

► **examples of deficiencies found:**

A deficiency systematically encountered was the **staff shortage in relation to the actual needs** of the respective units, the causes being diverse (sub-dimensioning of the personnel scheme - in the psychiatric hospitals, for example, the organizational chart was made according to the number of beds and not according to the number of patients; lack of candidates to fill the vacant positions, etc.). In some units visited, such as the Tichilești Detention Center, the positions of physician and dentist were vacant, the medical assistance being provided only by nurses.

Also, as it was noted in the NPM report drawn up after the visit to the Psychiatric Hospital for the Safety Measures in Pădureni Grajduri, *the lack of personnel represented a major risk in managing all situations, from improper supervision of the persons deprived of liberty to aggression towards the staff*. However, this cannot be a justification for neglecting the persons deprived of liberty, as the NPM representatives found during the visit made to the "Vintilă Vodă" Home for the Elderly, Buzău County: improperly hydrated beneficiaries (in one of the rooms visited, a beneficiary indicated by means of signs to the NPM team that he is thirsty) and uncared for: with uncut nails, with unwashed hair, with diapers filled with urine and fecal matter.

This last aspect highlights another deficiency found almost constantly by the NPM teams in the monitoring visits, namely, the **lack of adequate training of the employees** by organizing periodic training (for example, in order to make them responsible for the rights / needs of the beneficiaries, the application of the measures restricting the freedom of movement of patients) or their participation in continuous training courses (on crisis management, for example, on the provisions of the Convention on the Rights of Persons with Disabilities, in order to raise awareness of human rights, dignity, autonomy and the needs of persons with disabilities, etc.).

The NPM teams frequently found the **lack of the registers provided by the law** (the special register for traumatic marks or for physical signs of ill-treatment / abuse or torture of the persons kept in detention and preventive arrest centers, according to the provisions of Art. 162 paragraph (1) related to Art. 158 paragraph (8) of the Implementing Regulation of Law no. 254/2013 regarding the execution of the punishments and of the deprivation of liberty measures ordered by the judicial bodies during the criminal trial, with the subsequent amendments and completions) or

the improper completion thereof (most of them the registers drawn up within the Home for Elderly People Mărășești, Vrancea county; the registers regarding the application of the measures of restriction of the freedom of movement - the Psychiatric Hospital for Safety Measures Grajduri, Iași County; the register of special events in the Medical-Social Assistance Unit "Dr. Elena Popovici" Flămânzi, Botoșani county. **The identification, recording and reporting of traumatic marks is an important guarantee against ill-treatment in places of detention.**

We mention some of the deficiencies encountered by the NPM, depending on the place of detention visited:

- **psychiatric hospitals:** ● the existence of the surveillance / safety rooms in which were accommodated also patients voluntarily admitted, spaces that were closed and in which the right to privacy of patients was not respected (the rooms presented in principle the characteristics of the isolation rooms, but did not fulfill the specific conditions for the arrangement of the protected enclosure) in the Voila Psychiatric Hospital; ● non-observance of the legal provisions in the case of the involuntary admission procedure (also at the Voila Psychiatric Hospital, at our recommendation, the hospital management acted promptly); ● applying the measure of containment and isolation without observing the law in the matter (repeated containment in the case of the same patient; containment applied in wards, in the presence of other patients; isolation applied for the purpose of punishment); ● the patients were not informed about their rights, nor about the complaints procedure; ● there was no informed consent for the hospitalization signed by the patient, although the hospitalization was considered voluntary; ● overcrowding (in Voila Psychiatric Hospital, in the intermediate rooms there were even 7 beds, some of the beds were so close to each other that they were touching the bed next to them; in the Psychiatric Hospital for Safety Measures Grajduri, the hospital capacity was 240 beds and 384 patients were admitted, not being insured an area of 7m² and 20m³ of air, according to the legal provisions); ● most of the rooms were not personalized, even if according to the Norms of the European Committee for the Prevention of Torture, special attention must be paid to decorating both the rooms and the recreation spaces in order to visually stimulate the patients;

Considering the adoption, by the Plenary of the Parliamentary Assembly of the Council of Europe, on June 26, 2019 of the Resolution and Recommendation on the elimination of coercive measures in mental health, it was recommended to the Ministry of Health to develop a strategy, at the level of the Ministry of Health, for phasing out the application of measures of constraint in the field of mental health and addressing this problem in the sense of respecting human rights, as well as training the personnel involved in the use of therapeutic interventions which don't restrict the freedom of movement, including techniques of de-escalation.

