

**The Office of the United Nations High Commissioner for Human Rights (OHCHR)**  
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment  
**Committee against Torture**  
CH-1201 Geneva, Switzerland

Email: [ohchr-civilsociety@un.org](mailto:ohchr-civilsociety@un.org); [jack.pope@un.org](mailto:jack.pope@un.org)

## COMMUNICATION

**On the implementation of the Convention against Torture and Other Cruel,  
Inhuman or Degrading Treatment and Punishment in Romania**  
(regarding the CAT List of problems)  
Submitted by the Centre for Legal Resources

### I. Introduction

Present submission is addressing how the Romanian authorities have failed to fulfill their obligations established by the List of issues prior to submission of the third report of Romania. Moreover, we will focus on the lack of strong legislative framework to prevent involuntary detention in psychiatric hospitals and of clear procedures to be followed in order to determine the degree of impairment and the need to create appropriate institutions/locations for all categories of persons with disabilities.

The Foundation Centre for Legal Resources (CLR) is a non-governmental, human rights organisation, established in 1998 in Bucharest by the Open Society Foundation Romania. In 2016, CLR applied and received the ECOSOC consultative status. CLR actively advocates for the establishment and operation of a legal and institutional framework that safeguards the observance of human rights and equal opportunities, free access to fair justice and which capitalizes on its legal expertise for the general public interest. To achieve its objectives, CLR uses advocacy tools such as: monitoring and reporting (CLR has been national focal point for the EU Agency for Fundamental Rights during 2006-2014), campaigning, issuing policy positions and press statements, training relevant professionals and stakeholders, engaging in strategic litigation. CLR has a unique programme in Romania, whereby for 20 years now, it has paid unannounced human rights monitoring visits to psychiatric hospitals and other closed facilities for persons with intellectual and psychosocial (mental health) disabilities. As a result of such visits, CLR has initiated numerous cases, one of which was won before the European Court of Human Rights: Romania received a conviction for the inhumane treatment of persons with intellectual and psychosocial disabilities living in closed facilities (the case *Centre for Legal Resources on behalf of Valentin Câmpeanu v. Romania*).

By the Submission no. GE 20-04020 communicated by Romanian authorities, did NOT provide any response or no concrete information on measures taken / legislative changes

while the information provided on the cases communicated and investigated does not reflect the reality of the matter.

On a case-by-case basis, analysing the issues on the list of priorities set for Romania to be reviewed in the third Regular Report

## II. Regarding point 17:

At national level, there is currently a real movement of forces regarding **the exploitation of vulnerable persons, the violation of the rights of persons with intellectual and psychosocial disabilities, the miserable conditions in the centres where they are institutionalised, their subjection to inhuman and degrading treatment in the places where they are voluntarily or involuntarily institutionalised.**<sup>12</sup>.

Although the Committee for the Prevention of Torture/CPT has specifically established the list of priorities in the field of the rights of persons with disabilities in document CAT/C/ROU/QPR/3 for the Romanian State, it seems that this chapter has been completely omitted from their communication. Neither in the initial communication, GE 20-04020, nor in the detailed annex, which was sent later, were the truly relevant aspects covered. We would stress that the Romanian authorities, in response to point 17, have unjustifiably listed a series of legislative regulations covering in general terms fundamental human rights and freedoms and the sanctioning of criminal acts, without these having any concrete, practical applicability in the case in question. It should be noted that at the time the list of priorities was drawn up, the same legal provisions were also in force, which have proved ineffective (the same Constitution, the same Penal and Criminal Procedure Codes, and the law on preventing and combating terrorism is also still in force). Moreover, the reply refers to a possible draft law initiated by the Ministry of Labour and Social Solidarity, without, however, informing us in concert what the status of this legislative initiative is - we would point out that the institution of the personal representative was established by the provisions of Law 140/2022 but cannot be implemented at present because the interest of the Romanian authorities in this matter has so far been non-existent.

