

THE DEPARTMENT REGARDING THE PREVENTION OF TORTURE IN PLACES OF DETENTION - NPM

No one shall be subjected to torture or to inhuman or degrading treatment or punishment... not even in case of war or other public danger threatening the life of the nation.

(Art. 3 and 15 letter 2 of the European Convention for the Protection of Human Rights and Fundamental Freedoms)



***Department on the prevention
of torture in places of detention - NPM***

By ratifying the ***Optional Protocol of December 18, 2002 to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT)***, Romania assumed the obligation to establish the National Mechanism for the Prevention of Torture in Places of Detention (NPM). Thus, in 2014, by the Government Emergency Ordinance no. 48, it was established that the People's Advocate institution, through the Department regarding the prevention of torture and other cruel, inhuman or degrading punishments or treatments in places of detention, shall fulfill the specific duties of a national preventive mechanism. The NPM mainly exercises a **preventive mandate**, its role consisting in identifying situations with potential risk of ill-treatment and strengthening the protection of persons deprived of liberty against ill-treatment and ensuring the non-discriminatory exercise of fundamental rights.

The activity of the NPM mainly consists in: making periodic visits, announced or unannounced, to places of detention; formulating recommendations to the management of the places visited and hierarchically superior authorities; the formulation of legislative amendment proposals; awareness raising activities regarding the NPM mandate and the professional training of staff working in places of detention, regarding the prohibition of torture and the prevention of ill-treatment; maintaining liaison with the Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).

NPM includes: The central structure, which also includes Bucharest zonal center and the Territorial structure, made up of 3 zonal centers: ● Alba zonal center; ● Bacău zonal center; ● Craiova zonal center. Within the 4 zonal centers, during the year 2023, were working: specialized staff - 7 jurists, 4 doctors, 2 psychologists, 1 social worker - and 4 staff members with administrative duties (drivers), at the end of the year being 2 vacancies, one social worker and one psychologist, at the Bucharest zonal center.

In the NPM activities are co-opted and external collaborators, based on service contracts, selected by the Ombudsperson, on the proposals received from the Romanian College of

Physicians, the Romanian College of Psychologists and the National College of Social Workers. Thus, in 2023, the People's Advocate institution had 67 external collaborators (12 doctors, 13 social workers and 42 psychologists). Also, representatives of non-governmental organizations active in the field of human rights protection, selected by the Ombudsperson, participate in the torture prevention activity. Currently, collaboration protocols are concluded with 43 non-governmental organizations.

Monitoring visits to places of detention

During 2023, NPM carried out **80 of visits** to places of detention (part of the visits also having as purpose to verify the implementation of the recommendations formulated through previous visit reports):

- **Penitentiaries – 10 visits:** Miercurea Ciuc Penitentiary, Harghita County; Focșani Penitentiary, Vrancea County; Brăila-Tichilești Detention Center, Brăila county; Ploiești Penitentiary, Prahova County; Mărgineni Penitentiary, Dâmbovița County; Ploiesti Women's Penitentiary - Târgșorul Nou, Prahova county; Giurgiu Penitentiary, Giurgiu County; Bucharest-Rahova Penitentiary, Bucharest; Buziaș educational center, Timiș county; Arad Penitentiary, Arad County;

- **Psychiatric hospitals – 5 visits:** Zam Psychiatric Hospital, Hunedoara county; Brașov Neurology and Psychiatry Hospital - Vulcan Chronic Psychiatry Outpatient Department, Brașov County; Brașov Neurology and Psychiatry Hospital - Zărnești Chronic Psychiatry Outpatient Department, Brașov County; Târgoviște County Emergency Hospital – Chronic Psychiatry Department Gura Ociței, Dâmbovița county; "Costache Nicolescu" Drăgășani Municipal Hospital - Department of Psychiatry, Vâlcea county;

- **Detention and Remand Centers – 10 visits:** Alba Detention and Remand Center; Vaslui Detention and Remand Center; Giurgiu Detention and Remand Center; Ialomita Detention and Remand Center; Detention and Remand Center No. 1 Bucharest; Teleorman Detention and Remand Center; Călărași Detention and Remand Center; Constanța Detention and Remand Center; Mehedinți Detention and Remand Center; Timiș Detention and Remand Center;

- **Residential centers for children – 13 visits :** The "Sfânta Ana" family house in Alba Iulia, Alba county ; Emergency Reception Center Zalău, Sălaj county; "Viișoara" family house, Bistrița Năsăud county; "Casa Maria" placement center Făgăraș, Brașov county; Placement Center no. 2 Cluj Napoca , Cluj county; Phoenix Maternal Center Oradea, Bihor county; Casa "Felicia" Piatra-Neamt, Neamt county; "Mihail Sadoveanu" residential center Pașcani, Iasi county; The emergency reception center "St. Maria" Călărași, Călărași county; The Family House within the Residential Services Complex for children "Sfânta Maria" Balș, Olt county; The family-type apartment intended for the residential protection of "Primăverii" Motru children, within the Complex of Community Services for Children in Difficulty Târgu Jiu, Gorj county; Family Home for children temporarily or permanently separated from their parents "Petrești", Gorj county; Family House Bdul Carpati, no. 52 bis within the "Sfânta Elena" residential services complex for children, Corabia, Olt county;

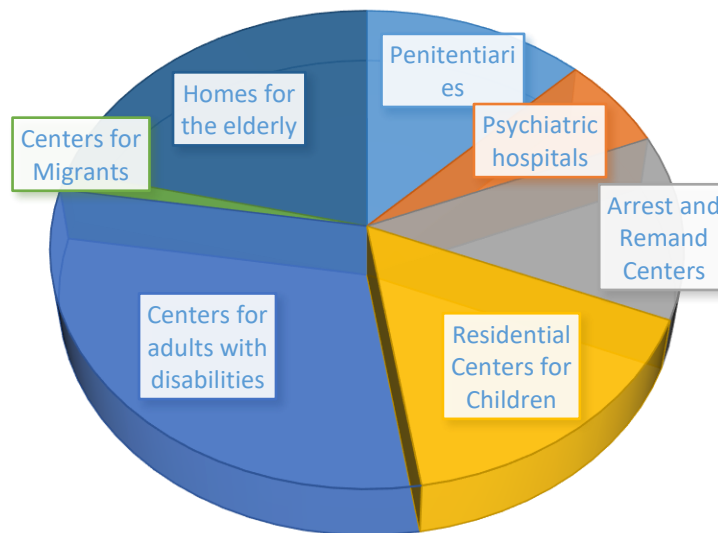
- **Centers for adults with disabilities – 24 visits:** Center for Care and Assistance for Adults with Disabilities (CCA) Brad, Hunedoara county; CCA Tinca, Bihor county; CCA Filipești, Bacău county; CCA Armonia - Budai, Podu Iloaiei, Iasi county; CCA "Sf. Daniel" Leorda, Botoșani county; CCA Nicolae Bălcescu, com. Nicolae Bălcescu, Predești village, Vâlcea county; CCA Ciolpani, Ilfov county; CCA Videle, Teleorman county ; CCA Slătioara, Slătioara commune, Milostea village , Vâlcea county ; CCA Amara, Ialomita County; CCA "Sfântul Gheorghe" Dioști, Dolj county; CCA Spineni, Olt county; CCA Gura Văii, Mehedinți county; Center for Habilitation

and Rehabilitation for Adults with Disabilities (CHR) Zvoriștea, Suceava county; CHR Tătărei, Prahova county; CHR Râmnicu Sărat, Buzău county; CHR Bălăceanca , Ilfov county; CHR "Sfântul Iustin" Videle, Teleorman county; CHR "Uverturii", Bucharest; Dedulești Medical and Social Assistance Unit, Dedulești village, Morărești commune, Argeș county; Pogoanele Medical-Social Assistance Center, Buzău County; The medical-social assistance unit Boldești-Scăeni, Prahova county; Center for Medical and Social Assistance Niclești, Dâmbovița county; Bucșani Medical -Social Assistance Center, Dâmbovița county;

- **Centers for migrants – 1 visit:** Triage room within the Territorial Service of the Calarasi Border Police;

- **Homes for the elderly – 17 visits :** Home for the Elderly Sibiu, Sibiu county; Home for the Elderly Pui, Hunedoara county; Moinești residential center for elderly people within the Moinești social services complex, Bacău county; Home for the elderly Agapia, Neamț county; Home for elderly people Focșani, Vrancea county; Social center for the recovery of elderly people Zimnicea, Teleorman county; Home for the Elderly - Care center for the elderly, Breaza, Prahova county; The "Pasărea" nursing home, Brănești commune, Ilfov county; Villa Orhidea Residential Care and Assistance Center, Răzvad commune, Valea Voievozilor village, Dâmbovița county; Home for the Elderly Serenity Home Bucharest; Residential Center for the Elderly - pensioners, Fântânele commune, Prahova county; Casa bunicilor Confidence, Mihăilești commune, Giurgiu county; Social Center for Elderly Care Saelele, Teleorman county; Home for Voluntary Elderly Persons, Ilfov county; Home for the Elderly Topliceni, Buzau county; Nikolas Costinești Residential Center for the Elderly , Constanța County; Home for the Elderly Mozăceni, Argeș county.

