



**Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment**

Distr.: General
7 June 2016

Original: English
English and French only

Committee against Torture

**Concluding observations on the second periodic report of
Romania**

Addendum

**Information received from Romania on follow-up to the
concluding observations***

[Date received: 25 May 2016]

* The present document is being issued without formal editing.

GE.16-09149(E)



* 1 6 0 9 1 4 9 *

Please recycle



Follow-up to paragraph 8 of the concluding observations

Aspects on the prolonged detention in police detention and arrest centres

1. According to the national law,¹ there are two categories of preventive detainees (prisoners):

(a) Preventive detainees during the criminal prosecution – according to Art. 108 of Law No. 254/2013, with further amendments, the preventive measure shall be served in the police preventive detention and arrest centres (Ministry of the Interior);

(b) Preventive detainees during the trial phase – after sending the case in front of the court, the preventive arrested persons shall be transferred to the penitentiary.²

2. From the perspective of the aspects pointed out by the UN Committee against Torture (CAT), the provisions of Art. 236 para. (4) of Law No. 135/2010 on the Criminal Procedure Code, with further amendments are also relevant, according to which “the total period of the preventive arrest of the defendant during the criminal prosecution cannot outrun a reasonable term and cannot be longer than 180 days”.

3. As for the situation of the convicted persons, we want to point out that according to Art. 11 of Law No. 254/2013, the life detention and imprisonment sanctions shall be served in penitentiaries.

4. As for the minor preventive detainees, according to Art. 243 para. (2) of Law No. 135/2010 on the Criminal Procedure Code, with further amendments, “the confinement and preventive arrest can be disposed against a minor defendant, in exceptional circumstances, and only if the effects of the freedom deprivation on his/her personality and development are not disproportionate for the purpose of such measure.”

5. As for the transfer of convicted or preventive arrested persons from the penitentiary units to the police detention and preventive arrest centres under the subordination of the Romanian Police, we want to point out that it is made according to the provisions of Art. 45 para. (6) of Law No. 254/2013. According to these legal provisions; “the transfer of the detainees in the police detention and preventive arrest centres under the subordination of the Ministry of Interior, necessary for the activity of the judicial bodies, shall be done with the approval of the manager of the penitentiary and informing of the judge supervising the detention. The period and the reasons of the transfer shall be included in the official note, written and signed, as the case maybe, by the chiefs of the General Inspectorate of the Romanian Police, of the county police inspectorates, the General director of the Police General Directorate of Bucharest Municipality or of the General Directorate for Anticorruption, endorsed by the prosecutor. At the expiration of the period, the detainee shall be sent to the penitentiary where he/she has been sent from.”

6. According to Art. 115 para. 1 of Law No. 254/2013 on serving the sentences and of the custodial measures ordered by the judicial bodies during the criminal trial “After sending the case in front of the courts, the preventive arrested persons shall be transferred to the penitentiary”, and according to Art. 120 para. 1 in the Law No. 254/2013, “During the trial phase, the preventive arrest shall be served in the special preventive arrest sections in the penitentiaries or the preventive arrest centres attached to the penitentiaries , which shall be organized and function under the subordination of the National Administration of Penitentiaries.”

¹ Law No. 254/2013 on serving the sentences and the custodial measures ordered by the judicial bodies during the criminal trial.

² Art. 115 alin. (1) of Law No. 254/2013.

7. The Government Decision No. 157/2016 for the approval of the Regulation for the application of Law No. 254/2013 on serving the sentences and the custodial measures ordered by the judicial bodies during the criminal trial was published in the Official Gazette No. 271 of 11 April 2016.