---

<sup>1</sup> <https://www.crj.ro/statul-roman-nu-ofera-nicio-protectie-persoanelor-cu-dizabilitati-si-varstnicilor-inchisi-in-centre/>

<sup>2</sup> An investigative journalism centre ([Centrul de Investigatii Media](https://www.investigatiimedia.ro/)) [reported](https://www.investigatiimedia.ro/) in January 2023 on a private social care home which revealed extreme deficiencies and medical neglect, where patients were kept unwashed and covered in faeces, with numerous untreated medical conditions, and covered and bitten by hundreds, thousands of bed bugs and also scabies. These patients, elderly persons with mental disabilities (dementia), who are in an extremely vulnerable state comparable to that of Mr. Valentin Campeanu, were living in extremely degrading and neglectful conditions that could precipitate death (or even suicide, as one case was documented in that centre)<sup>2</sup>. Under the provisions of Article 4 letter f) of Law 8/2016, the Monitoring Council receives and reviews death notifications submitted by public or private residential facilities and psychiatric hospitals/sections intended to serve persons with disabilities. - <https://investigatiimedia.ro/investigatii/lagarele-cristinei>

We bring to your attention a number of extremely serious issues, which we will discuss below with examples of concrete cases, either discovered during monitoring visits carried out by our organisation or publicised in the local/national media:

- In public or private social care homes for persons with intellectual and/or psychosocial disabilities, **persons are arbitrarily deprived of their liberty, are victims of degrading, inhuman treatment, their basic rights are not respected.**

In the area of arbitrary deprivation of liberty, clients of several public and private centres have complained that **they are held there against their will**. On several occasions they have made requests either to the management of the social care homes or to the General Directorates of Social Assistance and Child Protection to which they belong to complain that they do not want to be in the social care home, that they do not correspond to their personal needs, that they do not have a proper rehabilitation plan, but each time the answer has been similar: "There are no funds, there is no availability, or it is simply not possible".

Although the CLR has repeatedly reported abuses carried out in public or private social care homes where persons with intellectual or psychosocial disabilities are institutionalised, and we have sent all the monitoring reports we have drawn up, expressly asking the competent authorities to take measures, the CLR's appeals have remained without result.

However, it seems that the only Romanian entity to which all the others are reacting has become the structure of the Directorate for the Investigation of Organized Crime and Terrorism/DIICOT under the Public Ministry. In no more than two months, this top-level criminal investigation structure has acted effectively, coordinating three actions to defend the rights of injured persons with disabilities.

In the first case, **in May 2023<sup>3</sup>**, DIICOT brings to the public's attention, through a **press release**, that "*several vulnerable persons with mental disabilities, interned in the Social Care Homes for Recovery and Rehabilitation of Persons with Disabilities, located in Vrancea County, were recruited by misleading, taking advantage of their obvious vulnerability, and then transported for labour exploitation in hostels, households and farms in Maramureş County*", where among the active subjects of the offences/accused was the head of one of the social care home.

In the second case, **at the end of June<sup>4</sup>**, the DIICOT reported that three persons were arrested for the offences of setting up an organised criminal group, continuous trafficking

---

<sup>3</sup> <https://www.crj.ro/pana-cand-abuzuri-si-lipsa-de-reactie/>

<sup>4</sup> <https://clubferoviar.ro/dosarul-surdo-mutilor-din-trenuri/>  
[https://www.agerpres.ro/justitie/2023/06/25/diicot-trei-retineri-in-dosarul-de-traffic-de-persoane-cu-deficiente-auditive-si-de-vorbire-1129753?\\_cf\\_chl\\_tk=u3YgnYGGEKsyKT3gEdhepCWig2zND18bvukw.ZNvYf8-1689075393-0-gaNycGzNDqU](https://www.agerpres.ro/justitie/2023/06/25/diicot-trei-retineri-in-dosarul-de-traffic-de-persoane-cu-deficiente-auditive-si-de-vorbire-1129753?_cf_chl_tk=u3YgnYGGEKsyKT3gEdhepCWig2zND18bvukw.ZNvYf8-1689075393-0-gaNycGzNDqU)

in human beings, extortion and revenge for aid to justice. In the context, it concerns several suspects, persons with hearing and speech disabilities, who allegedly constituted, in 2017, a criminal group with the main purpose of committing the crime of trafficking in persons, through the labour exploitation of persons with hearing and speech disabilities.