- **residential centers for children:** ● the children were not informed about their rights in the center (for example, in the "St. Marcellin Champagnat" Placement Center, Sector 6 Bucharest the Charter of the Beneficiary was drawn up, but, in the file of each beneficiary, there was no document to prove that the beneficiaries have been informed about their rights; the representatives of the center claimed that the information was made verbally, but the visiting team found that the beneficiaries confused the rights with the obligations, which proves that, if it was done, it was a poor information, not adapted to the level of understanding of the children); ● lack of procedures for making, recording and solving complaints; ● lack of box for notifications / complaints, situation found at the "Sf. Marcellin Champagnat"; in the Center for emergency reception and evaluation of children - Community Services Complex no. 3 Buzau there was a box, but it was located at a height of 1.70 m., Being inaccessible to children of small stature; ● the poor

supervision of the beneficiaries (in the family placement center for children Beclean, Bistrița-Năsăud county, the educators ensured 24h shifts only during the week, but not during the weekend, being approved for payment, by the General Social Assistance Directorate and Child Protection, only 48 weekend hours; thus, there was no possibility of ensuring permanent supervision in all the apartments; both the educators and the head of the center claimed that most incidents between children appeared during the weekends; in the Placement Center within the Community Services Complex "Sfânta Maria" Vălenii de Munte, Prahova county, each educator took care of more than 25 children, with different ages and needs, which, in time, can cause negative events in providing the services offered to the beneficiaries; ● lack of adequate prevention and intervention measures in conflict cases; ● no Specific Intervention Programs were developed; ● there were no activities adapted to the needs of the beneficiaries; no recreational, individual or group activities were organized; ● there were no meetings of the multidisciplinary team regarding the monitoring of the beneficiaries' situation; ● the steps regarding the family and social reintegration of the beneficiaries were insufficient; ● insufficient communication of the staff of the center with the school; ● the permanence of the medical assistance was not ensured (in the Beclean Family Placement Center a single nurse was employed, given the capacity of the center was 100 places; the "St. Marcellin Champagnat" Placement Center did not have staff medical employed, when among the beneficiaries were 9 children diagnosed with mental illnesses, who received permanent treatment recommended by the specialist doctor; in the Placement Center for children with severe disabilities Cristuru Secuiesc, medical care was provided by 3 nurses working in two shifts (07:00-15:00 and 13:00-22:00); one nurse position was vacant; two of the children, due to severe swallowing disorders, were fed through a nasogastric tube, mounted by the nurse; If during the night there were difficulties in positioning the tube, the nurses were called from home, during the night the supervision of the children being provided by an educator and a supervisor);

- *homes for the elderly*: ● regarding the social care: in the Home for the Elderly Mărășești, Vrancea County, there were found incomplete or partially completed registers, the social surveys were not updated and the programs for social integration / reintegration were not individualized, no rooms for visits, etc.; ● there was no possibility to provide functional recovery / rehabilitation therapies for the beneficiaries; ● the number of organized cultural-educational and recreational activities was low; ● the procedures, registers and working instruments provided by law were missing; ● the accommodation conditions were inadequate: the furniture items were insufficient and / or degraded; the rooms were not equipped with panic buttons; the accommodation spaces were not personalized; there were no handrails on the hallways needed by the beneficiaries with locomotor deficiencies; In the "Vintilă Vodă" Elderly Home, Buzău County, a room was provided with windows that communicated with the hallway (there were no windows with access to the outside of the building), which is why the beneficiaries had no natural light and fresh air, the possibility for them to go out in the fresh air being very small, considering that the beneficiaries were moving in the wheelchair and the number of personnel was small; ● the situations of abuse (for example, altercations between beneficiaries) were not recorded in the Register of special events; ● regarding the safety of the beneficiaries: in the "Vintilă Vodă" Elderly Home, Buzău County, in a bedroom, the NPM members found the presence of a chain of approximately 40 cm. length; the personnel on duty were claiming that the object belonged to a beneficiary who wanted to secure their personal goods in this way, by using the chain and a lock that could not be found; considering that some of the persons in the hospital were diagnosed with chronic mental illness,

the visiting team asked the staff members to remove the object and to prohibit the introduction of such objects in the home, and measure that was taken immediately;

► **centers for migrants:** ● inadequate accommodation conditions (at the Albița Detention and Triage Center, Vaslui county, the 3 accommodation rooms had a poor hygiene, were poorly furnished with a table and two benches fixed to the floor, without a system of video surveillance and door with bars; one of the triage rooms had a large window, facing the outside of the Border Police building, covered with bars, but which could not be opened for ventilation, and no ventilation or air conditioning systems were installed in the room; the toilet was located opposite the restraint and triage room, and could be used only upon request, under the supervision of the staff); ● medical assistance was not insured 24/7. (at the Albița Detention and Triage Center, Vaslui county, there were no medical staff employed and they were no medical office, no treatment room, no isolation room for patients with infectious diseases); ● lack of interpreters (for example, the Rădăuți Regional Center had a contract with an interpreter, but it did not cover all the necessary languages; a solution adopted by the representatives of the center was to contract an interpreter for the necessary languages through online technology; a cause of the interpreters' refusal to provide interpretation services was the insufficient remuneration - 23 lei / hour); ● some of the forms signed by the aliens, used by the administration of the center and by the nongovernmental organizations that provided services to the aliens in the center were written in Romanian (the NPM considers that it is necessary to translate all the documents to be signed by foreigners, in a language of international circulation, to be known to them, to let them know what they sign); ● the aliens did not know enough about their rights as asylum seekers during their stay in the center (the Center for Asylum Seekers Șomcuta Mare, Maramureș County).