NPM VISITS



Collaboration of the authorities with the NPM teams during the visits

In the case of the majority of the units visited, there was a very good collaboration of the management and staff with the members of the NPM, both during the visits and afterwards, being made available to the visiting teams, the requested information and documents.

In the case of the visit to the Târgoviște County Emergency Hospital - Gura Ocnitei Chronic Psychiatry Department, throughout the visit there was a permanent dialogue with the doctors - heads of departments and other staff members, who provided the requested information. However, the documents requested by NPM were only partially communicated, in some situations it was impossible to get relevant information. And with regard to the requests of the NPM team, to provide a set of images captured by the video surveillance cameras in sections 4 and 5 of the unit, the institution failed to provide them, and sent a letter stating that the unit had a functional video surveillance system, while the team was told by phone that this system (at least in the departments for which the request was made) did not work.

In this context, the NPM reminds that, by ratifying the OPCAT, Romania assumed the obligation to establish the National Preventive Mechanism and to allow its visits to all places under its jurisdiction where persons are or could be deprived of liberty.

In fulfilling his mandate, according to Art. 20 of OPCAT, NPM has access to: all information regarding the number of persons deprived of liberty in places of detention, as well as the number of these places and their location; all information regarding the treatment applied to those persons, as well as detention conditions; all places of detention and their facilities. NPM has the possibility to have private meetings with persons deprived of liberty, as well as with any person who can provide relevant information and the freedom to choose the places they want to visit and the people they want to have meetings with.

Also, in accordance with Art. 40 para. (1) from Law no. 35/1997, republished: the visited institutions are obliged to make available to the representatives of the visiting team, before, during or after the visit, any documents or information that are at their disposal or that they can procure, requested by the visiting team in order to fulfill their legal duties.

Another problem encountered by the NPM teams was the lack of knowledge of the legal provisions regarding the competence of the NPM in monitoring residential centers for the elderly. Thus, according to the management of the Sibiu Social Assistance Directorate, the objective of the visit made by the NPM in The Home for the Elderly Sibiu (strengthening the protection of people in places of detention against torture and inhuman or degrading punishments and treatments), does not overlap with the center's activities and objectives, the results of the visit report, in the opinion of the Social Assistance Directorate's management, cannot be conclusive for the activity carried out, since the specific activity of the home is not one of detention.

Also, in the case of the NPM's visit to the Home for the elderly in Focșani, although the provisions of Law no. 35/1997, republished, on the basis of which the visit was being carried out, were presented, the head of the center specified that in the Explanatory Dictionary of the Romanian Language detention is explained differently and claimed that the institution he leads is not a detention center and is not subject to NPM monitoring. The same point of view was also held by the lawyer of the Focșani Social Assistance Directorate, called by the head of the center. Considering the attitude of the head of the center, inadmissible in relation to the rules of ethical conduct and professional deontology, the NPM team decided not to continue the visit and addressed the Ministry of Labor and Social Solidarity, as well as the Mayor of Focșani. Following the actions of the NPM, the Mayor of Focșani city apologized for the incident created and ordered measures to sanction the head of the center, and the National Agency for Payments and Social

Inspection carried out, between April 25-26, 2023, a control mission, after which measures were ordered to remedy some deficiencies. Also, in December 2023, the NPM team visited the dormitory, under good conditions.

In this context, the NPM specifies that, in accordance with Art. 34 of Law no. 35/1997 regarding the organization and operation of the People's Advocate institution, republished: by *place of detention* is meant any place where persons are deprived of liberty based on a decision of an authority, at its request or with its express or tacit consent, and *deprivation of liberty* means any form of detention or imprisonment or the placement of a person in a public or private place of detention that he cannot leave at will, by the decision of any judicial, administrative or other authority. Also, *any place that is part of the social assistance system* is a place of detention, or, as the case may be, a place where the People's Advocate institution exercises its powers regarding the prevention of torture.

Therefore, the centers in the social assistance system are subject to the monitoring of the NPM, considering: the inclusion in Art. 34 para. (1) from Law no. 35/1997, republished (respectively, in Art. 4 of OPCAT); the existence of a decision of a judicial, administrative or other authority, respectively the request or with the it express or tacit consent. And according to Government Decision no. 797/2017 for the approval of the organizational framework regulations and operation of the public social assistance services and the indicative personnel structure, the local public authorities are obliged to communicate or, as the case may be, make available to the institutions with duties regarding the prevention of torture, the requested information, giving them support in carrying out the monitoring visits, in accordance with the law.

Examples of good practices found during monitoring visits

- Following the visit made to *the Center for Habilitation and Rehabilitation for Adults with Disabilities in Tătărăi, Prahova county*, the NPM team noted the special interest shown by the center and the General Directorate of Social Assistance and Child Protection Prahova in order to rehabilitate people with disabilities. Between January 2022 and February 2023, a number of 11 people with disabilities were integrated into the labor market, as follows: 4 young people with disabilities (2 girls and 2 boys) were employed at a furniture factory and transferred to a social service of the Directorate - Minimum Protection Housing for Adults with Disabilities Brebu, where the furniture factory also operates; 4 beneficiaries (2 girls and 2 boys) were employed at a company in the city of Bucharest, as unskilled workers, packing solid and semi-solid products and who still lived in the center; 1 beneficiary (boy) was employed as a security guard at a catering company in the city of Bucharest; 2 beneficiaries were employed at a motel in Brazi commune, Prahova county, as a cook's helper, with accommodation provided in the motel where they worked.

- During the visit to *the Detention and Remand Center no. 1 Bucharest*, the members of the NPM team noted that it was implemented, at least at the level of the center visited, the recommendation to the Ministry of Internal Affairs regarding *the introduction of the provisions of Art. 71 para. (6) from Law no. 254/2013 regarding the execution of punishments and custodial measures ordered by the judicial bodies during the criminal process, both in the standardized Minutes, provided in Annex no. 2 of the Regulation on the organization and operation of detention and pretrial detention centers, approved by the Order of the Minister of Interior no. 14/2018, as well as in the extract that was displayed on the doors of the cells (in which the rights and obligations of the incarcerated persons during the period of detention were listed), in the sense that the person deprived of their liberty has the opportunity to benefit from an examination carried out by a doctor, at their choice, and at their expense. Thus, in all the minutes from the individual*

files of the analyzed persons deprived of liberty, this provision was inserted, which was also found on the extract displayed on the doors of the detention rooms.

In addition, **this recommendation was also included in Government Decision no. 850/2023** for the amendment and completion of the Regulation on the application of Law no. 254/2013, approved by Government Decision no. 157/2016, in force since September 20, 2023.

Also, during the visit to the center, the members of the NPM team noticed that outside the detention rooms, above the doors, warning lights (blue and red) were mounted, which signaled the presence of a person in the bathroom. The system was installed in order to prevent negative events (suicide attempts, self-harm, etc.). Thus, if it was observed that a person was staying in the bathroom longer than average, prompt intervention could be made.