In the third situation, which is currently ongoing at national level, **on the 5th of July 2023**<sup>5</sup>, DIICOT coordinated a large-scale action in Ilfov County, raiding several social care homes for persons with disabilities as well as social care homes for the elderly and vulnerable persons, which previously, between September and November 2022 were monitored by the CLR and all authorities with competence in the matter were notified - noting inhuman and degrading treatment of the residents of the social care homes, lack of adequate food, lack of medical care and minimum means of subsistence.

The extension of the DIICOT's jurisdiction was made as a result of criminal complaints made by the CLR, through which we informed the investigative bodies that in 3 centres dedicated to persons with disabilities in Ilfov county, not only are fundamental human rights and freedoms not respected, but also that a series of crimes are committed such as: deprivation of liberty, ill-treatment, abuse in service or failure to report to the criminal investigation bodies.

Subsequent to the opening of the criminal file, two representatives of the CLR were heard in the case, as witnesses, in order to establish the exact factual situation on the spot.

#### ➤ **Reprisal on human rights watchdog - CLR**

In the context of the fact that the owners of the three monitored centres were politically influential persons, about two months after the publication of the reports and materials resulting from the monitoring, the CLR received an official document from the Ministry of Labour, which invoked several aspects that were far from being in line with reality, and consequently **denounced the cooperation protocol concluded between the Ministry and the CLR**. This protocol allowed the teams coordinated by the CLR to enter public and private centres, psychiatric hospitals and any other facilities for persons with intellectual and/or psychosocial disabilities in order to ascertain the living conditions and respect for their rights.

Moreover, during a national conference organised by the National Authority for the Rights of Persons with Disabilities it was stated by the head of the Ministry of Labour (apparently, the state secretary) and praised by the directors of the General Directorates for Social Assistance and Child Protection that the protocol in question had been denounced and that "*no one will be disturbed by visits of the CLR*".

Also in this file, after the raids were carried out and more information about the investigations appeared in the public domain, in the context of publicly available transcripts, it appeared that in discussions between representatives of the centres in

---

<sup>5</sup> <https://www.crj.ro/diicot-cunoaste-mai-bine-legislatia-si-standardele-din-materia-asistentei-sociale-a-persoanelor-cu-dizabilitati-institutionalizate-decat-autoritatile-competente/>

question and persons from the public administration, persons with influence, there were discussions about finding a way to close down the CLR or threats that if someone from the CLR would cross the threshold of one of the centres they would be physically harmed.

A particular case was represented by the situation of **a client** of a social care home in Ilfov County<sup>6</sup> (one of the ones raided on the 5th of July) who, during an unannounced monitoring visit carried out by the CLR, complained that **he was being held against his will** in that social care home, that he does not know how he got there, but that he knows that he has been **repeatedly moved from one placement to another**, that he can look after himself and that he has never had any problems, that he takes his medication on time and that he knows he has a home in one of the neighbouring counties where he wishes to return. This person, urged the CLR team to help him to make the necessary arrangements with the competent authorities to be able **to leave the place in question**. Since he could read and write, he wrote an address which the CLR sent to the responsible authorities. The replies received from the authorities were unanimous in rejecting the complainant's request, but the most serious was that some of them replied that: *"A control/series of controls had been ordered in the centre in question, that a sample of persons had been selected and interviewed regarding the living conditions, care and supervision in the centre in question, but that the complainant could not be part of that sample because, being under a judicial restraining order, his guardian's consent had not been obtained for the interview"*.

At the same time, the problem of transferring clients from one centre to another is one that seriously affects the psychological integrity of a person, who, as a result of repeated transfers, carried out more or less legally, ends up not even knowing where they are.

For instance, after conducting a monitoring visit<sup>7</sup> in a social care home in Calarasi county, Romania, the representatives of CLR found out that persons were transferred from one residential centre to another without their consent, without even being informed where they would go, and obviously without being asked for their consent as to whether or not they wanted to be moved.