8. According to the Regulation for the application of the Law No. 254/2013, Art. 268 stipulates on the receiving of preventive arrested persons in penitentiary:

“Art. 268 Receiving of preventive arrested persons in preventive arrest centres and preventive arrest sections in the penitentiaries

(1) Preventive arrested persons sent to trial shall be received in special preventive arrest sections in the penitentiaries or the preventive arrest centres attached to the penitentiaries on the basis of the preventive arrest warrant and of the confinement ordinance, if it has been issued, in original or in the form received from the court through fax, e-mail or any other means allowing establishing the authenticity of the document, according to Art. 230 para. (4¹) of the Criminal Procedure Code, signed, dated and stamped by the police body which enforces it and on the basis of the minutes/interim judgment through which the preliminary chamber judge or the court has disposed the maintaining of the preventive arrest measure against the defendant, the provisions of Art. 43 para. (1) – (3) of Law and Art. 97 shall be applied accordingly.

(2) The minutes provided for at para. (1) shall include the number, the date of the indictment document and the issuing body, and in the situation they are not mentioned, the minute shall be accompanied by a copy of the indictment document.”

9. As far as the receiving in the penitentiary units of persons convicted to imprisonment sanctions through final decisions is concerned, it is achieved according to the provisions of Art. 43 in the Law No. 254/2013, stipulating at paras. (1) and (2):

“(1) the receiving of convicted persons in penitentiaries may be done anytime, on the basis of the serving the imprisonment sentence warrant, after establishing their identity. The convicted persons shall be sent to the nearest penitentiary to the place where they have been arrested or detained, no matter the profile of the penitentiary, with the compliance of sex and age as well as major or minor persons separation principles.

(2) Convicted persons shall be received from the bodies enforcing the serving the imprisonment sentence warrant, on the conditions and with the documents provided for by the regulation for the application of this law, gathered in a file.”

10. Taking into consideration all the above mentioned aspects, the transfer of the preventive arrested or convicted persons from the *confinement and* preventive arrest centres under the subordination of the General Inspectorate of the Romanian Police to the penitentiary units shall be achieved according to the currently in force legal provisions and to the dispositions within the guiding notifications sent to the penitentiary units.

11. In the table below we present the situation of the convicted persons, sent, from 01.01.2014 up to now in the detention centres subordinated to the National Administration of Penitentiaries.

Year	Total	Convicted persons		
		Preventive arrested persons	through final decisions	Persons having other waiting warrants
01.01. - 31.12.2014	11,420	1,171	9,736	513
01.01. - 31.12.2015	12,720	775	8,876	3,069
01.01. - 31.03.2016	3,341	141	1,943	1,257

Aspects on the detention material conditions

12. As far as the improvement of the detention material conditions within the confinement and preventive arrest centres under the subordination of the Romanian Police is concerned, this aspect is permanently under the attention of the leading board of the Ministry of Interior. For this purpose there have been used funds of a total value of 5,212.24 thousand lei, according to the “Multiannual program on the necessary funds for repairs, modernizations and investments at the confinement and preventive arrest centers for 2013-2017.”

13. Thus, following the consolidation, modernization and extension works made up to now, 9 of the confinement and preventive centres meet the minimal detention conditions according to the currently in force legal provisions and European standards.

14. At the same time, starting with 2016 there have been allocated funds of a total value of 2,539,538 euro for the initiation or continuing the works at 8 confinement and preventive arrest centres, and at their finalization they are to meet the minimal detention conditions. As for the other centres, they have been included in an action plan which contains short, medium and long term measures, according to which modernization and extension works will be made, the projects for building new centres being already initiated.

15. Even more, for reducing to minimum the negative consequences of the overcrowding and for ensuring a living space of at least 4 m² in the common cells for the each detainee, measures have been disposed for the transfer of detainees in other confinement and preventive arrest centres, without affecting the carrying on of the criminal trial.

Follow-up to paragraph 9

Excessive use of force by law enforcement officials, statements made as a result of torture and ill treatment

General Aspects

16. According to Art. 106 para. (1) of Law No. 135/2010 on the Criminal Procedure Code, with further amendments, if during the hearing of a person, he/she shows obvious signs of excessive tiredness or the symptoms of a disease affecting his/her physical or psychic capacity to participate to the hearing, the judicial body shall dispose the interruption of the hearing and, as the case maybe, shall take measure that the person were consulted by a doctor.