► **penitentiaries:** ● overcrowding of detention rooms (for example, in Pelendava Penitentiary, some rooms provided only 2.36 m² / detainee; in the penitentiary the occupancy rate was 119.20%); ● improper accommodation conditions (in the Găești Penitentiary, the rooms located on the ground floor of the detention units were very cold, in some rooms where there were bunk beds on two levels, the space between the two beds was very small, the furniture was insufficient and degraded, harmful insects were found; the privacy of the detainees in some toilets was not ensured; the walking yards had no cover, the personal hygiene products were of poor quality); ● deficiencies in the selection of prisoners for work (of the 343 persons deprived of liberty at the time of the visit to the Pelendava Penitentiary, 246 persons were selected for conducting lucrative activities; given that some detainees refused to participate in such activities, The NPM considers that it is necessary to carry out permanent campaigns to motivate them; also, there were no qualifications and re-qualifications in the existing fields of activity, depending on their options and skills); ● regarding the application of disciplinary sanctions, it was found in some cases the classification of a high number of disciplinary investigation files (in the Pelendava Penitentiary, the Disciplinary Commission closed 32 files out of the 125 that were open); ● applying the disciplinary sanction of isolation for persons with mental disorders; ● the lack of a proper space for conducting the psychotherapy, properly equipped, which will ensure the confidentiality of the professionalism of the act.

Regarding the transfers of detainees, the NPM found that at the level of the Găești Penitentiary there were many transfers of persons from the region of Moldova, which, considering the number of persons and the custody time (the custody periods exceeded 12-18 months) had become a rule, which significantly affected maintaining the connection with the family and the social and family reintegration. According to the response communicated by the leaders of the

Ministry of Justice and the National Administration of Penitentiaries to the recommendations of the People's Advocate, since the number of detainees, grouped by their origin areas does not cover the whole territory of the country, meaning that the counties register different levels of criminality (North East area registered a high rate of criminality), some persons were transferred to other places of detention, at relatively large distances from the support environment. Also, transfers were made to fulfill the obligation to ensure the minimum accommodation conditions. In order to mediate the relationship with the support environment, at the level of the penitentiary system the aim is to maximize the use of the right to online calls.

The Ministry of Justice has stated that it is considering the creation of new accommodation places for the persons who execute the punishment in open regime, in the North-East region of the country, acting on two levels: 1. the reduction of the number of inmates accommodated by the penitentiary units of the North-East Region; 2. increasing the accommodation capacity (within the Norwegian Financial Mechanism 2014-2021, a series of infrastructure investment measures will be financed, between 2018-2023, including: Botosani Penitentiary - 400 places and Vaslui Penitentiary - 210 places; based on the Memorandum of Understanding, a Concept Note was developed, in which it was proposed to create new accommodation places, including in Iași Penitentiary - 600 places).

However, given the repeated transfers of detainees, the NPM stresses that they can be assimilated to ill-treatment, according to the CPT Rules.

► **Detention and preventive arrest centers:** ● the location of the centers in the basement of the buildings, which generates deficiencies such as lack of natural light, insufficient ventilation, moisture and mold in the detention rooms; regarding this aspect, in the Report prepared following the visit to the Buzău Detention and Preventive Arrest Center, the NPM representatives emphasized and reiterated the proposal made by the People's Advocate since 2015, through the *Special Report on the conditions of detention in prisons and detention and remand centers, determining factors in respecting the human dignity and the rights of persons deprived of liberty (p. 192), respectively: „identifying places that could be taken over by the administration of detention and preventive arrest centers, and, last but not least, the construction of new centers to replace the current "cellars", so that they correspond to the European standards in terms of surface, volume, ventilation, meeting the physiological needs under privacy conditions, by allocating adequate budgetary resources and accessing significant European funds”*; ● the lack of at least one detention room adapted for persons with disabilities, as well as access routes for persons with disabilities in accordance with the provisions of Art. 12 paragraph (15) of the Order of the Minister of Internal Affairs no. 14/2018, which stipulates that in each center will be provided access routes for people with disabilities; ● not providing hot water at least twice a week, which would allow persons deprived of their freedom to shower with hot water; ● lack of female agents to ensure the guarding, supervision and, if necessary, the transfer of female persons deprived of liberty; ● lack of a space set up to ensure the right to online communications;

► **centers for people with disabilities:** ● the beneficiaries were not located in a center adapted to their needs (at the Center for Integration through Occupational Therapy Râmnicu Sărat, Buzău county, most of the beneficiaries were not able to perform lucrative activities in the community, not being autonomous); ● beneficiaries placed under interdiction did not have guardianship measures, so they were not represented at the time when decisions were made concerning them (at the Războieni Neuropsychiatric Recovery and Rehabilitation Center, in this case there were 32 beneficiaries); ● there were no appropriate conditions to provide psychological

