

ROMANIA REVIEW

I. Justice System

B. Quality of justice

Accessibility of courts (e.g. court/legal fees, legal aid, language)

In its 2023 concluding observations, the Committee against Torture took note of Romania's establishment of a unified national register on deprivation of liberty. However, the Committee was concerned that despite legislation which establishes fundamental legal safeguards for persons deprived of their liberty, such safeguards are not always applied in practice. In particular, the Committee expressed its concern at reports that detained persons are not always afforded the opportunity to consult with legal counsel and that the confidentiality of their conversations is sometimes violated. In addition, detained persons were not always sufficiently informed of their rights or the charges against them in a manner they understand, be it due to challenges in comprehension, excessively formalistic provisions contained in the documentary materials provided, lack of interpretation or translation, or the failure of the detaining authorities to provide any information at all. The Committee thus recommended that Romania should ensure that all fundamental legal safeguards are guaranteed, both in law and in practice, for all detained persons from the outset of their deprivation of liberty, including the rights: to be fully and comprehensively informed of their rights, the reason for their arrest and any charges against them, in a language that they understand and in an accessible manner and; to have access to and consult with a lawyer prior to, during and after interrogation, have the confidentiality of privileged conversations guaranteed and, if necessary and applicable, have access to free legal aid ([CAT/C/ROU/CO/3](#), paras. 9, 10 (a), (b)).

Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)

In its 2023 concluding observations, the Committee against Torture took note of information provided by Romania on the training of personnel in subjects related to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, including courses on the application of the Istanbul Protocol for doctors and medical assistants. However, it regretted that it has received no information regarding the provision of similar training to prosecutors, judges and other relevant staff (art. 10). The Committee recommended that the Romania should: further develop mandatory initial and in-service training programmes to ensure that all public officials are well acquainted with the provisions of the Convention, especially the absolute prohibition of torture, and that they are fully aware that violations will not be tolerated and will be investigated, and that those responsible will be prosecuted and, on

conviction, appropriately punished; ensure that all relevant staff, including medical and psychological personnel, are specifically trained to identify cases of torture and ill-treatment, in accordance with the revised version of the Istanbul Protocol; develop a methodology for assessing the effectiveness of training programmes in reducing the number of cases of torture and ill-treatment and in ensuring the identification, documentation and investigation of such acts, as well as the prosecution of those responsible ([CAT/C/ROU/CO/3](#), paras. 25, 26 (a), (b), (c)).

More specifically, the Committee against Torture urged Romania to ensure continued training of law enforcement officials, prosecutors and the judiciary on hate-motivated crimes and the systematic monitoring of such crimes with relation to police violence and attacks on Roma. The Committee further noted the positive steps Romania has taken in order to combat and respond to gender-based and domestic violence, including sexual offences against minors. Nevertheless, the Committee recommended that Romania provide mandatory training on the prosecution of gender-based violence to all justice officials and law enforcement personnel in order to combat the social stigma experienced by victims of domestic and gender-based violence and build trust between victims and the relevant authorities. Romania should also continue to strengthen its efforts to combat trafficking in human beings, ensuring that such cases are thoroughly investigated, including in the absence of a complaint, and that suspected perpetrators are prosecuted and, if convicted, punished with appropriate sanctions. Romania should also ensure that victims obtain full redress, including adequate compensation and rehabilitation, have access to free legal and medical assistance, and are not criminalized for offences which they have committed as a result of their being trafficked. In that regard, Romania should train judges, law enforcement officials and immigration and border control officers in the early identification of victims of trafficking and their referral to appropriate social and legal services (, paras. 16 (c), 19, 20, 22).

Moreover, the Committee against Torture was concerned over reports of pushbacks at the border of Romania, which in some cases have been accompanied by various forms of ill-treatment, including beatings and degrading treatment. In addition, the Committee was concerned that there is a lack of experienced, qualified interpreters to assist in victim identification processes, and in the asylum system more generally, and border officials and others participating in the asylum process lack adequate training in identifying victims of trafficking in human beings, gender-based persecution and violence, and other vulnerable aspects of asylum-seekers. The Committee recommended that Romania should ensure that all acts of torture and ill-treatment committed in any territory under its jurisdiction, including at the Romania's borders, are thoroughly investigated and that suspected perpetrators, including those suspected of having consented to or acquiesced in acts of torture and ill-treatment, are prosecuted and, if convicted, punished with appropriate sanctions. Further, Romania should provide adequate training to law enforcement agents, judges and all others who participate in the asylum process on the identification of and assistance to vulnerable categories of persons, and on international refugee law and international human rights law, with specific reference to

the principle of non-refoulement (, paras. 23 (c), 24 (b)).