- In *the Home for the Elderly - Elderly care center, Breaza locality, Prahova county*, all spaces were very clean and sanitized; the living rooms were spacious, airy, bright, warm, comfortable, equipped with new furniture, with TV, with air conditioning and with its own bathroom, properly equipped (for example: bathroom grab rail, shower chair with back and non-slip carpet). The floors were covered with anti-static PVC linoleum, and the staircase and terrace had non-slip granite flooring. All accommodation rooms were equipped with a panic button; the beneficiaries immobilized in bed had anti-bedsore mattresses, equipped with a pump with an electric regulator, which are very effective in treating and preventing bedsores. The staff employed was kind, knew the problems of each individual beneficiary and was very well trained.

- Villa *Orchidea Residential Care and Assistance Center, Răzvad commune, Valea Voievozilor village, Dâmbovița county* was equipped with a lift for stretcher transport, which ensured vertical access to all levels (mezzanine, ground floor, first floor and second floor), including from inner courtyard and ramp for people with disabilities. On the 1st floor, there was a bathroom with a special bathtub for people with locomotor dysfunctions, a toilet and a sink. The meal was served in the dining rooms, and for the more affected people, who could not eat properly, there was a special room where their meals were served and helped to eat. Immobilized beneficiaries (3 beneficiaries) were taken to the dining hall daily.

- On the ground floor *of the Home for the Elderly in Sibiu, Sibiu county*, a mini-kitchen equipped with specific furniture, stove, oven, sink was also set up, where the beneficiaries had the opportunity to prepare certain dishes by themselves, depending on their preferences.

- In *the "Vișoara" family home, Bistrița Năsăud county*, where all the beneficiaries were classified as severely disabled and had severe somatic and neuro - psycho - motor diagnoses, the members of the visiting team noted the professionalism and dedication of the care and assistance staff, but also of the management and specialty staff, who were professionally and actively involved in ensuring appropriate care, having knowledge of the history and problems of each individual beneficiary.

- In centers for children, such as: *Placement Center no. 2 Cluj Napoca, Cluj county; Phoenix Maternal Center Oradea, Bihor county; Family Home for children temporarily or permanently separated from their parents "Petrești", Gorj county*, all children were enrolled in a form of education appropriate to their age. Also, the specialized staff had a good knowledge of the children's school situation, as well as their vulnerabilities, both academically and behaviorally, at school or in the center.

- The *Miercurea Ciuc Penitentiary, Harghita county* had an agro-zootechnical household, focusing on raising cattle and obtaining food products and growing vegetables for domestic consumption. It benefits from a generous space for walking (6 courts), equipped with tables for

table tennis. There was also an indoor gym, which was equipped with exercise machines and table tennis.

- In *the Filipești Care and Assistance Center for Adults with Disabilities, Bacău county*, it was prepared an Annual Professional Training Plan for the employed staff, which included various training topics such as: violent patient management, informed patient consent and data confidentiality, prevention and management of professional burnout. The staff also participated annually in additional trainings besides the Annual Plan, on topics such as: Respecting the beneficiary's rights; Procedures Manual; UN Convention on the Rights of Persons with Disabilities; Respect and encouragement for the individual autonomy and independence of people with disabilities; Assistance and support in making a decision; De-escalation techniques in crisis situations; Respecting the dignity and privacy of beneficiaries; Communicating with people with disabilities and carrying out activities to maintain/develop communication skills; Prevention, recognition and reporting of forms of torture, cruel or inhumane treatment; Use of technologies and assistive devices necessary to maintain/develop cognitive skills; First aid.

- In *the Detention and Remand Center within IPJ Alba* there were 3 refrigerators at the disposal of persons deprived of liberty, in which they stored their personal, perishable food, identified by labeling, with the name of each owner, to which they had access, upon request, throughout the day; there was a room intended for personal hygiene maintenance activities, used by the detained persons (hairdressing, shaving).

Examples of deficiencies found during monitoring visits

The systemic deficiencies noted by the NPM in previous years, such as the lack of staff/insufficient number of staff and their inadequate/non-existent professional training, were also found in 2023. At Miercurea Ciuc Penitentiary, the 2 positions of family doctor were vacant and of the 4 psychologist positions provided, only one position was staffed by a specialized person, but who was on child care leave. At the Ploiești Penitentiary, the under sizing of the personnel list compared to the staff standards, approved by the Decision of the general director of the ANP no. 348/2016, led to an increase in the number of overtime hours performed by employed staff, especially specialists (psychologists, social assistance), who worked, during a single day, at all detention sections of the penitentiary unit, including the outer ones (Movila Vulpilor and Moara Nouă Berceni), as well as at the External Work Point with permanent accommodation "Floresti". In the Boldesti- Scăeni medical and social assistance unit, Prahova county, a number of positions were vacant: 1 general medicine doctor position, 1 chief medical assistant position, 1 social assistant position, 1 medical assistant position, 1 nurse position, 6 caregiver positions, 2 stretcher bearer positions, 1 physiotherapist position part-time, 1 assistant physiotherapist position, 1 Deratisation, Disinfection, Disinsectisation agent position.

It was also found that there was no adequate supervision provided to the beneficiaries, elderly people. In the Home for the Elderly in Sibiu, although there were beneficiaries with total dependence, who required permanent supervision, there were no care and assistance staff during the night. On the recommendation of the NPM to *ensure appropriate assistance, by appropriate personnel, for the beneficiaries who require permanent supervision, in such a way as to cover the time interval 22.00-07.00* (interval when there was only one guard in the center, on the ground floor of the unit), the response of the management of the Sibiu Social Assistance Directorate was non-compliant: the recommendation could not be implemented, as the center had the full number of approved staff and no other employments were possible; also, in the opinion of the management, there were no cases in the center that required permanent supervision, reasoning that for emergency cases, during the night, the emergency service 112 was called (*by whom if there was no staff?*),

and serious cases were transferred to medico-social assistance units or hospices. Following the steps taken by the NPM at the hierarchically higher authority (Sibiu City Hall), the mayor communicated that at the level of the Sibiu Social Assistance Directorate, the necessary steps were taken to hire adequate staff (nursing), in order to properly manage unforeseen situations, which could occur during the night, as well as to provide permanent care to the beneficiaries of the home.

Another systemic problem found in all types of detention facilities is the lack of accessibility for people with locomotor disabilities (the lack of access ramps and grab rails in the center; lack of adapted bathrooms, travel routes). On the recommendation of the NPM regarding *equipping the bathrooms with grab rails*, the Nicolae Bălcescu Center for the Care and Assistance of Adults with Disabilities, Vâlcea County, communicated that, taking into account the provisions of the Government's Emergency Ordinance no. 90/2023 for the approval of some measures to reduce budget expenses for the year 2023, DGASPC Vâlcea cannot complete the procedure for purchasing the necessary materials and services in order to make the social service accessible for people with disabilities.

Most of the residential centers that accommodated people with disabilities could not ensure access to dental care for the beneficiaries. For example, following the visit made by the NPM to the Tinca Care and Assistance Center, Bihor county, upon the recommendation of the NPM to identify some dental practices/specialists, DGASPC Bihor communicated that steps were initiated, but they encountered problems. Beneficiaries of social services were mostly with multiple conditions (physical and mental disabilities) uncooperative and unpredictable in reactions, which, in order to be treated, require different types of anesthesia (local, regional, general or sedation). However, precisely for this reason, dentists avoided engaging in a collaborative relationship with DGASPC Bihor. In emergency situations, these cases were solved by the specialist in oral - maxillo-facial surgery, from the Emergency Reception Unit of the Oradea County Emergency Clinical Hospital.

During the visits made to the residential centers that were to be closed, as a result of the process of reorganization of social services, NPM noted the fear of the staff of the centers related to the future of their jobs, given that its members did not know details related to their activity after the closure of the center. Following the NPM recommendations, the employees were informed about the stages and conditions of closing the center, as well as the possibility of relocating the care and support staff to the family-type houses where the beneficiaries were to be moved.