assistance (at the Războieni Neuropsychiatric Recovery and Rehabilitation Center there was only one space for the psychological activity, so the 4 employed psychologists were obliged to perform their activity by rotation, and the conditions regarding the confidentiality of the professional act and the emotional security of the beneficiaries were difficult to observe); ● regarding the social assistance: the beneficiaries were not evaluated and reassessed (at the Tâncăbești Recovery and Rehabilitation Center, Ilfov county there weren't prepared personalized plans for each beneficiary, documents that had to be completed by the members of the multidisciplinary team and coordinated, monitored and evaluated by the case manager, at a maximum of 6 months; the individualized care and assistance plans had a summary content and did not detail the types of services and activities to be provided to the beneficiary for the period up to the next review; also, they were not signed by beneficiaries or legal representatives; the social assistance tasks were delegated to the psychologist employed by the Center, who did not have a social worker employed); ● there was no intimate room for the beneficiaries; ● the beneficiaries with locomotor disability were housed upstairs, and the center was not equipped with an elevator (at Ciocănești Care and Assistance Center, most of the beneficiaries housed upstairs declared to the visiting team that they had not been out for a long time); ● the spaces of the center were not adapted for people with disabilities; ● there were no measures to prevent physical conflicts between beneficiaries or alcohol abuse (at the Ciocănești Care and Assistance Center, two cases were found in which the beneficiaries were involved in verbal and physical conflicts which resulted in injuries and bleeding at face level);

► Following the visits, **749 recommendations** were issued to the management of the places visited and the hierarchically superior authorities, through the visit reports.

► **Examples of recommendations implemented successfully**

• In the matter of monitoring the rights of children in residential centers, we note the visit to the *Placement Center Association "Casa Speranței" Câmpina*, during which it was found that 16 children under protection measure (out of 28 beneficiaries) were studying in Italy (15 children) and France (a child).

Due to the unclear information regarding the period of stay for study in Italy and France, the vacation period, the health status, the school progress and the coverage of the personal, social, cultural needs, following the visit, the People's Advocate made recommendations to both the representatives of the visited unit, as well as D.G.A.S.P.C. Prahova regarding the verification of the situation of the minors who went to study abroad. Also, the National Authority for Child Protection and Adoption (A.N.P.D.C.A.) was notified, which took a control action, both at the headquarters of the Association and at D.G.A.S.P.C. Prahova. At the same time, A.N.P.D.C.A. considered it appropriate to request also the National Agency for Social Payments and Inspection (A.N.P.I.S.), to carry out checks on how the amounts allocated by the Romanian state, in the form of placement allowances, are used for the raising and care of the institutionalized children in the Association "Casa Speranței". The People's Advocate Institution also notified the Ministry of Labor and Social Justice (M.M.J.S.) about the situation identified during the visit, and the M.M.J.S. submitted this request for settlement to A.N.P.I.S., which carried out an unannounced check on the two entities, and ordered measures to remedy the negative aspects found.

Concerning the recommendation of the People's Advocate regarding the *permanent monitoring of the situation of the minors by maintaining contact with the social assistance services within the local authorities from where the children live abroad, as well as with the families of the volunteers where the minors stay, in order to respect and guarantee the rights of the child*, with the occasion of the monitoring activity after the visit, the NPM found that this recommendation

was implemented, in the sense that the president of the "Casa Speranței" Campina Association, personally monitors the situation of these minors, who are studying abroad, through regular visits to these countries, unannounced visits to the volunteer families in whose care these children are, but also to the schools attended by minors, upon returning to the country, preparing a report on the social and educational situation of these children, a report that is also found in the files opened by each case manager within the D.G.A.S.P.C. Prahova.

At the same time, the monitoring of the situation of the minors who are studying abroad is also carried out through social surveys, psychological characterizations, medical and school documents issued for each child, by the authorities of the respective state, documents transmitted to the "Casa Speranței" Association Campina and submitted to each case manager within DGASPC Prahova. The representatives of the Association maintain also by telephone, constantly, the connection with the minors who are studying abroad.

Regarding the recommendation concerning the *annual issuance of decisions for the continuation of the studies abroad for each school year and taking into account their content in the elaboration of the Individualized Protection Plans*, it was found that such decisions were issued for every minor studying abroad, and in the elaboration of the Individualized Protection Plans, the school periods attested by the school units frequented by these children were taken into consideration, specifying that these plans will be elaborated only during the periods of the school holidays in order for these children to be present in the country and to be evaluated properly.

- After the visit to the ***Craiova-Pelendava penitentiary***, it was recommended to the management of the penitentiary to train the personnel regarding the preparation of the incident reports, the situations that cannot be the subject of an incident report and which do not constitute a disciplinary misconduct, considering the large number of disciplinary files dismissed by the Disciplinary Commission. The management of the penitentiary replied that the training of the personnel carrying out direct activities with persons deprived of their liberty was carried out on June 30, 2019.

- During the visit to the Center ***"Sf. Marcellin Champagnat "***, Sector 6, Bucharest, the management of the center mentioned the insufficient involvement of the representatives of the D.G.A.S.P.C. Sector 6 in the activity of the center, in recent years, as opposed to the beginning period when they benefited from a real support from them. Through the visit report, the NPM recommended to the management of the Directorate to permanently monitor the situation of the beneficiaries through permanent collaboration with the representatives of the center, as well as to identify, together with the management of the center, a solution so that all the beneficiaries receive, without discrimination, all the attention and necessary care, considering that in the last years children with behavioral disorders and psychiatric diagnosis were admitted to the center (which was subsequently a problem, the unit not having specialized staff employed); to support the center in order to complete its organization chart with the positions of nurses or to conclude contracts for the provision of services with nurses.