17. Besides these provisions, we should also mention the provisions of Art. 39 of Law No. 218/2002 on the organization and functioning of the Romanian Police, with further amendments, according to which the police officer has the obligation to take the necessary measures to protect the life, health and the corporal integrity of the persons he/she is guarding, and especially, to take immediate measures that the medical care were ensured each time when it is necessary.

18. Also, the Police Officer’s Ethical and Deontological Code, approved by the Government Decision No. 991/2005, referring to the deontology of the police measures, stipulates at Art. 10 that:

“(1) The measures which can be taken by the police under the legal conditions and which entail a person’s deprivation of freedom shall be taken only in the situations in which there are least hints regarding the existence or the imminence of committing a criminal offence, with the compliance of the legal procedure, and they shall not overrun the period of time strictly necessary for reaching their purpose.

(2) The persons subject to measures taken under the conditions of para. (1) must be informed on the reasons of their deprivation of freedom, the applicable procedure for that situation and to be ensured the possibility to exercise their rights according to the quality they have in the respective situation.

(3) During the application of the measures taken under the conditions of para. (1) the police officers shall assess the situation and take all the measures necessary for the person's safety, for monitoring his/her health status, ensuring the proper hygienic and alimentation conditions.

(4) During the contacts with the persons against whom custodial were taken, as well as during the investigations, the police officer has to strictly observe the legal procedural provisions."

19. As far as the access to a doctor is concerned, from the moment of reaching to the confinement and preventive arrest centres, it shall be ensured according to the provisions of Art. 71-73 of Law No. 254/2013, regulating the right of the persons deprived of freedom to medical assistance, treatment and care. These rights shall be ensured both through the medical units subordinated to the Medical Department within the Ministry of Interior, a structure coordinating the medical care in these centres, and through the public sanitary units, for medical emergency situations.

20. According to the provisions of Art. 72 para. (3) of Law No. 254/2013³ "in the situation in which there are violence signs or the convicted persons alleges he/she has been subject to violence, the doctor which carries out the medical examination has the obligation to note down in the medical record his/her founding and the statements of the convicted person on it or on any other aggression and to immediately notify the prosecutor."

21. The modality of managing the confiscated objects or taken for confiscation is regulated through the Order of the Minister of Interior No. 73/2013 on the organization and functioning of the spaces instrumentalities and proceeds of crime. The compliance with the provisions of the normative act eliminates the risk of eventual malfunctions, the control activity also including the modality of complying these legal provisions.

22. Also, the implementation of the new criminal procedural provisions on carrying out the hearing activities in special rooms, endowed with audio/video recording means, significantly diminishes the risk of malfunctions from the point of view of not complying the suspects/defendants' rights.

23. We want to point out that the personnel functioning within the confinement and preventive arrest centres under the subordination of the Romanian Police is different from the personnel having the quality of criminal investigation body within the judicial police (which deals with the criminal file in which the preventive measure was taken) and between them there is no subordination relation.

24. At the same time, we want to mention that, on the occasion of the missions and visits of the national/international bodies or non-governmental organisations with attribution in the field of human rights, at the level of the detention rooms or of the administrative spaces within the confinement and preventive arrest centres there have not been identified objects susceptible to lead to the supposition that they may be used for the purpose of ill treatments.

25. Besides it, the leading board of the Romanian Police have disposed that all the unit chiefs regularly disseminate a message of zero tolerance for any potential torture acts or ill

³ Medical examination.

treatment, for non-carrying out the office duties and non-understanding the role of the police officers within the community, aspects which are and shall be subject to systematic controls and verifications.

26. Also, the topics for the professional training have included in 2015: the juridical protection of human rights in police activity, internal and international documents for preventing torture and ill treatment, the rights of the persons serving the imprisonment sentences and modalities of exercising their rights.