A situation considered worrying by the NPM team, which can be assimilated to ill-treatment, is that of some of the former beneficiaries of CHR Bălăceanca, transferred to other centers, as they were not residents of Ilfov county (including the beneficiaries from Bucharest were to be transferred - "*Those who are not from Ilfov, leave* "). CHR staff told to the team about the dramatic situations created by these transfers, being separated lifelong friends/couples/families, which led to depression and even death (in the case of a beneficiary moved to another center).

The NPM team emphasizes the fact that every step taken in the restructuring process of the residential centers must take into account, first of all, the interest of the beneficiary. At each activity/action, both at the macro level (legislative change/strategies/policies), but also at the micro level (regarding each individual beneficiary), the real impact on the beneficiary - the final recipient - must be assessed.

Some of the deficiencies encountered by the NPM are presented below, [depending on the type of detention place visited](#):

- *homes for the elderly*: ● there was no clear record of the beneficiaries who present frequent swallowing disorders, given that this category of beneficiaries presents a high risk of

death by drowning ; ● no activities were identified at the level of the home /recovery and functional rehabilitation services and no qualified personnel in this regard; ● in the Annual Professional Training Plan for the employed staff, there were topics regarding medical and hygiene aspects, regulations and internal rules, without including notions regarding national and international legislation on human rights; ● there is no written provision of the management of the center or the management of the hierarchically superior institution that regulates the access of the staff to the files and the use of the information contained therein; ● care plans and assistance /intervention plans from the beneficiaries' personal files were not signed by the beneficiaries or their legal representatives; ● the necessary conditions for socializing and leisure activities were not ensured, by diversifying leisure activities (organizing excursions, celebrating birthdays, religious holidays, entertainment activities, etc.); ● the accommodation rooms were not personalized; ● on the doors of the rooms where bedridden persons with total dependence were accommodated, yellow indicators were displayed, signaling the fact that there are no immobilized beneficiaries in the respective rooms who require priority and help in case of evacuation; the corresponding marking is, in such cases, the red one; ● the yard and the garden of the dormitory did not have a suitable layout with benches, canopies and gazebos, for recreational activities or relaxation in the open air;

- **psychiatry hospitals:** ● there is no psychologist position in the hospital; ● in the case of some patients with a legal representative, the consent forms were not signed; ● the restraint measures were not applied according to the legal provisions (they were not recorded in the Restraint Register and General Clinical Observation Sheets); ● the rooms were not personalized, and in some rooms, patients' luggage was stored under the beds; ● there were rooms in which the beds were pressed against the wall, with their heads towards the window, not respecting the provisions of the Norm regarding the functional structure of the compartments and services in the hospital (approved by Order of the Minister of Health no. 914/July 26, 2006, with subsequent amendments and additions), according to which the beds are placed parallel to the front of the window and are accessible on both long sides; ● at Târgoviște County Emergency Hospital – Chronic Psychiatry Department Gura Ocniței, Dâmbovița county, the access doors to the balcony were locked and the door handles were missing, the staff explaining that some of them were very old and damaged, being reported for their replacement; however, this situation was found in many rooms, which indicates a systematic practice in the hospital, although there was no danger of patients falling, the balconies being equipped with grills; ● patients representing social cases were hospitalized; the number of these patients remained high (138 patients at the Gura Ocniței Chronic Psychiatry Department), considering both the insufficient steps taken by the hospital representatives to transfer patients who were social cases, to social protection units or with a view to reintegration into the family, as well as weak involvement of the authorities in taking over patients with mental disorders; ● with regard to the management of situations in which the safety of the staff could be put at risk, given the specifics of the wards where they work, no courses/instructions were conducted in the hospital regarding their protection and the method of intervention in cases of aggressive manifestations of patients; the existence of means of quick intervention was not identified (for example, panic buttons or pagers that can alert staff members from the department where the incident occurred or from the other departments, depending on the degree of danger); when they considered that there was a risk of being assaulted, the employees on the wards went in pairs, and the way to alert colleagues in case of danger was "screaming"; given the fact that during the visit to the Gura Ocniței Chronic Psychiatry Department (Psychiatry Department 5, where patients considered more dangerous were hospitalized), one of the members of the NPM team was physically assaulted by a patient, although he was supervised by two doctors

and supervisors were also present, the NPM team is concerned about the training of hospital/psychiatric ward staff in handling violent incidents, both between patients and between patients and staff.

NPM believes that it is necessary for staff to be trained upon employment and subsequently periodically on the procedure to be followed in case of risk situations (patients with aggressive behavior), both regarding the way of approaching the patient and regarding the protection staff in such situations. It is also required to equip the staff with means of rapid alerting (panic buttons, pagers, etc.).

- **penitentiaries:** ● there was no clear record of persons classified in degrees and types of disability and no record of persons classified in a degree of disability; ● psychiatric medical evaluations were not performed on time; ● a psychological assistance office was not set up; ● the staff from the security and surveillance service were not trained on: managing conflict situations; permanent knowledge of the state of mind of the accommodated persons; taking measures to prevent negative events among the staff and inmates, as well as observing all the rules of conduct mentioned in the Internal Order Regulation and in the Organization and Operation Regulation of the center; ● a large number of sanctions regarding the right to receive visits were applied, which can have a negative impact on the process of reintegration of the person deprived of liberty (Ploiești Penitentiary); ● the accommodation conditions were inadequate: overcrowding - 128% of the legal capacity, at the Focșani Penitentiary, where it was also found: the presence of harmful insects, dirt and condensation in the rooms, damaged bedding and mattresses, water infiltration in the bathroom, dirt, rust and mold; the rooms had no furniture, the inmates being forced to eat in bed; in Ploiești and Mărgineni penitentiaries, overcrowding in some detention rooms/sections, used/old furniture and bedding, bunk beds stacked on 3 levels, insufficient cupboards for storing the personal belongings of persons deprived of liberty, dampness and peeling on the walls, unpainted walls, wear and tear on the floor, bed bugs and cockroaches; ● food was not distributed individually, to each person deprived of liberty, depending on the food norm to which it was allocated; it was not distributed in appropriate containers under conditions that prevent the modification of nutritional, organoleptic and physico-chemical properties as well as microbial contamination; ● spaces intended for educational activities and psychosocial assistance with prisoners were insufficient and provided at a minimal level compared to current requirements;

- **detention and remand centers:** ● the volume of activities and missions performed by the staff was relatively high compared to the number of staff and their complexity; ● minors' visits were granted only with a separation device; ● there wasn't arranged the necessary space for the personnel performing the thorough body search and baggage control; ● psychological assistance was not provided to all minors in custody at the center; ● a special register was not drawn up for traumatic marks or physical signs of ill-treatment/abuse or torture of persons in custody; ● the national and international legal provisions regarding the principle of age separation, i.e. the accommodation of minors separately from adults, were not violated (for example, at the Giurgiu Detention and Remand Center, on the date of the visit, a minor was accommodated with 2 adults); ● the accommodation conditions were inadequate: the accommodation rooms were very narrow and dark, the windows being covered with bars that prevented the penetration of light and the ventilation of the rooms; the windows did not provide natural lighting and ventilation of the rooms, and the light bulbs placed above the doors were not sufficient to provide artificial lighting; the rooms had no furniture, apart from bunk beds on two levels and some plastic shelves, the detainees being forced to eat in bed (Vaslui Detention and Remand Center); ● in some centers, natural light and ventilation were deficient in all detention rooms, due to the fact that they were located on the

semi-basement of the building, on the one hand, and, on the other hand, the windows were protected with metal bars covered with transparent polycarbonate material, which prevented the penetration of natural light, the rooms being dark, also during the day; ● emergency lighting was not provided in all the rooms of the center; ● the privacy of persons deprived of liberty was not ensured in the showers; ● the walking yard was not equipped according to the legal provisions, so that persons deprived of liberty couldn't exercise their right to walk properly;