According to the response communicated by the management of the D.G.A.S.P.C. Sector 6, on August 7, 2019, a meeting took place between the executive director of the Directorate and the director of the Center in which the content of the report of the People's Advocate prepared following the visit to the Association's headquarters on May 29, 2019 was discussed, and the following measures were taken in order to involve the Directorate in the activity of the center: ● monthly monitoring of the activity of the center by the specialized personnel designated within the D.G.A.S.P.C. Sector 6, both in terms of the situation of the children in the center, as well as the

activity of the employees within the center; in this regard, D.G.A.S.P.C. Sector 6 will nominate an experienced social worker with supervisory role; • supporting the D.G.A.S.P.C. Sector 6 for the introduction in the future grant project, addressed to the Local Sector 6 Council, of a contract for the provision of services, for a position of nurse, to provide the necessary medical assistance to the beneficiaries; • organizing internal evaluation sessions through regular meetings between the specialized personnel from different centers within Sector 6 as well as training sessions for the staff within the Volunteering and Vocational Training Service within the D.G.A.S.P.C. Sector 6 for the correct training for managing the problematic behaviors of the beneficiaries; • identification and financing from D.G.A.S.P.C. Sector 6 of training courses on the topic of taking care of children with behavioral problems, especially in order to manage crisis situations, unforeseen situations (unauthorized leaving of the center, alcohol consumption, inappropriate behaviors); • the case manager of the Association will submit for debate, in the Commission for the Protection of the Child Sector 6, the difficult cases, in order to identify the best solution for protection.

- After the visit to the *Târgu-Jiu penitentiary*, we recommended to the penitentiary management to establish a register in which to record all the special family situations of the persons deprived of liberty (serious illness or death in the family, etc.), and specify the moment when they were informed by the prison administration about these events. The penitentiary management replied that the register was established on May 27, 2019, managed by the psychosocial assistance bureau, and the data regarding potential risk situations were transmitted to the operative and medical sectors through informative notes.

- Considering the NPM team's finding of 32 beneficiaries placed under interdiction, who did not have guardianship measures (thus it was not ensured the observance of their fundamental rights, nor the necessary safeguards to avoid abuses), during the visit made to the *Center for Integration through Occupational Therapy Râmnicu Sărat, Buzău County*, it was recommended to the management to request the Legal Service within the D.G.A.S.P.C. Buzău, in order to appoint the legal representatives. According to the response communicated, steps have been taken to identify the persons, both from the families of the beneficiaries and from the institutions, in order to appoint the legal representatives; the procedure was started to ensure the legal protection of the beneficiaries without legal protection, the appointment of the legal representatives being done by the court by a designating guardian and concluding contracts for the provision of services for them.

Most of the units visited took the necessary steps to implement the recommendations. However, there were situations when they did not comply, therefore the hierarchically superior authorities were notified, in accordance with the provisions of Art. 44 paragraph (3) of Law no. 35/1997, republished. We mention the case of the *Voila Psychiatric Hospital* (in the monitoring activity, situations were identified that presented a high risk for patients with mental disorders to be subjected to ill treatment, for example, the existence of safety / surveillance rooms, closed rooms, where there were accommodated both non-voluntary and voluntary patients, whose freedom of movement was restricted); the management's *response* was considered *incomplete* (they did not respond in the case of recommendations regarding involuntary hospitalization, free and informed patient consent, psychosocial assistance) or *unsatisfactory* (regarding the implementation of recommendations on the application of measures to restrict freedom of movement, respect for patients' privacy, safety / surveillance rooms – accommodation and supervision conditions, involuntary admission, free and informed consent of the patient). The

Ministry of Health – the General Directorate for Medical Assistance and Public Health and the Local Council of the Municipality of Campina were notified.

► In the course of 2019, **based on the collaboration between the departments of the People's Advocate Institution and the territorial offices**, the NPM staff carried out **18 investigations** together with colleagues from the Department for family rights, youth, pensioners, persons with disabilities, the Department for human rights, equality of chances between men and women, religious cults and national minorities and the Territorial Offices (Ploiești, Craiova, Brașov, Oradea, Alba-Iulia, Bacău), as follows: Clinical Psychiatric Hospital „Prof. Dr. Alexandru Obregia ”, Bucharest City; Youth Addiction Treatment Center „Sf. Stelian” Bucharest Municipality; The Psychiatric Hospital „Sf. Nicolae” Roman, Neamț County; The Clinical Hospital of Psychiatry and Neurology Brașov, Vulcan section; Social Center Night Shelter Târgu-Mureș; Mureș County Agency for Payments and Social Inspection; D.G.A.S.P.C. Mures Gymnasium School no. 7 Targu-Mures; Târgu-Mureș City Hall; Mureș County Council; Oradea Prison; The Psychiatric Hospital Sighetul Marmatiei / D.G.A.S.P.C. Maramures; The Psychiatric Hospital Sibiu; D.G.A.S.P.C. Mehedinți, Baia de Arama City Hall, Mehedinți County, D.G.A.S.P.C. Dolj “Casa Speranței” Association Campina, Prahova County; D.G.A.S.P.C. Prahova. Some of the investigations were carried out in order to prepare the *Special Report on the situation of human rights in the psychiatric hospitals in Romania*, published in November 2019.