27. At the invitation of the Directorate for Equal Opportunities for Men and Women, the representatives of the General Inspectorate of Romanian Police have participated in 2015 at the professional training programmes organized within the project “START – a safe quality life”, co-financed from the European Social Fund and implemented in partnership with the “Mihai Viteazul” National Intelligence Academy. There have been organized training sessions to which 1,630 police officers have participated, sessions including relevant topics for this issue (compliance of human rights, equal opportunities and non-discrimination).

28. Also, according to the activity 1.2 within the project “Strengthening the capacity of the pre-trial detention system to comply with the relevant international human rights instruments”, in 2015 there have been organized professional training sessions for the police officers within the confinement and preventive arrest centres within the Institute for Public Order Studies, the Cluj Napoca “Septimiu Muresan Police Officers School”, Câmpina “Vasile Lascăr Police Officers School”, Slatina “Nicolae Golescu Center for Initial and Continuous Professional Training for Police Officers” and Iași “School for Initial and Continuous Professional Training for Customs Police Officers” – 832 police officers.

29. At these seminars there have been debated topics on compliance with human rights, prevention and fighting torture, equal opportunities and non-discrimination and the didactic activities have been carried out by trainers trained within the project and experts appointed by the Council of Europe.

Aspects on the investigation of the case pointed out by the CPT at the Ilfov Police County Inspectorate

30. On 15.09.2010, a criminal file was recorded at the Prosecutor’s Office attached to the Bucharest Court of Appeal, after an *ex officio* intimation, with No. 1606/P/2010, regarding the alleged committing of illegal arrest and abusive investigation provided by Art. 266 paras. 1 and 2 in the former Criminal Code by officers of the Ilfov Police County Inspectorate, and of omission of notifying the judicial bodies provided by Art. 263 of the former Criminal Code by the on call doctor within the Centre for Confinement and Preventive Arrest No. 3, the quality of injured persons being held by the arrested person D.V. and A.F.

31. After that, at the file were attached more complaints formulated on similar aspects and other criminal files initially recorded at the Prosecutor’s Office attached to the Bucharest Court of Appeal were joined to it.

32. The file was solved through the Ordinance of the Prosecutor’s Office attached to the Bucharest Court of Appeal No. 1606/P/2010 on 25.10.2011 disposing the non-initiation of the criminal prosecution.

33. The complaints filed by the injured persons against the Ordinance of the Prosecutor’s Office attached to the Bucharest Court of Appeal No. 1606/P/2010 on 25.10.2011 were dismissed as ill-founded by the General Prosecutor of the Prosecutor’s Office attached to the Bucharest Court of Appeal through Resolution No. 3275,3325/II-2/2011 on 23.11.2011.

34. The Bucharest Court of Appeal, through the final criminal sentence No. 240/07.06.2012, rendered in the file No. 1691/2/2012 dismissed as ungrounded the appeal formulated by A.F., maintaining the appealed solution.

35. The case severed from the file of the Prosecutor's Office attached to the Bucharest Court of Appeal No. 1606/P/2010 was registered on 24.11.2011 at the Prosecutor's Office attached to the Bucharest Tribunal with No. 7034/P/2011.

36. Through the resolution No. 7034/P/2011 on 04.01.2012 it was disposed the non-initiation of the criminal prosecution for illegal arrest and abusive investigation at Art. 266 of the former Criminal Code, submission to ill treatment at Art. 267 in the former Criminal Code, abusive behaviour at Art. 250 of the former Criminal Code and omission of notifying the judicial bodies at Art. 263 of the former Criminal Code, with the reasoning that there are not met all the constitutive elements of these criminal offences.