- **residential centers for children:** ● the situation of the beneficiaries of legal age was not evaluated, in the sense of establishing the legal competence and possibly the appropriate measures so that these persons can exercise their rights and civil liberties in an unrestricted way, as provided and guaranteed by Art. 50 of the Constitution of Romania, republished, by the provisions of Law no. 140/2022 regarding some protection measures for persons with intellectual and psychosocial disabilities and the modification and completion of some normative acts, as well as the requirements imposed by the Convention on the rights of persons with disabilities; ● psychological assistance services were not available within the center, so that they could be known and accessed by children, whenever they are in vulnerable situations and not only during periodic assessment sessions; ● the psychologist did not have and did not use a Register of the professional activities carried out; ● the child's psychological assessment sheets, quarterly reports on the evolution of the child's physical, mental, spiritual, moral or social development and the way in which they are cared for, personalized psychological intervention plans were not drawn up; ● there were educational activity sheets, which were not signed by either the beneficiary or the staff who carried out the activity; ● the beneficiaries were not monitored regarding the possible adverse effects of the administered medication; ● deficient supervision of beneficiaries known to have aggressive behavior; ● the beneficiaries were not consulted regarding the composition of the daily menus; ● the accommodation conditions were inadequate: rooms with damaged walls and worn out furniture, with unsanitized balconies; the windows on the first floor were very low and had no safety elements (they could not be tilted, but only fully opened); lack of privacy in the bathrooms, the outer courtyard of the family-type house was not equipped with benches and tables for the outside and with gazebos for outdoor activities, relaxation and rest;

In the Emergency Reception Center "St. Maria" Călărași, in 2022, 26 cases of absences without permission were registered, and in 2023, until the date of the visit, 48 such cases, according to the unmotivated absences register; some of these incidents were caused by the consumption of alcoholic drinks, some of which were brought into the center. Following the NPM recommendation, in the sense of a more careful supervision and a much more active psychological counseling of the beneficiaries, the co-optation of these beneficiaries in educational, recreational, occupational therapy activities (music, painting, drawing, etc.), sports, according to the response communicated, since the date of the NPM visit, there have been no more situations in which alcoholic beverages were brought into the center and no more absences without permission were registered, and the beneficiaries carried out multiple and diversified activities (outdoor games, walks, watching movies, listening to music, drawing on the asphalt, football games , etc.).

- **centers for adults with disabilities:** ● the center did not have an operating license, as the minimum specific mandatory quality standards for social services intended for adults with disabilities were not respected (approved by Order of the Minister of Labor and Social Justice no. 82/2019) (CHR Bălăceanca); ● informative materials regarding the services provided within the center were not prepared; ● there was video surveillance, in the external spaces and, internally, in the common spaces, but also in the rooms, as well as in the area of the sinks in the bathrooms; thus, the right to privacy and private life of the beneficiaries was not respected, for some of them

toilet activities were carried out in their room, being immobilized in bed (CHR Bălăceanca) ; ● the annual ophthalmological and dental assessment was not performed; ● in CHR Bălăceanca, mechanical restraint was applied to the beneficiaries, upon the recommendation of the psychiatrist; ● a social worker was not employed, nor was this service outsourced on the basis of a service contract with an individual social assistance office/professional social assistance company; ● a case manager was not appointed to coordinate the objectives established in the individualized intervention plans; ● in the content of the initial evaluation form, headings such as: “ethnicity” and “records regarding misdemeanors and crimes” were entered, aspects that can lead to discriminatory attitudes, there was a risk of treating the beneficiaries differently because of their belonging to certain social groups; ● the notes on the integration/social reintegration services component of the monthly monitoring forms, were brief and uniform, the documents not being customized according to the beneficiary's needs; ● the evaluations of certain beneficiaries were not carried out every 6 months and the stamps of the specialists of the multidisciplinary team to whom the cases were referred were not found on the documents; ● the accommodation conditions were inadequate: the center building was in an advanced state of decay, both externally and internally; overcrowding of some rooms (5 beds); small maneuvering space between the beds, which made impossible maneuvering a wheelchair; placement of beds in closed balconies; walls, furniture and doors in a state of deterioration; some bedrooms and bathrooms were provided with thresholds, thus there was a risk of injuries to the beneficiaries; insufficient storage spaces for clothing and bedding; there were no emergency panic buttons; on the doors of the rooms, the red indicators indicating the existence of a person with locomotor disabilities or difficult-to-move person inside the room were not displayed; the shower cabins were not provided with doors or curtains, to ensure the privacy of the beneficiaries; dilapidated and insufficient bathrooms and toilets; toilet seats and lids missing; the impossibility of access to the floors due to the lack of an elevator; the hospital aspect prevailed, due to the lack of color, personalization, both in the rooms and in the corridors; in Videle Center for Assistance and Care, in the case of male beneficiaries, the aspect of “military” uniformity, was found in terms of their clothing and haircut; ● a box for suggestions and complaints was not placed in a place accessible to the beneficiaries.

► In the visit reports drawn up in 2023, **752 recommendations were made** to the monitored units and the hierarchically superior authorities. **For the most part, the recommendations have been implemented.**

In the case of the recommendations that were in the process of being implemented, implementation deadlines were specified, and in the case of the recommendations remaining unimplemented, the reasons were generally justified (mainly lack of necessary funds and blocking of positions). To the recommendations for taking the necessary steps to fill the vacant medical and care staff positions, the most frequent answer was: the vacant positions cannot be put out to competition, because they are blocked according to the Government's Emergency Ordinance no. 34/2023 regarding some fiscal-budgetary measures, the extension of some terms, as well as for the modification and completion of some normative acts. The Center for Care and Assistance for Adults with Disabilities Ciolpani, Ilfov county, where there were vacancies for specialist staff (doctor, physiotherapist, nurse and carer) announced that, in view of the "Austerity Ordinance", Government Emergency Ordinance no. 90/2023 and the budget allocation for personnel expenses, will start the competition procedure for the post of doctor and physiotherapist, in January 2024.

The Giurgiu Detention and Remand Center, regarding the recommendation aimed at identifying a location where the detention and remand center will operate, to correspond to European standards, communicated the following: *"At the Giurgiu County Police Inspectorate*

there is a technical project for the construction of two bodies within the headquarters of the inspectorate, located in Giurgiu city, bd. CFR, no. 9. Within this project, the construction of a detention and remand center with 12 accommodation rooms that include all the facilities required by the legislation in force is foreseen.

For this investment no funds have been allocated since 2020, and the inspectorate requested the General Directorate of Logistics to review the project and allocate funds.

Efforts will also be made to identify and access non-reimbursable European funds programs."

Examples of successfully implemented recommendations

• In the case of ***the Zam Psychiatry Hospital, Hunedoara county***, upon the recommendation of the NPM in the sense of *resuming the activities of the occupational therapy and recovery, physical medicine and balneology departments*, in the reply letter it is stated that the ways of implementing this recommendation were established, in the meeting of the Management Committee of the Hospital, as follows: ▪ instructions will be sent to the occupational therapy department (which includes an occupational therapy assistant and a nurse), by which these workers will be requested to intensify the specific activities carried out with patients; ▪ a change will be made to the hospital's state of functions, in the sense of placing a psychologist in this department to coordinate the department's activity and to better identify the needs and abilities of patients to participate in different recovery programs, and the proposed change of the state of functions will be submitted for approval to the Ministry of Health; ▪ simultaneously with these steps, the procedure for filling by competition the position of medical assistant in the recovery, physical medicine and balneology department will be started.

Also, to the recommendation of *drawing up and permanently updating the nominal situation with patients who present frequent swallowing disorders and establishing appropriate behavior of the care staff, regarding the supervision of these patients when eating the meal, the appropriate portioning of dangerous foods, as well as the mixing of foods, so that they can be swallowed without difficulty by those in this situation*, during the meeting of the Board of Directors of the Hospital, the following measures were established, voted and approved unanimously by the five members of the Board of Directors, participating in the meeting:

A. Drawing up a separate protocol for the identification and highlighting of patients with swallowing disorders - the identification will be done at admission, in parallel with the assessment of the risk of falling, aggressiveness, etc., or during hospitalization, if the general condition worsens; further highlighting can be done on nominal lists or/and by noting on the observation sheet with a specific color code (in addition to those already implemented: red for risk of falling, purple for risk of aggression, etc.);

B. Periodic training, with the mandatory presence of all medical staff (assistants, nurses, caregivers), highlighting the main ideas of the protocol and the conduct to be followed, respectively: ▪ establishing a general list of pathologies that can affect the patient's eating behavior; ▪ the patient with problems must be actively assisted at the meal (if necessary, fed with a spoon or equivalent), all other patients are passively assisted, by the presence of a nurse in the meal serving area; ▪ if needed, solid food can be blended for easier administration; ▪ all food packages received from relatives shall be checked, even for independent patients; ▪ in general, food is portioned in small quantities, especially eggs, bread, cheese; ▪ checking bedside tables, mattresses, etc., to detect hidden food (especially unsliced bread), which can be gobbled up in a hurry, in the absence of supervision.