This type of transfer in being unfortunately conducted not only between social care homes, but also between psychiatric hospitals and social care facilities. Namely, the patients that were non-voluntarily admitted in psychiatric hospitals and whose confinement is no longer medically or legally justified are being placed in residential social care through a non-transparent procedure. This situation was recently encountered by the CLR representatives during the monitoring visits in the residential social centres in Ilfov<sup>8</sup> county, Romania. The residents were only told that they would be moved and where they were to be moved, being then transported to the social care centre allocated to

---

<sup>6</sup> <https://www.crj.ro/wp-content/uploads/2023/04/Comunicarea-cu-autoritatile-1.pdf>

<sup>7</sup> [RO] [Monitoring Report](#) based on the visit conducted in the Vâlcelele Rehabilitation Centre, Calarasi county, pages 8-10.

<sup>8</sup> [RO] [Monitoring Report](#) based on the visit conducted in the Armonia Care and Assistance Centre for Adults with Disabilities, Ilfov county, page 7.

them, without involving them in any way in the choice of the social care centre and where they are to live from then on. Furthermore, in CLR'S experience, persons with disabilities, even when they try to withdraw their consent and express that they no longer wish to be in an institution, are pressured and manipulated by staff to remain, and convinced even to refuse the facilitation of sheltered housing options.

Taking all these aspects into account, we can see how there are no concrete safeguards to ensure that persons with disabilities are informed about their placement in residential social centres. In the few cases when persons are informed about their transfer, their consent is neither asked for nor taken into consideration if expressed.

- **Persons with intellectual and/or psychosocial disabilities have no means of communication to complain about abuses and are denied access to justice;**

On several occasions, we have noted during monitoring visits that persons in social care homes for persons with disabilities are deprived of access to justice, that they cannot complain about the criminal offences of which they are victims, and that even if they eventually find a way to file and communicate a petition or criminal complaint, they become victims of the same passive subjects of the original offences.

Thus, referring also to point 4(d) of the list of priorities, but from the perspective of persons with intellectual and/or psychosocial disabilities deprived of their liberty through institutionalisation in public or private social care homes, we would point out that the Romanian authorities have not provided the United Nations Committee against Torture with any response as to how the judicial authorities are or have the possibility of being effectively notified by the residents of these social care homes in the event that they become victims of criminal acts or in some cases of ill-treatment and/or torture.

This is of particular importance both with regard to passive subjects of offences of this nature who are in detention centres as regulated by the relevant criminal legislation and with regard to persons arbitrarily deprived in public or private centres for persons with disabilities.

In this context, we draw attention to the fact that persons with INTELLECTUAL and/or PSYCHOSOCIAL disabilities are either unaware of their rights, or cannot effectively defend them, or do not have the necessary levers to have free and easy access to justice. There is no legislative framework appropriate to the needs of persons with intellectual and/or psychosocial disabilities, no adapted procedures and no accessibility in this area.

If we ask the Romanian authorities with competence in this matter to provide us with an actual number of civil or criminal complaints involving persons with institutionalised disabilities, we will see that the number of such complaints is extremely low. The justification for these numbers is not, however, that there are no complaints or dissatisfactions, or that no criminal offences have been committed, but is based precisely on the category of persons affected, their vulnerability and their inability to complain about the acts of which they have been the victims.

*In concreto*, we refer to two specific situations, the facts of which fall within the scope of the regulation of the concept of torture / inhuman or degrading treatment, both having as place of occurrence a social care home for persons with disabilities and having as possible active subjects employees or collaborators of the centres. Currently, as a result of the actions taken by the CLR, both cases are before the prosecution authorities.

### **Case 1.**

**Date of acknowledgement:** 25.02.2022

**Location:** the MEDICAL SOCIAL CENTRE in Pechea, Galati county

**Preconditions:** sexual offences

**Passive subject:** person with intellectual/psychosocial disabilities

**Active subject:** employee of the centre (porter), a driver, another client of the centre (now deceased)

**In short:** During an unannounced monitoring visit to the MEDICAL SOCIAL CENTRE in Pechea, Galati County (following an anonymous tip-off about the possibility of sexual abuse of a young institutionalised girl), representatives of the CLR interacted with the young woman L.P. who reported that she had been the victim of several sexual offences. Assisted by her lawyer, L.P. filed a criminal complaint regarding the criminal acts. The criminal case is currently at the prosecution stage. Unfortunately, the injured person remained in the centre where the abuse took place.