37. The solution of the Prosecutor's Office attached to the Bucharest Tribunal was not challenged.

Aspects on the CAT recommendation regarding the “establishing an independent monitoring and oversight mechanism in order to avoid the investigation of complaints by peers, through internal disciplinary procedures of the Ministry of the Interior”

38. Important amendments were brought to the Law No. 360/2002 on the Statute of the Police Officer.

39. Thus, currently, according to Art. 62⁵ of the above mentioned law, “in the situation in which during the disciplinary investigation, there is reasonable suspicions that criminal offences have been committed, the police officer appointed to carry out the preliminary investigation or, as the case maybe, the members of the council, shall draw up a minute on the circumstances they have found, for lodging the case to the competent criminal prosecution bodies, under the conditions of Art. 61 of Law No. 135/2010 on the Criminal Procedure Code, with further amendments. In such situation, the disciplinary procedure for these deeds shall be suspended until the final solution of the criminal case.”

40. Also, according to provisions of Art. 286 para. (1) of the Criminal Procedure Code, “the prosecutor shall dispose on the procedural acts or measures and shall solve the case through ordinance”. Therefore, in the situation in which there is a file lodged for the committing deeds of criminal nature (for example: abusive investigation, submission to ill treatment, torture etc.), the prosecutor making the criminal prosecution may delegate to the criminal prosecution bodies, through ordinance, the carrying out of certain criminal prosecution acts, but “the initiation of the criminal action, taking or proposing restrictive measures on one's rights and freedoms, approving the gathering of certain evidence, or disposing other procedural acts or measures shall be mandatorily done by the prosecutor.”

Statistical aspects

Statistical aspects – Ministry of Internal Affairs

41. Within the period 2007 – 17.02. 2016, a number of 46 policemen (8 police officers and 38 police agents) have been convicted for deeds which could be deemed a breach of Art. 3 of the European Convention on Human Rights, namely “abusive investigation” and “abusive behaviour”. For two of the above mentioned policemen (one police officer and one police agent), the courts have ordered the postponement of the penalties disposed.

42. At the level of the Romanian Gendarmerie, during the same period, an officer and 16 military foremen/non-commissioned officers have been convicted for committing the

criminal offences of abusive behaviour, and 1 military foreman/non-commissioned officer has been convicted for torture.

43. Any intimation on such deed is managed by a structure carrying out verification activities on the aspects notified by the citizens on alleged abuses regarding the excessive use of force on the occasion of carrying out their office duties by the personnel within the Romanian Gendarmerie.

44. In the situation in which there are serious data or hints on committing such abuses, the commanders of the gendarmes units have the obligation to lodge the case to the territorially competent military prosecutor's offices.

Statistical aspects – Prosecutor's Office attached to the High Court of Cassation and Justice

45. From the data submitted by the Prosecutor's offices attached to the Courts of Appeal, it resulted that, between 2013-2015, a number of 8.634 criminal files have been recorded on criminal offences of torture, abusive investigation, submission to ill treatment and abusive behaviour, provided by Art. 282, Art. 280, Art. 281 and Art. 296 of the Criminal Code, committed by state force agents (2,786 in 2013, 2,984 in 2014 and 2,864 in 2015).

46. A total of 22 indictments have been issued, as it follows: 20 indictments for abusive behaviour Art. 296 Criminal Code (Art. 250 of the former Criminal Code) and 2 indictments for abusive investigation Art. 280 Criminal Code (Art. 266 of the former Criminal Code).

47. Through these indictments, 23 police agents, 5 police officers, 1 gendarme and 1 agent within the Community Police have been sent to stand trial.

Statistical aspects – Courts

48. As for the number of convicted persons between 2013-2015 for the offences at Art. 250 former Criminal Code, Art. 266 of the former Criminal Code, Art. 280 and Art. 296 of the Criminal Code, Art. 266 of the former Criminal Code, Art. 267 (1) of the former Criminal Code, Art. 281 and Art. 282 of the Criminal Code, we present below a table including the situation of the persons convicted in first instance, by the courts of first instance, tribunals(county courts) and courts of appeal between 2013-2015, in criminal files having as main object the above mentioned offences.