• In the *The Brăila-Tichilești Detention Center, Brăila county*, where the large number of disciplinary violations registered among detainees (157 sanctions and 162 incident reports between January and July 2023) revealed the fact that the degree of violence and aggression was high, on the recommendation of the NPM, it was ordered to periodically check, even at short intervals, the mental state of the people in the detention center, considering that, sometimes, the detained people do not request psychological assistance for various reasons (they are not informed in this regard, they do not have the courage to take such steps, or are simply not aware of their mental state), in order to decrease the high rate of aggressive behaviors and violence, therefore the strategies for prevention and reduction of these phenomena remain important.

• Following the NPM recommendation, within *the Mozăceni Home for the Elderly, Argeș county*, measures were taken to notify in writing, within 5 days of the beneficiaries leaving the center, the public social assistance services at the level of the town halls of the localities in whose territorial radius the beneficiaries were to live, regarding their presence in the localities.

• In *the family-type apartment for residential protection of children "Primăverii" Motru, within the Complex of Community Services for Children in Difficulty Târgu Jiu, Gorj county*, after the visit of the NPM, the management of DGASPC Gorj instructed all the staff for compliance with the duty of drawing up and applying, for each child, in the first 15 working days after admission, the child's health intervention plan.

• In *the Care and Assistance Center for Adults with Disabilities in Gura Văii, Mehedinți County*, on the recommendation of the National Ministry of Health, a Questionnaire was drawn up and approved to identify the opinion of the beneficiaries about general activities/services/attitudes and, according to the communicated report, the questionnaire was applied to a number of 24 beneficiaries institutionalized in the center after the NPM visit.

• During the visit to *the Mehedinți Preventive Detention and Arrest Center*, the NPM found the lack of space necessary for the personnel who carry out the thorough body search and baggage control. Following the NPM recommendation, in a room located within the center, a space was set up with this destination, in compliance with the provisions of Art. 35 para. (2) from the Order of the Minister of Internal Affairs no. 14/2018.

• In the *Residential Center for Care and Assistance Villa Orchidea Home, Dâmbovița County*, NPM recommended *the urgent identification of a solution for employment/collaboration based on a service contract with a social worker to carry out field-specific activities*. NPM found that in all the documents issued at the level of the home, in the headings covering the social component, the data input was brief and contained general information, showing that there was an acute need for a specialist in this field. This recommendation was fulfilled, as an employment contract was signed with a social worker, who carries out specific activities - social counseling, socializing and leisure activities; both the social integration/reintegration plan and the social monitoring form are completed in detail and customized according to the beneficiary's needs.

• After the visit to *the Triage Room within the Territorial Service of the Călărași Border Police*, the NPM recommended: *its rehabilitation, ensuring natural lighting, equipping it with furniture, ensuring heating directly at the level of the Triage Room, considering that the heat source (the heater) located in the surveillance room would not be able to ensure, in the cold season, a normal temperature for the person in custody; removal of metal bars from the Triage Room; ensuring the bedding to be distributed in case of necessity in the Triage Room, to avoid using bedding provided for other situations and purposes*.

According to the response received, the triage room was moved to another building from the headquarters of the Territorial Service of the Călărași Border Police, where all the conditions

related to furniture, bathroom, shower, heating were ensured, according to the recommendations made, and the room's bedding will be used exclusively in that space.

- During the visit to *the Habilitation and Rehabilitation Center for Adults with Disabilities "Sfântul Iustin" Videle* (CHR "Sf. Iustin" Videle) it was found that some of the contracts for the provision of social services did not contain the signature of the beneficiaries. According to the statements of the center's management, this practice was adopted after the checks carried out in the unit by the representatives of the National Authority for the Protection of the Rights of Persons with Disabilities, who specified that the fingerprint should not be put (as was previously done in the case of these beneficiaries), because "anyway, the beneficiary does not understand". The same situation was found in *the Care and Assistance Center for Adults with Disabilities Videle* (CIAPAD Videle). The NPM recommended *compliance with the provisions of Order 82/2019 regarding the approval of specific mandatory minimum quality standards for social services intended for adults with disabilities, according to which the social service provider shall conclude the contract for the provision of services with the beneficiary or, as the case may be, with his legal representative, and in the case of beneficiaries without a legal representative, if it is assessed that the establishment of a protective measure is required, according to Law no. 140/2002 (situations being analyzed individually), shall take the necessary steps in this regard.*

According to the answers received, the persons who require protective measures have been identified, according to Law no. 140/2022 (14 people in CHR "Sf. Iustin" Videle and 50 people in CIAPAD Videle). The files for the court were drawn up (copies of the beneficiaries' documents). Also, a request was made to DGASPC Teleorman for the psychological evaluation for the respective beneficiaries (as provided for in Law no. 140/2022), which was to be performed by the attending psychiatrist. Addresses were sent for the beneficiaries who had relatives, in order to express their agreement/disagreement to be appointed as their guardians.

- In *the Videle Center for the Care and Assistance of Adults with Disabilities*, training was carried out with all employees, the head of the CSPAH Videle being responsible, based on an annual plan, on topics such as: the Regulation of Organization and Operation of the Center, the Code of Ethics, Respect and encouragement for individual autonomy and independence of people with disabilities, respect for the dignity and privacy of beneficiaries, etc. In the plan drawn up for the year 2023, the theme "Anger management - Crisis intervention" was also found. However, during the visit, when asked by the NPM team how they manage the situations of psycho-motor agitation of the beneficiaries, there were also employees who mentioned "the blanket on the head, that's the practice inherited for 10-20 years". In the center, the Operational Procedure regarding the management of risk situations was prepared, which mentioned how to intervene in the case of aggressive and/or destructive behavior of the beneficiary in crisis, but the above-mentioned answer raised serious doubts about the knowledge, and especially its understanding, by some employees.

At the recommendation of the NPM for *theoretical and practical training of the staff upon employment and subsequently periodically, regarding the procedure to be followed in case of risk situations (beneficiaries with aggressive and/or destructive behavior), both regarding the manner of approaching the beneficiary and regarding the protection of personnel in such situations (preferably, by external professional training providers)*, staff training sessions were organized at the center level by the psychologist of the center - explaining the procedure to be followed in case of risk situations. DGASPC Teleorman also requested the participation of the center's specialists, between September 30 and October 1, 2023, in professional training courses - Anger Management.

- During 2023, **NPM collaborated with the other departments and Territorial Offices of the People's Advocate institution**, by conducting joint visits/investigations and preparing

responses to various entities (for example, NPM collaborated with the Department for human rights, equality of opportunities between men and women, religious cults and national minorities, regarding the questions of ECRI - European Commission against Racism and Intolerance, regarding the situation of migrants and combating racism and racial discrimination).

NPM members were part of the Working Group set up within the People's Advocate institution, in order to monitor the observance of fundamental human rights during involuntary hospitalizations in psychiatric hospitals, in the context of the judgments issued by the European Court of Human Rights regarding these hospitalizations. They were involved in the Project on "Monitoring the implementation of ECtHR decisions in the case of involuntary hospitalizations in psychiatric hospitals", initiated by the Department for the rights of the family, young people, pensioners, and persons with disabilities, completed with a special report. As part of this project, the NPM representatives carried out monitoring visits, in collaboration with members of the Territorial Offices of Ploiești, Oradea, Cluj and Galați, in the following psychiatric hospitals/wards: Clinical Hospital of Psychiatry "Prof. Dr. Alexandru Obregia" Bucharest; Săpoca Psychiatry and Safety Measures Hospital, Buzău county; Poiana Mare Psychiatric Hospital, Dolj county; Emergency County Hospital "Sf. Pantelimon" Focșani - Department of Psychiatry, Vrancea county; Psychiatric Hospital "Sf. Pantelimon" Brăila, Brăila county; Socola Iași Institute of Psychiatry, Iași county; Zalău Emergency County Hospital - Psychiatry Department, Sălaj County; Sighetu Marmăției Municipal Hospital – Psychiatry Wards, Maramureș County.