The seriousness of the facts in this case is given by the attitude of the employees of the centre who acted to intimidate the injured person, using inappropriate language towards her, using expressions such as "she is not in her right mind, because she is mentally ill", denying and vehemently rejecting these assumptions and complaints, ironizing the statements of the young L.P. - aspects noted during the monitoring visit.

Also, with regard to the situation reported, there are suspicions of inhuman treatment (locking some residents in their rooms overnight so that they do not leave the social care home; a bedpan is left in the room for physiological needs), there are suspicions of restraint/restraint in violation of mental health rules and law, there are suspicions of using residents for unpaid domestic work.

We draw attention to the fact that all the above-mentioned aspects were brought to the attention of the injured party prior to the preparation of the criminal complaint, so that the situation of the injured party after reporting the facts obviously cannot be any better.

### **Case 2.** <sup>910</sup>

<sup>9</sup> <https://www.crj.ro/cazul-doamnei-g-s-rezidenta-cu-dizabilitati-la-cia-zatreni-valcea-raspunsurile-autoritatilor/>

**Date of acknowledgement:** 25.11.2021

**Location:** Social Care home Zătreani, Vâlcea County

**Preconditions:** offences against physical integrity or health

**Passive Subject:** person with intellectual/psychosocial disabilities

**Active Subject:** any employees/collaborators of the centre

**In short:** During an unannounced monitoring visit to the Zătreani Social Care Home, Vâlcea County (following an anonymous referral regarding the situation of a young institutionalized woman who has been suffering for more than 6 months from an untreated femur fracture and who is also in a state of cachexia), representatives of the CLR interacted with the centre's employees and pressed for her to be transported to hospital for proper treatment.

Unfortunately, the injured person is non-verbal, which is why it was not possible to communicate with her in order to establish the exact situation.

Following the forensic examination report, it was established that the fracture was due either to a blow with a hard body or (in a totally unacceptable eventuality for the undersigned) to the performance of physiotherapy.

At the same time, as the young woman is bedridden, in either case the persons responsible for the criminal acts should be identified, either in the form of failure to perform their duties or in the form of medical malpractice.

The CLR has filed a criminal complaint in this case, which has been settled by dismissal and the case is currently at the stage of a complaint against the decisions not to prosecute.

We draw attention to the fact that although a criminal complaint has been lodged on behalf of the victim by the undersigned, the victim has remained institutionalised in the same centre where she was subjected to inhuman and degrading treatment, causing long and unimaginable suffering, under the care of the same persons who may have caused it.

Similar to the situations presented above, given the response of the Romanian authorities regarding the low number of cases that have concerned the investigation of the circumstances in which deaths occurred in psychiatric hospitals/social care homes - 922 for the period 2011 - 2018 - we draw attention to the fact that in the practice there are two variants. On the one hand, we can talk about persons who do not have legal representatives or relatives who are genuinely interested in the situation that actually led to the death, or it is quite often the case that, for persons with intellectual and/or psychosocial disabilities who have relatives, the family is notified so that the actual death

---

<sup>10</sup> <https://www.libertatea.ro/stiri/o-tanara-cu-handicap-grav-dintr-un-centru-din-valcea-tinuta-jumatate-de-an-cu-picioarul-rupt-conducerea-nu-este-caz-de-urgenta-3866417>



does not occur in centres/hospitals and therefore it is not necessary to report such a case as a suspicious death and therefore not necessary to involve the authorities with criminal investigation powers. In this situation, we consider that the number communicated by the Romanian authorities in this case does not reflect reality and that legislative changes are needed to make such a possibility no longer possible.