Object of the file	Reference period	Competent court	Number of convicted persons						
			Total	Majors	M	F	Minors	M	F
Art. 250 Former Criminal Code - Abusive behaviour	01.01.2013 - 31.12.2013	Court of first instance	14	14	14	0	0	0	0
		Tribunal	6	6	6	0	0	0	0
		Court of Appeal	0	0	0	0	0	0	0
	01.02.2014 - 31.12.2014	Court of first instance	16	16	16	0	0	0	0
		Tribunal	1	1	1	0	0	0	0
		Court of appeal	3	3	3	0	0	0	0
	01.01.2015 - 31.12.2015	Court of first instance	5	5	5	0	0	0	0
		Tribunal	2	2	2	0	0	0	0
		Court of appeal	0	0	0	0	0	0	0

Object of the file	Reference period	Competent court	Number of convicted persons						
			Total	Majors	M	F	Minors	M	F
Art. 266 former C. Code - Illegal arrest and abusive investigation	01.01.2013 - 31.12.2013	Court of first instance	0	0	0	0	0	0	0
		Tribunal	0	0	0	0	0	0	0
		Court of appeal	3	3	2	1	0	0	0
	01.02.2014 - 31.12.2014	Court of first instance	0	0	0	0	0	0	0
		Tribunal	0	0	0	0	0	0	0
		Court of appeal	0	0	0	0	0	0	0
	01.01.2015 - 31.12.2015	Court of first instance	0	0	0	0	0	0	0
		Tribunal	0	0	0	0	0	0	0
		Court of appeal	0	0	0	0	0	0	0
Art. 280 C. code - Abusive investigation	01.02.2014 - 31.12.2014	Court of first instance	0	0	0	0	0	0	0
		Tribunal	0	0	0	0	0	0	0
		Court of appeal	0	0	0	0	0	0	0
	01.01.2015 - 31.12.2015	Court of first instance	0	0	0	0	0	0	0
		Tribunal	0	0	0	0	0	0	0
		Court of appeal	0	0	0	0	0	0	0
Art. 296 C. code - Abusive behaviour	01.02.2014 - 31.12.2014	Court of first instance	0	0	0	0	0	0	0
		Tribunal	0	0	0	0	0	0	0
		Court of appeal	0	0	0	0	0	0	0
	01.01.2015 - 31.12.2015	Court of first instance	2	2	2	0	0	0	0
		Tribunal	0	0	0	0	0	0	0
		Court of appeal	0	0	0	0	0	0	0
Art. 267 former C. Code - Submission to ill treatment	01.01.2013 - 31.12.2013	Court of first instance	0	0	0	0	0	0	0
		Tribunal	0	0	0	0	0	0	0
		Court of appeal	0	0	0	0	0	0	0
Art. 267(1) former C. Code - Torture	01.01.2013 - 31.12.2013	Court of first instance	0	0	0	0	0	0	0
		Tribunal	0	0	0	0	0	0	0
		Court of appeal	0	0	0	0	0	0	0
Art. 281 C. code - Submission to ill treatment	01.02.2014 - 31.12.2014	Court of first instance	0	0	0	0	0	0	0
		Tribunal	0	0	0	0	0	0	0
		Court of appeal	0	0	0	0	0	0	0
	01.01.2015 - 31.12.2015	Court of first instance	0	0	0	0	0	0	0
		Tribunal	0	0	0	0	0	0	0
		Court of appeal	0	0	0	0	0	0	0

Object of the file	Reference period	Competent court	Number of convicted persons						
			Total	Majors	M	F	Minors	M	F
Art. 282 C. code - Torture	01.02.2014 - 31.12.2014	Court of first instance	0	0	0	0	0	0	0
		Tribunal	0	0	0	0	0	0	0
		Court of appeal	0	0	0	0	0	0	0
	01.01.2015 - 31.12.2015	Court of first instance	0	0	0	0	0	0	0
		Tribunal	0	0	0	0	0	0	0
		Court of appeal	0	0	0	0	0	0	0

Follow-up to paragraph 16 The National Preventive Mechanism (NPM)

49. The institution of the Ombudsman, through the Department on preventing torture in detention places, has been designated by the Emergency Government Ordinance No. 48/2014 on amending Law No. 35/1997 on organizing and functioning of Ombudsman, as well as on amending other normative acts as the only national structure fulfilling the specific attributions for the National Mechanism for preventing torture in detention places, in the sense of the Optional Protocol, adopted in New York on 18 December 2002, to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, adopted in New York, on 10 December 1984, ratified by Law No. 109/2009.