Legislative amendment proposals

During the visit to the Bălăceanca Habilitation and Rehabilitation Center for Adults with Disabilities, the NPM team found that mechanical (but also chemical) restraints was applied to the beneficiaries, on the recommendation of the psychiatrist.

The NPM team considers that the application of restraint in a habilitation and rehabilitation center for adults with disabilities is not covered by the current legal provisions, even if it is done on the recommendation of the psychiatrist, considering that Law no. 487/2002 on mental health and the protection of people with mental disorders, republished applies to people admitted to recovery and rehabilitation centers (and to patients in psychiatric units), and Order no. 82/2019 regarding the approval of the specific mandatory minimum quality standards for social services intended for adults with disabilities no longer provides, among the social services for adults with disabilities, recovery and rehabilitation centers (provided in the previous order - Order no. 67/2015).

Given that some of the current habilitation and rehabilitation centers (or care and assistance centers) are, in fact, former neuropsychiatric recovery and rehabilitation centers, ***a clarification is required, in Law no. 487/2002, republished, of services where restrictive measures to freedom of movement can be applied; whether these measures can be applied in residential centers housing people with mental disorders at high risk of aggression and self-harm or only in psychiatric hospitals/wards.***

According to the current legislation, recourse to this measure must be avoided in residential centers for adults with disabilities; the focus must be on the prevention of such situations (in this sense, staff training on the rights of people with mental disabilities and their approach is essential). In situations of aggression and self-harm, when the competence of the center's staff is exceeded, the assessment of the patient at the hospital/psychiatry ward must be taken into account, in order to establish the conduct to be followed.

Actions to publicize NPM duties, participation in conferences, internal and international symposia, staff training, working groups

When setting the annual activities, the NPM takes into account the SPT's recommendation to emphasize not only visits, but also other prevention activities, such as awareness raising actions regarding the prevention of torture (CAT/OP/ROU/ 1). Also, in accordance with the provisions of OPCAT and Law no. 35/1997, republished, NPM carried out professional training activities for staff from places of detention, in the sense of Art. 4 of OPCAT, but also of its own members.

► **In order to increase awareness regarding the prevention of torture and ill-treatment, as well as the mandate and activity of the NPM, its members carried out, also in 2023, an extensive awareness raising activity** addressed both to persons deprived of their liberty and to the staff of places of detention and the authorities that subordinate units subject to NPM monitoring, for example: • The national training school for penitentiary agents Târgu Ocna, Bacău county; • Bucharest Hospitals and Medical Services Administration; • Romanian Border Police; • *Professional colleagues* (physicians, psychologists, social workers, dentists); • *Professional associations* (National Society of Family Medicine/General Medicine Association, Bucharest Family Physicians Association, Romanian Obstetrics and Gynecology Society); • *general directorates of social assistance and child protection* (Sibiu; Olt; Mehedinți; Vâlcea; Dolj; Gorj; Argeș); • *centers for adults with disabilities* (CHR Galda de Jos, Alba county; Care and Assistance Center Hunedoara, Hunedoara county; Care and Assistance Center "Henri Coandă" Bacău; CHR Râmnicu Sărat, Buzău county; Care and Assistance Center Timișul de Sus, Brașov county; Care and Assistance Center "Sf. Anton", Brașov county; Care and Assistance Center "Sf. Elena" Bucharest; Care and Assistance Center " Sfânta Maria" Cornetu, Ilfov; the Residential Center "Floarea Soarelui" from complex of services for children with disabilities, Ialomița county); • *homes for the elderly* (Mircești Home for the Elderly, Iași County; Măgura "Viață Liniștită" Nursing Home, Bacău County; Topliceni Home for the Elderly, Buzău County; Voluntari Home for the Elderly, Ilfov County; Nikolas Home for the Elderly, Constanța County; Center for the Elderly, Ocnești, Giurgiu county; Center for Elderly Persons "Hotarele", Giurgiu County; Services Complex for Elderly and Assisted Persons Alexandru Marghiloman – residential center, Buzău County; Răzvad Care Center for the Elderly, Valea Voivozilor village, Dâmbovița County; "Sfânta Ecaterina" Geriatric Center, Bucharest; Kronos Association's Residential Center, Constanța County); • *penitentiaries* (Galați; Botoșani; Craiova; Craiova Pelendava; Tulcea; Bucharest-Rahova; Giurgiu; Bucharest-Jilava); • *preventive detention and remand centers* (Brașov; Preventive Detention and Remand Center no. 1; Buzău, Călărași and Constanța; Dâmbovița; Ialomița); • *centers for migrants* (Regional Center for Procedures and Accommodation of Asylum Seekers Bucharest); • *centers for children* (Sibiu Maternal Center; Speranța Maternal Center Alba Iulia; Protected Housing for Victims of Domestic Violence Alba Iulia; Community Services Complex No. 1 Vaslui; Mărășești Residential Center, Vrancea County; "My Family" Service Complex Roman, County Neamț; The Center for Children in the Special Protection System Șotânga, Dâmbovița County; The Family Type Center Irina, Greaca commune, Giurgiu County; Sfânta Maria Sătuc residential center for children, Buzău county; Stejarul Family Type House and Iris Family House from Brebu commune, Prahova county); • *hospitals* (Voila Psychiatric Hospital, Prahova county); • *non-governmental organizations* (European Association for Human Rights; "Împreună creștem valori" Bucharest Association, "Viață pentru Suflete" Association Bucharest, "Împreună pentru viitor" Association Constanța).

► **NPM members participated** (physically or online) **in a series of webinars, meetings, conferences, symposiums, working groups organized at national and international level**, for example:

at the national level: • meetings with the president of the Romanian National College of Social Workers, respectively with the president of the Romanian College of Dentists; • Summer ELSA Law School Cluj Napoca - Criminal Law; • The conference "Human rights and the evolution of society: realities, interpretations, trends" 7th Edition 2023, organized at the National Training School for prison officers Târgu Ocna, Bacău county; • meeting with the representatives of the Fundamental Rights Office (FRO) within the European Border and Coast Guard Agency (Frontex); • round table with the theme "Attracting medical staff to the Romanian penitentiary system - current challenges and the way forward", the presentation of the evaluation report/analysis of the legislation on mental health, by CoE experts and the closing conference of the Council of Europe project (CoE) - " Consolidation of medical and mental health services in Romanian prisons" , implemented in partnership with the Ministry of Justice, the National Administration of Penitentiaries and the Ministry of Health; • interview conducted within the *ENABLE project: Facilitating inclusion and access to justice for defendants with intellectual and psychosocial disabilities*, conducted by the Legal Resources Center, in collaboration with the Validity Foundation and co-financed by the European Union; • National Conference "Medical and Scientific Days of the Psychiatry Hospital "Prof. Dr. Al. Obregia " Bucharest"; • The training course with the theme " Enforcement of ECtHR judgments: design of mechanisms for the protection of the rights of institutionalized persons with disabilities " , organized by the Center for Legal Resources , within the AdaptJust project - Accessible justice for persons with disabilities carried out in partnership with the Public Ministry; • work meeting organized by Romanian National Council for Refugees Foundation, within the "Monitoring of forced return missions" Project; • Conference on "Promoting access to justice for suspects or defendants with intellectual and/or psychosocial disabilities", organized by the Center for Legal Resources, Validity and Mental Health Perspectives within the ENABLE Project "Facilitating inclusion and access to justice for suspects and defendants with intellectual and psychosocial disabilities" co-financed by the European Union; • working meetings organized by the Ministry of Labor and Social Solidarity within the Technical Working Group referring to improving the legislation in the field of the quality of social services; • the round table with the theme "Mental Health Services, current events and strategic development directions" organized by the Ministry of Health; • the meeting with the delegation of the Office of the Commissioner for Human Rights of the Council of Europe.