Proposals for legislative changes:

► *Clarify, in the mental health legislation, the issues related to the accommodation and supervision of patients voluntarily admitted and those involuntarily admitted to psychiatric institutions.*

During the visit to the Voila Psychiatric Hospital, the members of the NPM found the **existence of safety / surveillance rooms, rooms in which both non-voluntary and voluntary patients were admitted, whose freedom of movement was restricted, and the rooms were locked.** The patients voluntarily admitted were thus permanently supervised and could not move freely through the hospital, under the conditions where, according to Art. 6 paragraph (4) of the Norm of application of Law no. 487/2002 of the mental health and protection of persons with mental disorders, republished, *the supervision of the persons admitted voluntarily is performed at variable intervals, respecting the privacy of the person.*

Thus, considering the **unclear status of the safety rooms within the Voila Psychiatric Hospital**, the NPM team considers that the provisions of Art. 3 paragraph (1) and Art. 6 paragraph (4) of the Norm of application of Law no. 487/2002, republished, according to which: *the minimum obligatory facilities of a psychiatric structure are: a) beds distributed in rooms, including rooms for the continuous supervision of men and women, in compliance with the norms stipulated by the legislation in force and during the voluntary hospitalization, the patients will be supervised according to the current medical indication and in accordance with the internal regulation of the health unit, as they are formulated, leaves to the psychiatric institutions the interpretation of the legal provisions regarding the supervision of the admitted persons (voluntary or involuntary) in psychiatric hospitals*, interpretation that may be influenced by economic aspects, by the professional training of the personnel in the matter of the rights of persons with disabilities (dignity, non-discrimination, autonomy, privacy, freedom, security).

Thus, there is a **high risk that patients with mental disorders will be subjected to ill-treatment.**

► complete the legislation in the field of mental health in the sense of ensuring the legal counseling of the patients admitted to the psychiatric institutions, during the entire period of hospitalization, by lawyers within the Bars' Legal Aid Services, considering that:

- informing on the rights, the complaints procedure and the involuntary admission procedure is an essential guarantee against torture and ill-treatment;

- The Committee of Ministers of the Council of Europe has formulated REC (2004) 10 (art. 6) according to which *persons treated or placed in relation with mental disorder should be individually informed of their rights as patients and have access to a competent person or body, independent of the mental health service, that can, if necessary, assist them to understand and exercise these rights*;

- the national legislation in the field of mental health does not offer the possibility for patients to receive, during the hospitalization, free legal assistance provided by a person independent of the hospital (the law only stipulates the obligation to ensure the patient's defense, which that will be exercised ex officio, if the patient hasn't appointed a defender – in the case of court actions regarding the involuntary admission procedure); informing about rights is the responsibility of the staff of the psychiatric institution;

- In the files of the involuntary admitted patients, as well as in the files of the voluntarily admitted patients, accommodated in the surveillance rooms monitored by the NPM team during the visit to the Voila Psychiatric Hospital, there were no documents proving that the patients have been informed strictly regarding the rights or the procedure of involuntary admission.

► complete Law no. 487/2002, republished, by introducing the obligation for the court which decides in the case of involuntary admission to listen to the opinion of a psychiatrist independent of the hospital (through the forensic expertise report or a psychiatrist proposed by the parties).

In formulating the proposal, the NPM considered the following:

- some courts, when pronouncing the decisions to confirm the involuntary medical admission, mainly take into account the psychiatric background of the patients and the conclusions of the on-call doctor and of the Commission of involuntary admission; in one case, in which the lawyer asked to be carried out a forensic psychiatric examination, the court rejected the evidence invoking the aforementioned aspects;

- The European Committee for the Prevention of Torture has repeatedly stressed that, when pronouncing the decision of involuntary admission, the court must take into account the opinion of a psychiatrist independent of the hospital (this aspect which should be provided in the national law), this additional safeguard is necessary because there are persons admitted against their will who are not always in a position to assess the appropriateness of a second medical decision.

► the modification of Art. 34 paragraph (2) of Law no. 46/2003, with subsequent additions and modifications, to no longer be provided that the patient can offer to the employees additional payments or donations.

NPM members found that in the list of the Rights of patients with mental disorders, displayed in each section of the Voila Psychiatric Hospital, it was mentioned: "the patient can offer employees [...] additional payments or donations, in compliance with the law".

When formulating the proposal for legislative amendment, were considered the **decision no. 19/2015**, pronounced by the High Court of Cassation and Justice, according to which, *the deed of the doctor from the public health system, who has the status of civil servant, in accordance with the provisions of Art. 175 paragraph (1) lit. b) thesis II of the Criminal Code, of receiving*

additional payments or donations from patients, within the meaning of Art. 34 paragraph (2) of Law no. 46/2003 regarding the rights of the patient, does not constitute an exercise of a right recognized by law that will draw the incidence of the provisions of Art. 21 paragraph (1) thesis I of the Criminal Code (justifies the deed provided by the criminal law consisting in the exercise of a right recognized by law).

Regarding the aforementioned legislative amendment proposals, the Public Health Commission of the Romanian Senate was notified.