Allocated human and financial resources

50. As far as the personnel is concerned, according to Art. II para. (4) and (5) of the EGO No. 48/2014, approved with amendments by Law No. 181/2014, the number of personnel financed according to the law has been supplemented with a Deputy of the Ombudsman and 23 positions within the Department for preventing torture in detention places. The necessary funds for these amendments were ensured starting with 1st January 2015.

51. The EGO No.48/2014 was approved through Law No. 181 on 29 December 2014, published in the Romanian Official Gazette, 1st part, No. 6 on 6 January 2015.

52. As far as the financial resources are concerned, the budget allocated in 2015 was of 1,868 thousand lei, exclusively used for the NPM, and for 2016 the NPM budget is of 2,700 thousand lei.

Setting up multidisciplinary teams

53. The preliminary activities for the functioning of the NPM aimed at ensuring the organizational framework for the collaboration with the professional associations and non-governmental associations, taking into account that the monitoring the compliance of the rights of detained persons is carried out through multi-disciplinary teams. In this sense:

- The regional centres of the Department for preventing torture in detention places have been established in the detention centres and the counties within their jurisdiction.

54. According to Art. 29⁴ para. (1)-(3) of Law No. 35/1997, republished, with further amendments, the Department for preventing torture in detention places shall be organized in a central structure and a territorial structure. The central structure shall also include the

Bucharest regional centre and the Territorial structure shall be made of 3 regional centres. The Ombudsman shall establish through order the locations where the regional centres are situated and the counties under their jurisdiction, as well the criteria for selecting the personnel within the Department for preventing torture in detention places. In this sense:

- The Ombudsman has issued the Order on approving the Structure of the Department for preventing torture in detention places, namely: the Central Structure, including the Bucharest Regional Centre (with the counties: Buzău, Călărași, Constanța, Dâmbovița, Ialomița, Ilfov, Giurgiu, Prahova, Teleorman și Tulcea) and the Territorial Structure made of 3 Regional Centres:
 - **Regional Centre Alba**, with the counties: Alba, Bihor, Bistrița-Năsăud, Brașov, Cluj, Covasna, Harghita, Hunedoara, Maramureș, Mureș, Sălaj, Satu-Mare și Sibiu;
 - **Regional Centre Bacău**, with the counties: Bacău, Botoșani, Brăila, Galați, Iași, Neamț, Suceava, Vaslui și Vrancea;
 - **Regional Centre Craiova**, with the counties: Arad, Argeș, Caraș-Severin, Dolj, Gorj, Mehedinți, Olt, Timiș și Vâlcea.
- The Ombudsman has issued the Order on the criteria for selecting the personnel within the Department for preventing torture in detention places.
- Competitions for filling in the legal counsellors and specialists positions (doctors, psychologists, social assistants) have been organized.

55. The activity of the Department has started on 1 January 2015, being carried out, up to the hiring of the legal counsellors, with personnel within the other departments of the Ombudsman. The activity of the Regional Centres Alba and Bacău has started in April and the activity of the Regional Centre Craiova has started in May. Currently, the personnel scheme is as follows: Regional Centre Bucharest 3 legal counsellors (1 legal counsellor position is vacant), and the Regional Centres Alba, Bacău, Craiova 1 legal counsellor.

56. Currently, the specialists/social assistant positions for the Regional Centres Bucharest and Bacău are occupied. The physician positions at the Regional Centres Bucharest and Craiova have been occupied through competition. The competition for the vacant psychologist positions at the Regional Centres Bucharest, Alba and Craiova and doctor positions at Regional Centres Alba and Bacău are to be resumed.