at the international level: • the webinar on "Monitoring mental health in prisons" organized by the Council of Europe (CoE) in cooperation with the Association for the Prevention of Torture (APT); • the regional meeting on the prevention of torture in the OSCE region " Joining forces for the prevention of torture and other ill-treatment" organized by the OSCE Office for Democratic Institutions and Human Rights (OSCE/ODIHR), CoE, APT and the Danish Ombudsman; • webinars organized by the African Ombudsman Research Center (AORC), with topics such as: Strengthening cyber security in Ombudsman institutions; Mediation/Alternative Dispute Resolution; Presentation of the People's Advocate institution to higher education students; Ombudsman Institutions in the Digital Age: Navigating Challenges and Opportunities; Addressing gender-based violence and harassment: the role of the Ombudsman in protecting and empowering women; • the webinar " Launch of WHO/OHCHR guidelines and common practice on mental health, human rights and legislation" organized by the World Health Organization (WHO) and the Office of the United Nations High Commissioner for Human Rights (OHCHR); • Conference on the HELP Network of the Council of Europe on human rights training organized by the Committee of Ministers of the Council of Europe (CoE).

► NPM carried out **professional training activities for staff from units subject to its monitoring**: Deva Detention and Remand Center; Brăila penitentiary; General Directorate of Social Assistance and Child Protection Brăila; Care and Assistance Center for Adults with Disabilities from Vârfu Câmpului commune, Botoșani county; Blijdorp neuro - psycho - motor recovery complex - "O Nouă Viață" Suceava, Suceava county; The Care and Assistance Center for Adults with Disabilities "Sf. Elena" Bucharest; Detention and Remand Center no. 1 Bucharest, on topics such as: the concepts of torture and ill-treatment; the importance of activities to prevent torture and ill-treatment in places of detention as well as the presentation of the duties and activities of the NPM; issues found during NPM visits, etc.

► Regarding **the professional training of NPM members**, during 2023, alongside the national and international seminars and workshops attended by NPM members (mentioned above), *professional training activities were organized at internal level*, within the People's Advocate institution, with themes such as: • The specifics of social assistance activity in Romanian penitentiaries; • Psychological rehabilitation of children in residential centers; • General rules of professional conduct of the staff within the People's Advocate Institution; • June 20 World Refugee Day; • Fundamental guarantees against ill-treatment of persons in police custody (CPT standards and APT practical guide); • The rights, obligations and prohibitions of foreigners in centers for the accommodation of foreigners taken into public custody; • The United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules); • Identifying and respecting the best interests of the child in the case of minors with psycho -behavioral disorders; • Social services for preventing and combating domestic violence ; • Ensuring health assistance in social services with accommodation, organized as residential centers for children temporarily or permanently separated from their parents; • The Ombudsman's investigations, a means of defending the rights and freedoms of the person. Aspects within the activity of the Department on army, justice, police, penitentiaries; • Dealing with beneficiaries/patients with swallowing disorders, from places of detention monitored by the NPM; • CPT standards – juveniles deprived of liberty according to criminal law.

Also, NPM members (doctors, psychologists and social workers) participated in professional training courses organized by the Professional Colleges of which they belong, on topics such as: The rights and responsibilities of the social worker; Bullying – from indifference to intervention; A voice for sick children; Infectious syndromes in medical practice; News in Pediatric Pathology, etc.

NPM members participated in the second professional training session of the People's Advocate institution, organized in Albac commune, Alba county, between September 12-14, 2023, among the topics discussed being: Investigations - procedures and discussions; Aspects related to the protection and processing of personal data; Actions carried out by the People's Advocate institution jointly with other state institutions/authorities; Cyber security etc.

► **NPM meetings** took place with non-governmental organizations with which the People's Advocate institution has signed collaboration protocols, for example: "Împreună pentru ei" Humanitarian Association Baia Mare; ANAIS Association; Romanian Group for the Defense of Human Rights; European Association for Human and Child Protection; European Association of Human Rights and Social Protection; Galați "Familia" Foundation; Association of Christian Roma "Calea, Adevărul și Viața" Bacău; Association for Community Support and Social Integration Iasi; "Aproape de Oameni" Association Iași; Organization for the Defense of Human Rights - Craiova Regional Branch; Foundation for the Defense of Citizens Against State Abuses,

within which topics related to the mandate, organization, main attributions and mode of action of the NPM were addressed, the organization of monitoring visits and aspects found during 2022, as well as the main obligations that NGOs have in the relationship with the NPM, as a result of the visits they participate in.

► Meetings were held **with external collaborators** (doctors, psychologists and social workers) on professional topics: national and international legislation regarding the prohibition and prevention of torture, aspects found in the NPM visits regarding the provision of medical/psychological/social assistance, drawing up reports visit, presentation of the report on the NPM activity for the year 2022, etc.

[Collaboration with CAT, SPT, CPT and other international partners](#)

► **Committee against Torture (CAT** – established by the Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment)

For the first time since its establishment, NPM had an online (private, plenary) meeting with members CAT, on July 17, 2023, during the 77th CAT session, in the context of the analysis of Romania's third periodic report on the implementation of the Convention against Torture or other Cruel, Inhuman or Degrading Treatment or Punishment in Romania (CAT/C/ROU/3). Also, at the CAT's request, the NPM communicated information regarding the implementation of the Convention in Romania and the situation of the NPM (its achievements and challenges under the Convention).

► **The Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT)**

The NPM members had online meetings and corresponded with the SPT rapporteurs for Romania: with Ms. Suzanne Jabbour, SPT president and SPT responsible for Romania, on topics such as: "The operation and activity of the NPM /current priorities and challenges/ the involvement of the People's Advocate institution / NPM in the Ukrainian refugee crisis" and with Mr. Martin Zinkler (the SPT rapporteur for Romania, starting with March 2023), on the following topics: the main concerns arising from the visits; the situation in institutions for people with psychosocial disabilities; mental health in prisons; The NPM report for the year 2022, etc.

Also, NPM participated in events organized by SPT: "Anniversary of the 20th anniversary of the existence of OPCAT and 15 years of activity of SPT" (February 9, 2023); "Strengthening the role of the NPM in the prevention of torture", with the participation of the European National Prevention Mechanisms (June 7, 2023), as well as at the public debate on the First General Comment on art. 4 of OPCAT - *definition of places of detention* (June 8, 2023), in the elaboration of which the documents sent by NPM Romania were taken into account (both directly, by NPM, and through the Ministry of Foreign Affairs - Department of International Organizations and Multilateral Affairs).

► **The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)**

NPM representatives are part of the working group set up at the Prime Minister's Chancellery to analyze the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT), after the visit to Romania, between September 18-30, 2022.

In this context, it should be noted that, unlike previous CPT visits to Romania, this time, the representatives of the Romanian Government involved did not make the CPT report available to the NPM, before it was published. The report was communicated by a CPT representative, who was perplexed by the attitude of the Romanian state, given that NPM Romania collaborated with

the CPT (by providing information and having meetings) on the occasion of its visit to Romania. NPM mentioned this situation in the correspondence with the Control Body of the Prime Minister who requested, from the NPM, information regarding the evaluation of the findings, conclusions and recommendations contained in the CPT report.

► **National Prevention Mechanisms - SEE NPM Network**

NPM Romania is part of the South-Eastern Europe Network of National Preventive Mechanisms. Also in 2023, NPM members maintained contact with other NPMs and participated in meetings/training sessions organized by them: round table dedicated to the 75th anniversary of the adoption of the Universal Declaration of Human Rights with the theme "Implementation of the Human Rights Action Plan for 2022-2024", organized by the National Center for the Prevention of Torture of the Kyrgyz Republic and the round table organized by the NPM in Great Britain, with the theme " Self-harm, women at risk of self-harm in prison".