C. Efficiency of the justice system

Other

Psychiatric institutions and social care facilities - In its 2023 Concluding observations, the Committee against Torture expressed its deep preoccupation over allegations of torture, ill-treatment, overcrowding, lack of trained and specialized staff and poor material conditions in both psychiatric institutions and social care facilities in Romania. The Committee recommended that Romania should ensure that sufficient legal and procedural safeguards for patients in psychiatric institutions and social care facilities are implemented, both in law and in practice, and that they are accompanied by periodic judicial reviews of, and effective avenues of appeal against, both de jure and de facto involuntary institutionalization (, paras. 17, 18 (e)).

UPR - Under the 4th cycle of Universal Periodic Review, Romania-supported recommendations made in relation to justice namely criminal justice response to human trafficking and access to justice for victims of sexual and domestic abuse ([A/HRC/54/7/Add.1](#))

II. Anti-Corruption Framework

C. Repressive measures

Under the 4th cycle of Universal Periodic Review Romania supported recommendations made in relation_ to anti-corruption measures namely investigation and prosecution and in areas of administration, health and the judiciary ([A/HRC/54/7/Add.1](#)).

IV. Other institutional issues related to checks and balances

B. Independent authorities

Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

In its 2023 concluding observations, the Committee against Torture regretted that despite Law No. 9/2018, amending Law No. 35/1997, which took steps towards ensuring the conformity of the People's Advocate to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), along with previous attempts to accredit the Romanian Institute for Human Rights, still lacked an accredited national human rights institution which conforms to international standards (art. 2). The Committee recommended that Romania make the necessary legislative amendments to bring its national human rights institution into full compliance with the Paris Principles and ensure its accreditation, including through guaranteeing the full independence of the institution and its members and ensuring the provision of sufficient financial and human resources to enable it to adequately carry out its mandate ([CAT/C/ROU/CO/3](#), paras. 31, 32).

D. The enabling framework for civil society

Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

In its 2023 Concluding observations, the Committee against Torture regretted the continued reports that members of the Roma community experience disproportionate levels of police violence and that investigations and prosecutions of instances of alleged police violence against Roma were inadequately conducted and in some cases not conducted at all. The Committee urged Romania to encourage participation of members of the Roma community in affirmative action schemes, notably with regard to Roma representation in the police force, in order to guarantee that State policies are not only administratively instituted but are meaningfully implemented ([CAT/C/ROU/CO/3](#), paras. 15, 16(e)).

E. Initiatives to foster a rule of law culture

Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, education initiatives etc.)

In its 2023 Concluding observations, the Committee against Torture regretted the continued reports that members of the Roma community experience disproportionate levels of police violence and that investigations and prosecutions of instances of alleged police violence against Roma were inadequately conducted and, in some cases, not conducted at all. The Committee urged Romania to adopt awareness-raising measures to counter prejudice and stereotypes, and the continued creation and implementation of policies to combat and prevent racially motivated crimes and discrimination. Furthermore, the Committee against Torture noted the positive steps that Romania has taken in order to combat and respond to gender-based and domestic violence, including sexual offences against minors. Nevertheless, the Committee was concerned that allegations of domestic and gender-based violence were not always recorded when reported to the police, especially in rural areas, and that legislation relating to domestic violence was too narrow in scope, excluding former spouses and family members who do not reside with the victim from its purview. The Committee was also concerned over the lack of ex officio investigations into domestic and gender-based violence in cases where victims dropped charges against or reconcile with their abuser, and considered that the lack of such investigations may result in impunity for perpetrators. The Committee further regretted that acts of gender-based and domestic violence are often underreported, especially among minority communities, due to social stigma (arts. 2, 12–14 and 16). In light of this, the Committee recommended that Romania increase its efforts in outreach and education to the general public, and in particular to members of minority communities, regarding domestic and gender-based violence, including through education and awareness-raising among men and boys, in order to combat the social stigma experienced by victims of domestic and gender-based violence and build trust between victims and the relevant authorities ([CAT/C/ROU/CO/3](#), paras. 15, 16(d), 19, 20).