► harmonization of the provisions of Art. 82 letter. t) and Art. 100 paragraph (2) of Law no. 254/2013 regarding the execution of the punishments and measures of deprivation of liberty ordered by the judicial bodies during the criminal trial, regarding the prohibition of self-aggression acts, considered serious disciplinary misconduct and sanctioned, with the CPT's recommendation not to sanction the self-aggression acts anymore.

The CPT emphasized (including on the occasion of the periodic visit to Romania in 2014) *that such acts often reflect the suffering that the detainees in question are experiencing or the problems and conditions of a psychological or psychiatric nature. Accordingly, such acts should be approached from a therapeutic point of view rather than punitive and recommended the modification of the legal provisions accordingly (Country Report, paragraph 115).*

Following the recommendation of the People's Advocate (**Recommendation no. 34/2019**), the management of the National Administration of Penitentiaries informed us that they sent to the Ministry of Justice a draft law for amending and completing Law no. 254/2013 regarding the execution of the punishments and measures of deprivation of liberty ordered by the judicial bodies during the criminal trial, according to which, at Art. 101, after para. (3), a new paragraph is inserted, para. (3¹), with the following content:

"(3¹) The convicted persons diagnosed with serious mental illnesses cannot be sanctioned for non-observance of the prohibition provided in Art. 82 letter. t)."

Other proposals:

► Establishment of detention centers and preventive arrest of own medical offices (as in penitentiaries).

Currently, most centers cannot provide, according to the law², medical assistance (primary, emergency and specialized) to persons deprived of their liberty, at their request or whenever it is necessary, because there are no medical offices inside them.

► the introduction of the standardized forms for the requests made by the persons guarded by the detention and preventive detention centers, forms that are self-copying, so that the guarded persons will receive a copy according to the requests made to the staff of the center, at the moment of their formulation, and can prove that have submitted / registered the application.

Thus, the possible abuses by the administration of the centers can be avoided (for example: the applications are not registered and filed in the application file of the guarded persons).

► complete Law no. 35/1997, republished, in the sense of providing for the publication of the recommendations of the People's Advocate formulated in emergency regime, in case of finding serious violations of human rights, in the Official Journal, similar to the situation existing in France, where the General Controller of the places where people are deprived of their liberty (Contrôle général des lieux de privation de liberté - CGLPL) publishes Emergency

²Art. 71 paragraph (1) and para. (2) of Law no. 254/2013 – *the right to medical assistance, treatment and care of the convicted persons is guaranteed.*

Recommendations in the Official Journal of the French Republic (according to the law for the establishment of the CGLPL of October 30, 2007, Art. 9).

Actions to promote the duties of the Department for the prevention of torture in places of detention (NPM), participation in conferences, domestic and international symposiums, staff training

In order to increase the awareness of the authorities that have subordinated units subject to NPM monitoring, regarding the prevention of torture and ill-treatment, the members of the NPM carried out an extensive activity of publicizing in 2019. During the events were presented: the NPM Activity Report for the year 2018; concepts such as human dignity, torture, inhuman treatment, degrading treatment and the prevention of torture; legislation regarding the prohibition and prevention of torture; compliance with minimum quality standards; aspects found by the NPM during the visits; recommendations made to the visited units and their implementation.

The organized events thus had the role of training the staff members who carry out their activity in places where people are deprived of their liberty.

► **Awareness raising activities organized during 2019**

Were carried out at: ● The General Directorates for Social Assistance and Child Protection (Iași, Vrancea, Caraș-Severin, Arad, Făgăraș); ● penitentiaries (Iași Penitentiary, Târgu-Ocna Educational Center, Craiova Detention Center, Timișoara Penitentiary, Deva Penitentiary, Aiud Penitentiary, Drobeta-Turnu-Severin Penitentiary, Mioveni Penitentiary); ● homes for the elderly ("Inocențiu M. Klein" Timișoara Home for the Elderly); ● psychiatric hospitals (Drăgoești Psychiatry Hospital); ● centers for adults with disabilities (the Assistance and Care Center "Sfânta Față a Domnului Nostru Isus Christos", the Măicănești Neuropsychiatric Recovery and Rehabilitation Center, the Center for Specialized Counseling and Assistance for People with Autism Spectrum Disorders Craiova Center and Neuropsychiatric Recovery and Rehabilitation Center Synersig); ● detention and preventive arrest centers – CRAP (Sibiu, Alba, Institute for Public Order Studies); ● Ilfov County Council; ● The National College of Social Workers in Romania; ● University of Bucharest – Faculty of Sociology and Social Assistance; ● Archdiocese of Bucharest, Social-Philanthropic and Missionary Sector; ● Prahova branch of CNASR.

► There were **meetings with non-governmental organizations** (Romanian Association of Forensic Psychiatry Iași, GRADO, ANAIS, FACIAS, Organization for Human Rights - Craiova Regional Branch) and **participation in conferences organized by these NGOs**: ● Conference on the theme *Progress in the social reintegration of persons deprived of liberty*, organized by GRADO in partnership with the Faculty of Social Assistance of the University of Bucharest; ● *Accommodation of minors in public custody*, organized by the Jesuit Refugee Service in Romania; ● *The conditions of detention in the penitentiaries and the arrest centers in Romania, two years after the conviction at the ECHR in the pilot case Rezmiveș and others vs. Romania (April 25, 2017)*, organized by APADOR-CH; ● *Alternatives to the placement of migrant children in the public custody in the context of asylum and return*, organized by the Terre des Hommes Romania Foundation.