- Meetings with the professional associations (Romanian College of Physicians, Romanian College of Psychologists, National College of Social Assistants and Romanian Sociology Association) have been organized and collaboration protocols have been concluded.

57. According to Art. 29⁵ para. (1) and Art. 29⁶ para. (1) of Law No. 35/1997 on the organizing and functioning of the Ombudsman, republished, with further amendments, for carrying out the activities of the Department for preventing torture in detention places at the level of the central and territorial structure external collaborators – of other specialities than the ones of the permanent employees – shall be co-opted, on the basis of service contracts. The external collaborators are selected by the Ombudsman, on the basis of the proposals received from the Romanian College of Physicians, Romanian College of Psychologists, National College of Social Assistants, Romanian Sociology Association and other professional association they are part of.

58. After meetings with the representatives of the professional associations, collaboration protocols have been concluded with: Romanian College of Physicians (Protocol No. 3 on 12th February 2015), Romanian College of Psychologists (Protocol No.

1 on 6th February 2015), National College of Social Assistants (Protocol No. 2 on 11th February 2015), Romanian Sociology Association (Protocol No. 11 on 16 March 2015).

59. Romanian College of Psychologists, National College of Social Assistants and Romanian College of Physicians have submitted proposals for the external collaborators, and after a file selection, the lists of external collaborators have been drawn up (published on the Ombudsman's site), approved by the Ombudsman through: Order No. 115 on 29 July 2015 completed through Order No. 25 of 16 February 2016 (46 psychologists); Order No. 163 on 1 October 2015, completed through Order No. 26 of 16 February 2016 (21 social assistants), Order No. 201 of 19 November 2015 completed through Order No. 44 on 28 March 2016 (29 physicians).

Using the expertise in the field of the organisations belonging to civil society

60. According to Art. 29⁴ para. (4) of Law No. 35/1997, republished, with further amendments, "At the activity of preventing torture there will participate the representatives of the non-governmental organizations activating in the field of the protection of human rights, selected by the Ombudsman, on the basis of their activity".

61. Collaboration Protocols with 26 NGOs have been concluded:

62. At the level of the Regional Centre Bucharest Collaboration Protocols with 9 NGOs have been concluded: Transparency International Romania; Romanian Group for the Protection of Human Rights (GRADO); European Association for Human Rights (AEPADO); Romanian National Council for Refugees (CNRR); Association "Drawing your future" (DVT); Association ANAIS; Romanian Association for Human Rights (SRDO); Romanian Independent Association for Human Rights (SIRDO); Mental Health for Life Quality Association.

63. At the level of the Regional Centres Collaboration protocols have been concluded with 17 NGOs: Organization for the Protection of Human Rights Dolj Branch (OADO); Pro Democracy Association- Piatra Neamț; Christian Roma People Association "The path, the truth and the Life" Bacău; The League for the Protection of Human Rights (LADO); SOS Gorj Children; Pro Democracy Association Caracal; The Organization for Defending Human Rights -Timișoara; Pro Democracy Association Club Brăila; The Organization for Defending Human Rights (OADOR), Hunedoara Branch; Democratic Union of Roma People -Alba; Pro Democracy Association Club Botoșani; The League for the Protection of Human Rights / Satu Mare Branch; The League for the Protection of Human Rights (LADO)- Cluj Branch; Iris Association (Vaslui); The Association for Community Partnership Brașov; Association AMURADIA Brașov; Association for Community Safety and Antidrog (ASCA) Harghita.

Organizing regular visits

64. During 2015, 54 visits in various detention have been organized and visit reports have been submitted, including recommendations for solving irregularities, improving the treatment and the life conditions of the detainees, as well as for preventing torture and inhuman or degrading punishments and treatments.

65. Also, after the investigations which have been carried out, 5 recommendations have been issued, for the Timișoara Penitentiary, Botoșani Penitentiary, Pelendava Penitentiary, as well as for the National Administration of Penitentiaries – the Iași Penitentiary and the Tichilești Penitentiary.