- **Psychiatric wards/hospitals are still overcrowded, no legal solution has been identified for the discharge of patients who have been "living" in these institutions for years or decades, and supervision conditions and restraint measures are real instruments of torture;**

Through the monitoring activities of psychiatric hospitals and facilities carried out by the CLR's representatives it became clear that the precarious living conditions in these entities persist, that **the rights of persons with disabilities are still being violated<sup>11,12</sup>, that these persons are forced to live in particularly poor hygiene<sup>13</sup> and food conditions and that the authorities with control and sanctioning competence are not doing their duty as they should.**

In this regard, we recall two cases of degrading and inhuman treatment, which took place either in psychiatric hospitals or in psychiatric wards of county hospitals. On the one hand, we are talking about the Psychiatric Hospital without Sighetul Marmăției , where during the monitoring visit carried out in 2019, patients were found treated in inhuman conditions, with insufficient places for the number of patients, in conditions that are inappropriate both from the sanitary point of view and from the point of view of human dignity. Also on the same occasion there were identified 8 residents of a social care facility in Sighetu Marmăției who in 2019 were locked in 5 cages (each around 2.5 m high, with metal frames and plexiglass), some of them tied with shirts and strips of cloth - without any explanation as to the situation of those persons; and on the other hand by the Drobeta-Turnu Severin Emergency County Hospital - Psychiatry Department<sup>14</sup>, where also the conditions of care and treatment were more than degrading, inhuman and degrading, the number of places in the psychiatric ward was more than undersized, the furniture was dilapidated, outdated and sometimes unusable, but most importantly, unsafe and unsanitary.

In order to highlight the real situation that the representatives of the CLR found during the monitoring visits to the Psychiatric Hospital in Sighetul Marmăției and the Drobeta-

---

<sup>11</sup> <https://stirileprotv.ro/stiri/sanatate/noi-imagini-revoltatoare-din-spitalele-de-psihiatrie-imbunatatirea-un-var-pestre-mucegai.html>

<sup>12</sup> <https://www.digi24.ro/stiri/actualitate/sanatate/sute-de-bolnavi-periculosi-unii-acuzati-de-crime-stau-unul-pestre-altul-intr-un-spital-din-iasi-asistenta-ne-incuiem-cu-lacatul-1176646>

<sup>13</sup> <https://www.mediafax.ro/social/pacienti-condamnati-la-mizerie-saloane-supraaglomerate-murdarie-si-mancare-servita-pe-hol-la-un-spital-de-psihiatrie-18652030>  
<https://mail.editie.ro/index.php/actualitate/2860-supraaglomeratie-mizerie-si-suspiciuni-de-natura-penala-in-spitalele-de-psihiatrie>

<sup>14</sup> <https://www.crj.ro/comunicat-crj-gura-vaii-depozitul-de-fiinte-umane/>

Turnu Severin Emergency County Hospital - psychiatric ward, we attach herewith Annex 1 containing a series of photographs taken during the two visits.

As a consequence, **we would like to highlight some conclusions and recommendations that we consider essential to ensure that the rights of persons with intellectual and/or psychosocial disabilities are guaranteed by effective and functional safeguards:**

1. Adopt a **legislative framework** to regulate in concrete terms the situation of persons subjected to security measures (involuntary confinements in forensic psychiatric hospitals and medical confinements) as well as those institutionalized in public or private social care home for persons with disabilities;
2. Enact a clear legislative framework to regulate the situation of persons subjected to security measures and to **ensure legal assistance** for persons with mental health conditions and intellectual disabilities subjected to security measures (and all mental health institutions);
3. Guarantees for human rights organizations involvement, access and protection from reprisals;
4. Ensure an effective investigation in the ongoing criminal investigation file and providing the necessary and appropriate support to victims in the centres where the criminal acts have been established.
5. Carry out **regular monitoring visits to psychiatric hospitals and residential social care homes** and communicate the conclusions of the monitoring visits to the Romanian authorities and **the implementation and development of a firm sanctioning system;**
6. **Carry out an in-depth and detailed analysis of all psychiatric units that authorize non-voluntary confinement**, so as to improve the living conditions of the latter, to respect hygiene, food standards, and avoid overcrowding;
7. Indication by the Romanian authorities of the measures taken to implement the legal provisions on personal assistance;
8. Request from the Romanian authorities recent statistics on **involuntary admission procedures in mental health units & social care home for persons with intellectual disabilities, concrete figures and reference periods;**