► There were **meetings with external collaborators** (doctors, psychologists) regarding the activity of monitoring the places of detention.

► **Workshops for the training of the personnel of the units subject to NPM monitoring** were organized (Workshop on *Investigation, Analysis, Reporting of Traumatic Marks, CPT practice, SPT, Istanbul Protocol*, at the headquarters of the Olt County Police Inspectorate and Workshop on *Compliance with the Standards on ensuring the quality of life of institutionalized*

persons – duties and powers of the NPM, Dissemination of the Annual NPM Report, at the Community Services Complex for the Child in Difficulty "Sfinții Constantin și Elena" Pitesti).

Relevant information about NPM activity in 2019

► In 2019, the project initiated by the Association for the Prevention of Torture (APT) based in Geneva was implemented, with the theme *Strengthening the capacities of the NPM* (in Romania) *to monitor psychiatric institutions*, funded by the OPCAT Special Fund. The project included 4 activities:

1. workshop on the monitoring of psychiatric institutions, organized in Bucharest, between May 13 and May 16, 2019;

2. advocacy and awareness raising meeting with relevant authorities in Romania in the field of protection of the rights of persons with disabilities, organized on May 16, 2019, at the headquarters of the People's Advocate Institution, at which representatives of the following authorities were invited: Ministry of Health, National Authority for People with Disabilities, the National Authority for the Protection of the Rights of the Child and Adoption, the Council for monitoring the implementation of the Convention on the rights of persons with disabilities;

3. exchange of experience with the French counterpart of the Romanian NPM - Contrôleur general des lieux de privation de liberté, held on November 3-9, 2019;

4. making a leaflet on the prevention of torture and ill-treatment in psychiatric institutions, which contains fields such as: mandate and organization of the NPM, the role of the NPM in monitoring the psychiatric hospitals, the composition of the visiting team, the manner of conducting the visits and the verified aspects.

► On October 16, 2019, *the representatives of the People's Advocate institution met with the representatives of the General Inspectorate for Immigration (IGI)*, at the headquarters of the Inspectorate – The Integration and Relocation Service, in which a psychologist from the non-governmental organization ICAR participated.

During the meeting, aspects related to the visit of the NPM made on September 21, 2018, to the Regional Center for Procedures and Accommodation for Asylum seekers in Bucharest (psychological assistance, social assistance) were addressed as well as the difficulties encountered from 2017 regarding the access of the NPM members to the documents drawn up by the NGOs who have a partnership with IGI, in the field of psychological and social assistance.

Regarding the last aspect, the IGI representatives stressed that within each subordinate center there will be a psychologist who will liaise the visiting team with the psychologists of the partner non-governmental organizations (will attend the meetings). The same procedure will apply in the case of the social assistance activity (in centers where no assistant is employed, the integration officers with responsibilities in the field of social assistance will be the liaison element).

► On December 10, 2019, the NPM organized at the headquarters of the People's Advocate Institution, a round table on the occasion of the International Day of Human Rights, to which representatives of the non-governmental partner organizations of the People's Advocate Institution were invited: FACIAS, ANAIS; GRADO; AEPADO; Transparency International Romania.

► In 2019, the NPM made a series of requests to the Ministry of Health and the Ministry of Internal Affairs – the General Directorate for Relations with the Prefect's Institutions, in order to harmonize the Regulations for the organization and functioning of the psychiatric hospitals, subordinated to the Ministry of Health and the Local Councils Bucharest / County Councils, with the CPT Rules, according to which: *the practice of always dressing patients in nightgowns / pajamas is not conducive to reinforcing the feeling of personal identity and self-esteem; The*

individualization of the clothing is part of the therapeutic process, considering the fact that there are still psychiatry hospitals where patients are obliged to wear pajamas permanently (St. Maria Vedeia Psychiatry Hospital, monitored by the NPM in 2018).

The General Directorate of Medical Assistance and Public Health within the Ministry of Health has replied that in the case of patients admitted to the hospital, so also in the psychiatric hospitals, it is necessary to ensure appropriate hygiene rules by reprocessing the clothing, but considering the specificity of the psychiatric unit, the management of these units may have a more permissive attitude in the sense of allowing patients to wear clothing other than pajamas or nightgowns during the day and not be prevented by staff from doing so.

The General Directorate for Relations with the Prefect's Institutions within the Ministry of Internal Affairs informed us that a circular was sent to all the prefect's institutions, in order to disseminate the information to the local public administration authorities (the Local Councils of the Municipality of Bucharest, the county councils). Following these steps, several psychiatric hospitals subordinated to the Administration of Hospitals and Medical Services of Bucharest and of the county councils have modified and supplemented the Regulation of organization and functioning and the Regulation of admission to hospital, thus allowing patients to wear other clothes during the day instead of their pajamas.